



Giving
Hope
Today

The Salvation Army

Canada and Bermuda Territory

Social Services Department

**A Reference Guide
for Recognizing and Serving
Victims of Human Trafficking**

THE W. GARFIELD WESTON

FOUNDATION

The initial production of this reference guide in 2009 was made possible by a generous contribution from The W. Garfield Weston Foundation.

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Introduction

Welcome

Welcome to *The Salvation Army's Reference Guide: Recognizing and Serving Victims of Human Trafficking – Revised Edition*. Many of you possess years of practical experience working with people in need. For that reason, a guide was created that is both informative and interactive. While providing services specifically to human trafficking victims is a relatively new area of ministry in The Salvation Army, our staff can and do work to effectively serve trafficked persons by building on their current social service skills and their knowledge of the community, law enforcement and other service providers.

Introduction to the Guide

The Salvation Army is committed to fighting and abolishing the modern-day slavery that is human trafficking. As an international movement, we are committed to PRAY about human trafficking, PREVENT human trafficking (with a focus on creating awareness¹), identify victims/trafficked persons and assist in their RESTORATION by ensuring that they receive the services they need to achieve wholeness and healing.

This guide was created to equip Salvation Army personnel who may come in contact with trafficked persons/victims through front-line, direct service work in the community. It provides information about human trafficking, as well as tools for identifying victims. The manual also helps people identify needs of and services for trafficked persons/victims, with an aim to promote excellence in practice.

The primary target audience for this manual is Salvation Army staff in correctional and justice services, shelters or other family and social service

¹ Many awareness materials are available at: www.salvationist.ca/trafficking

programs. The guide is also beneficial for Salvation Army corps officers who may encounter trafficked persons/victims in their ministries.

Caveat: This guide is for informational purposes only. Trafficking cases are complicated and, in order to protect the rights of the trafficked person/victim, legal advice should be obtained directly from law enforcement and knowledgeable and qualified legal professionals. Material contained in the guide should not be construed as legal advice. Likewise, therapeutic intervention should only be undertaken by qualified professionals in the mental health field.

Goals and Objectives

The overall goals of the guide are to increase readers' capacity to:

- Identify and assist trafficked persons/victims.
- Ensure victim/person-centred shelter, emergency services, reliable information and appropriate referrals.
- Identify resources and collaborative partners with whom The Salvation Army can work on behalf of victims.

The guide provides information needed to meet the following objectives:

- Define human trafficking.
- Understand the scope, causes, dynamics, and impact of human trafficking.
- Identify the signs of human trafficking and the challenges of assisting victims.
- Identify and adhere to safety and confidentiality protocols when communicating with and serving victims.
- Identify needs and services for victims of human trafficking.

Reference Guide Units

- Unit 1: Definitions, Types and Causes of Human Trafficking
- Unit 2: Identifying and Interviewing Trafficking Victims
- Unit 3: First Steps with Victims of Trafficking
- Unit 4: Trafficked Minors
- Unit 5: Physical Needs and Services for Trafficked Victims
- Unit 6: The Mind and Soul of Trafficked Victims and Exploring Community Partners and Service Delivery
- Unit 7: Trafficking in the Canadian Context

Use of Terms in the Reference Guide

This guide refers to trafficked persons as “victims” and also “trafficked persons”. The choice of the term “victim” underscores the exploitive dynamics of human trafficking and the fact that human trafficking is a crime and a human rights violation. The term “victim” however, may also invoke negative connotations that do not recognize that the person has survived and has the ability to make their own choices in their recovery. Many trafficked persons may be unable to identify themselves as victims because they feel trapped by their own choices or that they are somehow to blame for their having been trafficked. Often trafficked victims and professionals may prefer the term “trafficked person” or “survivor” because of concerns that labelling someone a victim takes away their power, dignity or agency. This is not the intention in using the term “victim” in this guide. In The Salvation Army, we believe that it takes great courage to survive such difficult circumstances. When we do use the term “victim”, it is because it is useful and places the full culpability for trafficking where it belongs—on criminals who exploit the services and labour of vulnerable persons. It is strongly suggested we become familiar with the interplay of these terms to ensure our language best suits the situation where it is used. Another term to have caution with using is “rescue” which can often negatively reinforce the thinking of a victim not having agency to make decisions for their own recovery. Definitions related to trafficking are presented in Unit One of this manual.

Throughout the guide, we use the term “prostituted person” or “commercially sexually exploited person” rather than the labels of “prostitute” or “commercial sex worker” when referring to a person involved in any type of sex-for-profit activity. The use of labels such as commercial sex worker implies that the person has freely chosen to engage in commercial sexual activities, and that providing sex for money or other types of compensation is a legitimate form of work. It is The Salvation Army’s opinion that prostitution is not work but a degrading and exploitive situation that robs those involved of their dignity.

Finally, the term “human trafficking” itself can be misleading, as it implies the movement of a victim from one location to another. A victim does *not* need to be transported between locations to fit the definitions of human trafficking (although often a victim is moved from their home location to less familiar surroundings). Exploitation is at the centre of the crime.

Introduction to Human Trafficking

The trade in human beings is not new; slavery has existed since ancient civilization. Human trafficking is what we now call the trade in human flesh. Human trafficking is an insidious type of international and domestic crime that

involves the illegal trade of human beings. Traffickers range from sophisticated international criminal cartels to local pimps, boyfriends and even family members. They exploit vulnerable men, women and children. Throughout the world, in rural and urban settings, victims are trapped in a myriad of exploitive situations including the commercial sex industry, factory sweatshops, construction, domestic servitude and agricultural work. Human trafficking is a global tragedy that robs victims of basic human rights. It is a form of modern-day slavery proliferating in Canada and around the world.

Statistics on the Prevalence of Human Trafficking

Given that trafficking is a clandestine and illegal activity, accurate estimates of the problem are elusive and exact numbers have not been determined. The International Labour Organization (ILO), the United Nations agency charged with addressing labour standards, employment and social protection issues, released updated estimates in June 2012 stating 20.9 million people are victims in forced labour situations across the world which includes sexual exploitation. The United Nations Office on Drugs and Crime cites a conservative estimate being 2.5 million people trafficked at any given time globally and generates tens of billions of dollars in profits a year for traffickers. According to U.S. Government-sponsored research completed in 2006, approximately 800,000 people are trafficked across national borders annually, which does not include millions trafficked within their own countries. Approximately 80 percent of transnational victims are women and girls and up to 50 percent are minors. The majority of transnational victims are females trafficked into commercial sexual exploitation.

The stories of trafficking victims are diverse. Some leave developing countries seeking to improve their lives through low-skilled jobs in more prosperous countries. Others fall victim to commercial sexual exploitation, forced labour or debt bondage in their own countries. Some families give children to related or unrelated adults who promise education and opportunity, but then deliver the children into slavery for money.

“I met my boyfriend in the marketplace. He told me I was beautiful. He was well-dressed and had a nice smile. We dated for a month and then he told me he wanted to marry me. My boyfriend told me his friend had a company across the border in Greece, and that if we worked there for three months, we could save money for the wedding and a house. I was so happy and could not believe my luck.

My boyfriend took my passport and all the necessary papers and told me he would take care of everything. I trusted him completely and I was excited to be going on an airplane. We took the plane and instead of

arriving in Greece, we landed in Dubai. I had never been abroad before, so I was really confused. I asked why there were Arabic signs everywhere, and he explained that we had a stopover for a few days in Dubai. We went to a hotel and he left to go meet a friend.

Two hours later a man came to my room and told me I was being moved to another hotel. I kept telling him that it was a misunderstanding; that my boyfriend was coming back and we were going to Greece. The man told me my boyfriend had sold me to him. He had all my documents and I was now his property. I was shocked and confused.

The next day I was moved to another hotel and "clients" started coming to me for sexual services. I had to make \$500/day no matter how many clients. I usually served about 30 to 40. My body was no longer my own.

My boss was so violent. I couldn't move or think. This went on for weeks - a continuous hell. I was living between clients and tears. That was the rhythm of my life."

(Based on a story from the International Organization for Migration)

Traffickers exert control over their victims in a variety of powerful ways in order to keep them trapped. Physical control tactics include: rape, child and adult sexual abuse, routine beatings, torture, mutilation, starvation and even murder. Psychological control tactics may include keeping the victim isolated and disoriented, threats of harm to the victim's family members, fuelling the victim's fear and distrust of local police by providing them misinformation, and forcing the victim to engage in activities which promote feelings of shame and guilt. Economic control of victims by traffickers often includes giving inadequate wages or no pay; charging exorbitant fees for basic needs such as food, clothes and shelter; false claims of debt owed by the victim for items such as transportation, identity papers or visas; or compounding previous debts owed by other family members (known as debt bondage or peonage.)

For those who survive, the effects of being trafficked may include medical problems such as HIV (human immunodeficiency virus) [and Hepatitis] or usually psychological problems such as PTSD (post-traumatic stress disorder).² Without professional intervention, many victims remain in a cycle of violence and unresolved trauma, never being fully restored if/when they are able to escape. Fortunately, many organizations such as The Salvation Army work to assist vulnerable, abused and exploited persons.

² M. Farley, et. al., "Prostitution and trafficking in nine countries: An update on violence and post-traumatic stress disorder," *Journal of Trauma Practice*, 2003, (Vol. 2) 3/4.

When a young girl arrives in the red-light district, she undergoes a “seasoning time” to prepare her for the sex industry. Various methods are used: sleep deprivation, confinement, withholding of food and/or water, and physical and sexual assault (cigarette burns, beatings, gang rape). The goal of the seasoning process is to break her will and bring her to the point where she will comply. One day spent in a brothel or red-light area is enough to stigmatize a young girl. She is one of “those girls” and no one will want to marry her. She no longer can live in the world outside of the sex industry. Within days, she succumbs to her new life. She stands on “the line” or waits in the reception area of the brothel for a seemingly endless stream of perpetrators. She may service 10–15 men each night. She turns over all the money. Guards watch her every move. She is now entrapped and enslaved.³

Traffickers

Local pimps, family members or other small-time criminals can be involved in trafficking. Increasingly in Canada, however, gangs and larger organized crime networks are significantly involved in the sale and distribution of humans for exploitation. Trafficking in human beings is lucrative because unlike drugs, which are sold and quickly consumed, a human being can be used and sold multiple times for repeated profit. Globally, human trafficking is more than a \$10 billion (USD) annual business,⁴ and profits from human trafficking fuel other criminal activities. It is the fastest growing criminal activity in the world today, and some sources advise human trafficking has surpassed weapons profits and at the present rate of expansion, be drawing close to drug profits.

Traffickers can be associated with sophisticated international organized crime networks or small criminal networks and local gangs. Traffickers may be male or female, adult or youth, family members or trusted associates, poor or affluent, criminals or seemingly upstanding members of the community. Recruiters, working to ensnare persons for traffickers, are often women or other persons known and trusted by the targeted victims. Traffickers exploit vulnerable persons by forcing victims to provide a service through using threats of harm for profit or personal gain. As noted earlier, traffickers use a variety of techniques to trap men, women and children in prostitution and other forms of commercial sexual exploitation or into unjust labour situations, which may include domestic servitude, factory or migrant agricultural work.

³ Beth Grant and Cindy Lopez Hudlin, eds., *Hands that Heal: International Curriculum to Train Caregivers of Trafficking Survivors*. Faith Alliance Against Slavery and Trafficking (FAAST), 2007, U.S.A.

⁴ According to the Department of Justice Canada.

History of The Salvation Army's Service to Victims of Commercial Sexual Exploitation and Trafficking

The Salvation Army is a faith-based movement built on Biblical principles and dedicated to providing practical and immediate services to those in need as an expression of God's love. Since its inception, The Salvation Army has worked in communities around the world to address problems associated with exploited persons. The provision of services for women who were sexually exploited through prostitution was a seminal concern for the young Salvation Army. William Booth, founder of The Salvation Army, was one of the first to recognize the need to intervene in the squalid, violent and crime-infested living conditions that contributed to the ubiquitous sexual and labour exploitation of persons in the poorest areas of London. Inspired to reach those seen as society's disposable persons, he embarked on a crusade of rescue and restoration of those exploited in the streets, desiring they find a place of refuge for personal and spiritual restoration.

During the 1880s, The Salvation Army joined others in a movement to rehabilitate prostituted persons. Booth conceived a "New National Scheme for the Deliverance of Unprotected Girls and the Rescue of the Fallen."⁵ The plan established a central office of help and inquiry in London, and planned for the immediate establishment of a number of homes of refuge for those who had "actually fallen."⁶ From this first home, The Salvation Army expanded its efforts of outreach to women who had "gone astray" through the volunteer Midnight Rescue Brigades.⁷ These brigades searched the back alleys for girls and women, inviting those found to homes of refuge. Within the next 30 years, The Salvation Army's rescue movement expanded to 117 homes of refuge for women in Britain and around the world.⁸ These homes were dedicated to rescuing and restoring young prostituted persons.

The general principles that guided the restoration work in The Salvation Army's homes for women trapped in sexual exploitation included: salvation, full restoration to a "respectable position" in society, love and equality of all people, entire freedom (in terms of women being able to leave the home whenever they wished), life-skills training/industry/self-support (training women to have

⁵ "New National Scheme for the Deliverance of Unprotected Girls and the Rescue of the Fallen," (August 12, 1885). *The War Cry: The General's Letter*.

⁶ Ibid.

⁷ Roger Green, *Catherine Booth: A Biography of the Cofounder of The Salvation Army*, Baker Books, Grand Rapids, MI, 1996, p. 258.

⁸ Ibid., p. 259.

means to support themselves), and impetus to reach out and save others.⁹ Then, as now, The Salvation Army recognized the importance of establishing outreach programs to restore victims' potential as precious and free children of God.

At the same time they were rescuing and sheltering women, The Salvation Army waged a successful campaign in England to raise the age of legal consent for women from 13 to 16. Although sexual exploitation of women continued in England, this political victory helped to shut down the sex trade of young girls out of England into other European countries. Around the same period of time, drug and alcohol abuse recovery programs emerged as another way to help restore persons caught in addiction and involved with prostitution as a means to fund their drug use.

While the specific strategies to assist persons who have been trafficked into labour or commercial sexual exploitation have shifted through the years, The Salvation Army's initial core mission of helping all of God's children who are exploited has been steadfast. The modern day Salvation Army is fighting trafficking in many ways, including:

- working directly in brothels (Bangladesh) to offer health care and skills training
- lobbying government (Canada and the U.S.A.) to advocate for laws that adequately provide services and care for trafficked persons and punish traffickers
- rehabilitation and life-skills training (India, Bangladesh, U.S.A. and Canada) to empower women with literacy and income-generation skills so that they have choices for their future (rather than feeling their only choice for survival is the sex industry)
- media and awareness campaigns around trafficking (Indonesia, Democratic Republic of Congo, U.S.A. and Canada)
- working with children who are vulnerable to trafficking (Brazil and Mexico), keeping them off the streets and promoting discussions about risks of trafficking
- community awareness programs (China, Ecuador, northern British Columbia) to bring whole communities together to discuss how to prevent trafficking from happening
- street outreach to prostituted persons (Canada, U.S.A. and Ghana)
- safe houses around the world for trafficked girls/women who have been found on the streets and centres for abused women, including those who may have been trafficked

⁹ "New National Scheme for the Deliverance of Unprotected Girls and the Rescue of the Fallen," (August 12, 1885). *The War Cry: The General's Letter*

- centres around the world for vulnerable children, including those who may have been trafficked
- addressing the demand side of sexual trafficking through prostitution offender diversion programs that work with purchasers of commercial sex (Canada)
- an international weekend of prayer and fasting for victims of sexual trafficking taking place annually the last weekend of September (involving Salvation Army churches and centres from around the world)¹⁰

Summary

Human trafficking is an insidious crime that erodes the health and welfare of millions of victims worldwide. Human trafficking and human smuggling are related but different. The Salvation Army is committed to fighting and abolishing human trafficking.

Need to Know

- Almost one million people are trafficked across international borders each year (and many more millions are trafficked within national borders).
- Traffickers can be men or women, adult or youth, family members or members of organized crime networks.
- The Salvation Army has a long history of fighting human trafficking and serving victims, and the work continues around the world today.

Acknowledgments

The Salvation Army Canada and Bermuda Territory wishes to acknowledge two particular sources in the creation of this guide:

The Salvation Army's U.S. National Anti-Trafficking Council developed *The Salvation Army's Anti-Trafficking Training Program: Recognizing and Serving Victims of Human Trafficking*. We thank them for granting the Canada and Bermuda Territory free use of material from the manual.

Faith Alliance Against Slavery and Trafficking (FAAST) created *Hands that Heal: International Curriculum to Train Caregivers of Trafficking Survivors*, and generously gave us permission to include sections of their manual.

¹⁰ The countries listed are only a small sampling. For more on what The Salvation Army around the world is doing to fight human trafficking, visit www.salvationist.ca/trafficking/around-the-world

This initial production of this guide released in 2009, was made possible by a generous donation from The W. Garfield Weston Foundation.

This guide was researched, adapted and developed by the Social Services Department, Canada and Bermuda Territorial Headquarters, with efforts by writers Dianna Bussey and Rochelle McAlister.



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Unit 1

Definitions, Types and Causes of Human Trafficking

In this Unit

Definitions of Human Trafficking

- Basic

- United Nations

- Canadian Law (I.R.P.A. and C.C.C.)

- Common Elements

Human Trafficking vs. Human Smuggling

Types of Human Trafficking

- Sexual Trafficking

- Connection Between Prostitution and Sexual Trafficking

- Labour Trafficking

Causes of Human Trafficking

- Systemic

- Individual

- The Supply Variable

- The Demand Variable

- The Demand for Commercial Sex

- Sex Tourism

Summary

Need to Know

Definitions of Human Trafficking

Basic

Human trafficking is the illegal trade in human beings and is often described as a form of modern-day slavery. It happens when human beings are sold and bought for the purposes of sexual or labour exploitation. It includes people, mostly women and girls, being recruited, transported, transferred, harboured or received. These actions are accomplished by means of force, the threat of force, or other forms of coercion. It is always involuntary because even when consent is achieved, it is through some form of fraud, deception, abduction/kidnapping or abuse of power/vulnerability. It is a crime that may be prosecuted under the *Criminal Code of Canada*.

United Nations Protocol

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (one of three Palermo Protocols) was developed out of the UN's Convention Against Transnational Organized Crime. It defines human trafficking as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."¹¹

Canadian Law

Immigration and Refugee Protection Act—the series of Canadian laws related to, and governing, immigration:

"Human trafficking is knowingly organizing (recruiting, transporting, receiving or harbouring) the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion."

Criminal Code of Canada—the codification of most of the criminal offenses and procedures in Canada:

"A human trafficker is a person who recruits, transports, receives, holds, conceals or harbours a person or exercises control, direction or influence over the

¹¹ Canada signed this UN protocol in 2000, the year it was published
www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_en.pdf

movements of a person, for the purpose of exploiting them or facilitating their exploitation.”

The Common Elements Involved in Trafficking:

All of the following elements can happen in the trafficking process, but not all may occur in a single trafficking case.

- **Recruitment and fraud/deception**¹² – This is a method used by traffickers to recruit then trap their victims. Traffickers may collaborate with family or friends of potential victims to create the illusion of truth for legitimacy. One technique is to lure unsuspecting victims with false promises of good jobs, marriages or better lives. Often, the traffickers help the person travel away from their home city or province or into another country for a fee. Upon arrival, the trafficker increases the fee, and forces the victim to work in a specific industry in order to pay off the debt. The debt is one of many “tools” used to hold the victim in the situation.

For example, a common promise made by traffickers to young girls is that they will be placed in high paying jobs in a larger community or wealthy country. It is a compelling offer because the promise of a lucrative career and if coming from circumstances where her family lives in extreme poverty, it means the girls would be able to send money home to help support their families. The promises are false, and the girls end up exploited in commercial sex, domestic servitude or sweatshops/factories. In some circumstances, a woman may know that she will work in the sex industry, but not that she is going to be deprived of her liberty or her earnings and subjected to ongoing violence. This is still trafficking. In most cases, traffickers deceive trafficked persons about the conditions under which they will be forced to live and/or work (e.g. the amount of money they will earn, freedom of movement).

- **Abduction** – In some cases, victims are actually abducted from their homes or families. Traffickers come in and kidnap their victims, then force them into sexual or labour slavery situations.
- **Transportation** – Trafficking often involves the crossing of provincial or national boundaries (depending on the definition and type of legislation being used). This transportation can take on many forms such as on foot, bus, train, car (or the trunk of a car) or airplane.

¹² Both terms, fraud and deception, are identified in the IRPA definition of human trafficking. The *Criminal Code of Canada* uses the term deception when describing exploitation.

Trafficking does not require transportation. Because of our common use of the term “traffic” to indicate the movement of people or vehicles, many assume that human trafficking occurs *only* when people are moved across borders. Some trafficking involves criminal networks in which a person is transported between countries, and between cities within countries, for the purposes of forced labour and/or commercial sexual exploitation. However, the actual **transportation of a victim is not required** for a situation to be defined as human trafficking.

- **Receipt and harbouring** - Someone may be needed to receive the internationally trafficked victims once they arrive at their destination point. The receiver could be the person who meets the victims at the airport or bus station, or those who meet them at the house or hotel where the victims are brought. Those who harbour or hold the victims could be the security detail keeping watch over them, or those who own the location where they stay or work. These people could be the same ones who have “paid” for the bodies or they could be other links in the trafficking chain.
- **Concealing and exercising control, direction or influence over victim’s movements** - Trafficking is an illegal and clandestine activity. Trafficked victims are usually kept well hidden from others, either by being locked up in a basement or frequently being moved from one location to another.¹³ Often victims will not know their way around the neighbourhood in which they live because they are never left alone to be discovered or to access services in the community. Trafficked victims lose control over their lives. Their movements are controlled and influenced constantly by their traffickers.
- **Use or threat of force** - This is the most powerful and obvious method to control and exploit trafficked victims. The list of the forms of brutal physical force is endless, but commonly includes kidnapping, rape and gang rape, physical and sexual assault, restraint, confinement, isolation, torture, mutilation, starvation, forced/intentional drug addiction, threats or assaults against family members, and even murder.
- **Coercion** - This involves threats of serious harm, physical restraint, or plans and patterns intended to create the belief that the person will be hurt or that the legal process will be abused. Coercion sometimes resembles blackmail and is used to maintain control (e.g. threatening to send pornographic photos of the victim to their family to cause shame).

¹³ Another rationale for constant movement of victims is to prevent them from establishing relationships with others.

A common method of coercion used in both sexual and labour trafficking is threatening to harm the victim's family either in Canada or abroad. Many victims know that the traffickers will follow through on their threats.

Traffickers use threats of debt-bondage, identity control (taking away passports or other ID documents), emotional abuse and psychological abuse. Psychological abuse is usually persistent and extreme, and intended to demolish mental, emotional and physical defenses. Trafficked victims are usually dependent on their captors for food, housing and safety; often they are told that these items mean more debt that needs to be paid.

- **Exploitation** – In the Criminal Code, exploitation means that the victim must reasonably believe that if they do not provide their labour/services, their safety or the safety of others will be in danger. Exploitation means that someone is gaining something from the abuse of others. This means that the work of victims may be degrading or humiliating. It may be harmful to a person's body, mind or soul. It will likely not involve safety standards, workers' rights and accountability of employment under normal circumstances. People who are exploited are treated unfairly, which contributes to their victimization.

Trafficking vs. Smuggling

Related to human trafficking, but different, is the offense of human smuggling. Both trafficking and smuggling may involve illegal entry of persons into Canada. This section will distinguish the two. Knowing the difference is important for Salvation Army staff because persons involved solely in smuggling are not eligible for the special immigration status and services provided to trafficked individuals.

Smuggling is a criminal activity whereby persons illegally transport others across international borders for work or other reasons. There are unknown numbers of people who put themselves in dangerous and even deadly situations in order to be smuggled illegally into Canada. These individuals, desperate for a better life, hire people to transport them across blazing hot deserts or tumultuous seas by hiding them in freight trains, cargo ships and even the trunks of cars in order to enter the country without the proper documentation or inspection from border authorities. Those individuals generally agree to pay a transportation fee, and they are free to leave their transporters upon arrival. When the final destination is reached, the business relationship ends as the smuggler and the smuggled part company. If the person smuggled into the country is provided work, they may be reasonably paid, and they are free to leave the work without serious repercussions. Although being smuggled is someone's free choice, it is important

to note that smuggling can become trafficking. Once a person has been smuggled into the country, they may then find themselves at the mercy of human traffickers who prey on their vulnerable situation.

Human smuggling is an offence under section 117 of the Immigration and Protection Act. Prosecutions of human smuggling are far more frequent in Canada while prosecutions of human trafficking at this time are not common, but increasing in frequency.

In contrast to smuggling, trafficked persons are victims. Trafficked victims are unable to leave a situation without serious and sometimes life-threatening consequences to themselves and/or their families. In many situations, a person may have agreed to be smuggled into a country, and may have agreed to pay a fee or perform work. However, they become trafficking victims when force, fraud or coercion is used to maintain them for the purpose of exploitative labour or sexual services.

Key Differences Between Trafficking and Smuggling¹⁴

FEATURE	TRAFFICKING	SMUGGLING
Recruitment	Traffickers use deception, forcible abduction, networks, agencies, fraudulent advertisements, debt bondage, threats of violence.	Smugglers are normally approached and solicited by the intending migrants.
Nature and Quality of Consent	Consent for movement may be present, but true consent is nullified by force, coercion, deception, fraud, etc.	Consent for movement is clearly present.
Victim Status	Trafficked persons are victims.	Persons being smuggled are violating the law. They are not victims.
Purpose of Movement (if movement is present)	Exploitation of the individual's sexuality or labour for profit.	Movement is for profit.
Nature of the Relationship	Relationship between victim and trafficker continues beyond the movement phase.	Relationship between the migrant and smuggler terminates upon completion of movement.
Border Crossing	There is no requirement to cross an international border.	Smuggling always crosses an international border.
Profit Element	The major profit source is the exploitation of the victim.	Sole profit is the movement of the individual.
Violence & Intimidation	These are characteristic of human trafficking and may be used to maintain control of victim.	Incidental to movement.
Autonomy & Freedom	Severely compromised. Victims are prevented from escaping and may be sold to others.	Generally not severely compromised.

¹⁴ The RCMP Human Trafficking National Coordination Centre, Immigration & Passport Branch, Ottawa, 2007.

There will be times when Salvation Army staff need to ask clarifying questions to determine whether a person has been smuggled or trafficked. When assessing cases, it is always recommended that Salvation Army staff seek advice from human trafficking professionals and/or legal professionals.

Sonia was invited to come from India to Canada by family friends. She was told that she could work for them as a housekeeper, and they would pay her \$100 a week with two days off a week, meals and housing provided. Sonia was given fraudulent documents and departed for Canada with her new employer. She knew that this was illegal, but she needed the money and was willing to take the risk.

Sonia was smuggled into Canada. She left willingly with full knowledge that she was entering Canada illegally.

A recruiting agency in Hong Kong was recruiting welders to work at a company in Canada for \$19 an hour. The agency recruited 50 men for the welding positions. The agency charged each prospective worker a non-refundable \$2,500 transportation fee. The men paid the fees. En route to Canada the workers were given contracts to sign. The contracts obligated the workers to work for the next six months for less than \$4 per hour as reimbursement for "other employment fees." They were told to sign the contracts or they would be sent back home. The workers felt that they could not back out because they had invested all their savings, and were already on their way to Canada. Once they arrived, there were confined to the factory grounds and the owner of the company kept their passports to prevent them from leaving.

These workers are victims of trafficking in persons. They were transported for the purpose of labour through the use of fraud and coercion, which resulted in their being subjected to involuntary servitude. Confiscation of the workers' passports by the employer also caused the workers to believe that they were forced to stay with the company.

Types of Human Trafficking

The two broad categories of human trafficking are sexual trafficking and labour trafficking. This section presents the manifestations of each type and their distinct characteristics and dynamics. It is important to remember that there can also be overlap with types of trafficking within the same case or victim's situation.

Sexual Trafficking

Worldwide, hundreds of thousands of trafficked victims are used in prostitution and other commercial sex activities. When human trafficking is used for the purpose of sexual exploitation, it is called sex trafficking, sexual trafficking or human sexual trafficking.

Victims of sexual trafficking are found in:

- Prostitution
- Pornography
- Exotic dancing/stripping
- Massage parlours
- Escort services
- Modeling studios
- Adult stores (video, books and other materials)

In Canada, as in other countries, sex trafficking operations can be found in highly-visible venues, such as street prostitution or strip clubs, as well as more underground systems, such as closed brothels or child sex “tourism” operating out of residential homes. Often, victims begin by dancing or stripping in clubs and are coerced into more exploitative situations of prostitution and pornography.

The Connection Between Prostitution and Sexual Trafficking

Although many people regard prostitution and sexual trafficking as separate issues, there is a strong correlation between them—sexual exploitation. In fact, all elements of the commercial sex industry are connected—from trafficking to prostitution to pornography. They all involve unequal relations of power, the selling and purchasing of sexual acts, and acts of humiliation and degradation. Most victims of sexual trafficking in Canada have been discovered as a result of the woman’s involvement in prostitution. Many Salvation Army frontline workers providing outreach programs for prostituted persons find people who are, or originally were, trafficked internationally or domestically (across regions, provincial borders, from aboriginal reserves to the cities, within cities or not moved at all).

Some very vocal groups in Canada reject the idea that trafficking (which always involves an element of force, threats, deception or coercion) is extensively connected to prostitution, which they believe is a legitimate area of work that provides an opportunity for a woman to use her body to gain power. They argue that women are rarely forced or deceived into the sex trade, but that they rationally choose it. Within The Salvation Army, it is understood that the human

body is never to be used as merchandise, and that while there is a distinction between forced and voluntary prostitution, most cases of prostitution are not voluntary and based on choice. The Salvation Army recognizes that prostituted and trafficked persons are people, not objects to be bought, sold or used. Women rarely choose prostitution rationally or as a first option, but rather as a survival strategy. The average age of entry into commercial sexual exploitation in Canada is 13-14.¹⁵

Labour Trafficking¹⁶

Large numbers of people throughout the world are enslaved through forced labour and indentured servitude. Typically, victims are lured into labour trafficking situations in hopes of earning money for themselves and their families. Labour trafficking involves work that is usually performed in low-wage jobs. The following are sectors in which labour trafficking happens in Canada:¹⁷

- Non-unionized industries (including factories)
- Restaurants
- Sweatshops
- Commercial agriculture
- Fishing fleets
- Criminal organizations (marijuana grow-operations, drug couriers, etc.)
- Construction sites
- Private residences
- Domestic servitude / housekeeping / nannies
- Entertainment / modeling
- Criminal Activity

In Canada, many victims of labour trafficking are foreign nationals who may not have permission to work in Canada legally, so they may initially accept the low-paying jobs and poor working conditions offered by traffickers. Labour trafficking victims are often forced to work long hours in inhumane working conditions. The work is often physically demanding and employers may be abusive. In some instances, victims have been chained to their stations. It is important to note that many females who are recruited to work as models,

¹⁵ Interview with Susan Miner, Director of Street Outreach Services (19 July 2005). Found in: David Thompson, "Commercial Sexual Exploitation of Children in Canada," *Beyond Borders*. www.beyondborders.org/Publications/Fact%20Sheet%20-%20CSEC%20in%20Canada3.pdf

¹⁶ For various reasons, The Salvation Army has focused on Sexual Trafficking as an advocacy issue for the international Movement. Recently there is increasing focus towards labour trafficking as encounters with this type of trafficking increase.

¹⁷ Lorraine Chan, *Reforming Canada's Record on Human Trafficking* (September 6, 2007). UBC Reports, Vol. 53, No. 9.

dancers and domestic servants may eventually be required by their employer to perform sexual services.¹⁸

Labour trafficking can take several forms:

- **Peonage/Bonded Labour/Debt Bondage** – This is probably the least-known form of labour trafficking, yet worldwide it is the most widely-used method of enslaving people. Victims are considered trafficked when their labour is demanded as a means of loan repayment and the reasonable value of their labour is not applied to the liquidation of the original debt, making it difficult to satisfy the loan. Essentially, they are slaves with little chance of emancipation.

In certain countries, traditional bonded labour is the reality of millions of people who find themselves enslaved from generation to generation, often not even knowing the amount of the original debt. Cultural practices, illiteracy and unequal class power relationships make this form of trafficking in low-skilled workers extremely challenging to eliminate.¹⁹

- **Forced Labour** – This is a situation in which victims are forced to work against their will under the threat of violence or some other form of punishment; their freedom is restricted and a degree of ownership (of the victim) is exerted.
- **Child Labour = Child Abuse** – This is a type of forced labour in which the work is likely to be hazardous to the physical, mental, spiritual, moral or social development of children, and can interfere with their education. The International Labour Organization (ILO) estimates that 246 million exploited children, some as young as five years old, are involved in debt bondage, including forced recruitment for armed conflict, prostitution, pornography, the illegal drug trade, the illegal arms trade or other illicit activities around the world.²⁰

The Causes of Human Trafficking

Marta, 27, a single mother of three young children, lived in a small isolated village in Romania. In her region, jobs were virtually nonexistent. Living with her large extended family, she found there was never enough food, water

¹⁸ This information was taken from the American Salvation Army's manual.

¹⁹ *Trafficking in Persons Report*, U.S. Department of State, June 2005.

²⁰ *Fact Sheet: Labor Trafficking (2012)* Office of Refugee Resettlement U.S. Department of Health and Human Services, Washington, D.C.

or money for even basic supplies. Marta cannot read, but she heard many stories about the plentiful and well-paying jobs in North America.

Every day she searched for work. The abject poverty of her family created a tremendous sense of hopelessness in her. She felt responsible for finding some way to help them; their situation was desperate. One day, her friend Rosa suggested that she move to Canada where jobs are plentiful. Specifically, Marta was promised a high-paying job in a busy restaurant in a large city. Marta was assured she would be able to send money back home to assist her family once she was working in Canada. Rosa told Marta she had a broker who could assist her, but the transportation and relocation fee was \$10,000. Later Marta met a Romanian job broker named Andre who told her that she could pay the fee back little by little once in Canada and earning money. Convinced she had no other options Marta decided to leave. With Andre's assistance, she entered Canada on a legal visitor's visa, knowing she intended to stay permanently and work. However, once in Canada things started to go wrong. She was introduced to local Romanian criminals who forced her into prostitution in order to pay back the transportation fee. There was no restaurant position. If she refused to prostitute herself, she was beaten, raped and starved. Additionally, her local Romanian handlers warned her that if she told anyone, the lives of her three children back in Romania would be in danger. She wished she was home with her family, but what could she do? It was her decision to come. Because she was afraid and wanted to protect her children in Romania, she kept quiet.

Economic and cultural factors prompted Marta to leave her country and prevented her from leaving her situation in Canada.

Systemic factors of human trafficking include:

- **High demand for commercial sex and/or inexpensive workers** - Where there is a demand, suppliers will work to meet it.
- **Globalization of the economy** - Because people and goods are moving around the world much more freely in this international market economy, there is potential for traditional family structures to break down and for workers to be vulnerable.
- **Poverty** - People feel that they do not have economic choices, therefore they are vulnerable to those who present the option of survival/profit by trafficking.
- **Political instability, civil unrest and war** - The chaos that ensues in these situations enables people with power to take advantage of the vulnerable.
- **Political and police corruption** - Where there is corruption, those who are meant to protect the most vulnerable in society are compromised, and may in fact be protecting the most harmful.

- **Growth of organized crime** - Trafficking is largely manipulated by organized crime groups.
- **Lack of adequate law enforcement, legal protections, community protections or sanctions** - Victims are not protected and traffickers are not prosecuted or punished.
- **Cultural attitudes and religious practices** - These may reinforce beliefs that women are not equal to men, or that women can be sold and bought.²¹

Individual vulnerability factors for human trafficking include:

- **Poverty or lower socioeconomic status** - People living in poverty have fewer economic choices and ways of surviving financially.
- **Youth** - Younger people are more easily preyed upon.
- **Female** - In many places, women face extreme gender discrimination and fewer options or voice.²²
- **Limited education** - Illiteracy and limited education reduce options for employment, thereby increasing vulnerability.
- **Lack of work opportunities in the area** - People may think that any work is better than none.
- **Lack of family support** - Children who are orphans, runaways, homeless, or street kids lack family members who can protect them.
- **Lack of knowledge of the schemes used by traffickers** - Ignorance can leave people (victims, parents) unguarded against traffickers.
- **History of previous sexual abuse** - Previous abuse normalizes the experience, allowing it to continue.
- **Refugee status** - This increases victims' vulnerability in the eyes of those who claim they can help them get status, or even help them survive (e.g. in a refugee camp)
- **Health or mental health challenges** - Traffickers prey on these weaknesses and take advantage of them.
- **Living in a vulnerable area** - Areas with police corruption, high crime and brothels are at increased risk of human trafficking.

²¹ Some cultural practices or beliefs are directly related to trafficking, such as the practice of *trokosi* in Ghana which means 'slave of a deity.' It is a practice whereby a family becomes liable to provide *trokosi* for a priest when a family member commits a crime or a calamity strikes the family, such as a sudden death. The family gives a virgin girl-child (a member of the extended family) to a shrine where the girl is bonded to the shrine priest. The girl is forced to spend the rest of her life at the shrine, providing domestic and sexual services without any payment. Many girls become bonded to each shrine, so the priest has a 'harem' of girls. They are frequently punished by whipping or denied food for offences such as refusal of sex, leaving the shrine without permission, running away and lateness. (Wiafe, "Slaves of tradition" *New Internationalist*, Vol. 328, Oct 2000, All African Women for Peace, South Africa in conjunction with *WILDAF Ghana*).

²² One resource for exploring gender discrimination around the world is Women Watch, a branch of the United Nations: www.un.org/womenwatch

- **Lack of birth registration** – Without it, people have no official identity, and are therefore considered to be “non-persons” by the state.²³

The Supply Variable – The Push Factor

The causes of human trafficking are complex. This section will present further economic factors that contribute to the pandemic of human trafficking.

Around the world, people are being *pushed* into the hands of traffickers. In fact, with tens of millions of people worldwide manifesting most of the systemic and individual risk factors, there is an endless reservoir of potential trafficking victims. These people remain at risk of being swept into the net of trafficking to provide the supply. Some victims are kidnapped or removed from their homes and forced to supply their services or labour; other victims, who lack legitimate opportunities to support their families and who want to improve their lives, are easily preyed upon by traffickers.

Reports suggest that worldwide 80 percent of trafficking victims are women and children.²⁴ Young girls in rural areas, for instance, long to leave their isolated communities for a better standard of living through marriage or a job elsewhere. Savvy traffickers entice them away from their home communities with promises of jobs or marriages. Eager to believe such promises, unsuspecting people agree to go to a more affluent city province or country. Unfortunately, when they arrive few are gainfully employed or honourably married or treated well as promised. Instead, they are forced to work long hours in the commercial sex trade, factories, farms or private homes for little or no money.²⁵ In these situations, it is important to recognize that while the victims may have initially agreed to travel and to work or marry, they did *not* consent to be trafficked. These false promises are examples of fraud or deception.

The Demand Variable – The Pull Factor

On the other side of the equation is demand; demand for these forms of exploitation fuels the need for the supply and the traffickers facilitate the transaction/exploitation. Demand is *pulling* people into trafficking situations. Worldwide, there is an insatiable demand for cheap, easily accessible sex, and low-cost or free labour.

²³ For information on efforts to encourage universal birth registration see www.plan.org.au/ourwork/about/research/countmein

²⁴ Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005. June 2006, U.S. Department of Justice, Washington, D.C., p. 16.

²⁵ This information was taken from the US Salvation Army’s manual.

The Demand for Commercial Sex

The demand for commercial sex is high in many countries where men routinely frequent brothels and other commercial sex venues. When there are not enough local women to meet the high demands for sex, women are imported or trafficked in. The high demand for sex creates extremely lucrative incentives for traffickers to recruit and ensnare women, with a higher demand for young girls. Young girls are known to command higher prices (therefore higher profits for traffickers) for commercial sex activities for a variety of reasons, including the belief that young girls do not have HIV/AIDS or other sexually transmitted infections. It is common for prostituted persons to service up to 20 men a day because the demand for sexual services is so high and the profits to traffickers so large. People (mostly men) who purchase commercial sex come from all walks of life, and use all kinds of reasons to justify or excuse their behaviour (i.e. “I’m helping her by giving her money” or “She must like it if she’s doing this” or “Men need a lot of sex—it’s our nature”).

In Canada, there has traditionally been a demand for exotic dancers with a preference for foreign strippers who are perceived as being more exotic. In February 2008, the head of the Peel Regional Police vice squad estimated that 90% of the women working in bawdy houses and strip clubs around Toronto are being trafficked.²⁶ This matter of importing exotic dancers caused controversy in Canada in recent years.²⁷ A special exotic dancer visa was being issued by the government, but then it was pulled back because there were fears that women were being trafficked into the trade. In May 2007, Bill C-57 was revised, giving Citizenship and Immigration Canada officers authority to deny work permits to any people they suspect will be exploited or abused in their new Canadian work (including exotic dancers.)²⁸

Increased demand for commercial sex is always a concern at large international sporting events, such as the Olympics or FIFA World Cup. Studies have shown

²⁶ Tamara Cherry, “Global forum targets horrors of human trafficking,” *Canoe network*, February 14, 2008.

²⁷ The “Strippergate scandal” emerged in the fall of 2004, when then immigration minister Judy Sgro was accused of inappropriately granting a residency permit to a Romanian stripper who had worked as a volunteer on the minister’s campaign. She eventually stepped aside because of the controversy. As of late 2004, strip clubs had to prove that no Canadian talent was available to fill the positions. From 2004 to 2006, the number of work permits and work permit extensions issued to foreign exotic dancers fell from 423 to 17.

²⁸ The Canadian Council for Refugees expressed disappointment with Bill C-57, citing that it gives too much power to immigration officers and takes a moralistic approach to work. They stated that this bill would keep deserving women out of Canada, and that it failed to address root problems of degrading work in Canada and trafficked persons
www.ccrweb.ca/eng/media/pressreleases/22may07.htm

that these types of events increase the number of people trafficked into the host country.²⁹

Sex Tourism

Sex tourism and child pornography websites have further fuelled the demand for commercial sex worldwide. Men from wealthier countries book sex tours on the Internet or through travel agencies. They travel to less developed countries where they take advantage of young, vulnerable women and children without serious concern of prosecution by the local law enforcement officials. Child sex tourism is a particularly heinous crime in which individuals traveling in foreign countries engage in sexual activities with minors.

Canada has laws against child sex tourism that are separate from trafficking laws. Under Canada's current legislation, it is an offence to either engage in crimes related to child prostitution or other forms of child exploitation while abroad. Section 7(4.1) of the *Criminal Code of Canada* states that when certain sexual exploitation offences (such as sexual interference (s. 151), sexual exploitation (s. 153) and making, distributing, selling or possessing child pornography) are committed in other countries, they will be treated as if they were committed in Canada; that is, they can be prosecuted in Canada.

Summary

Human trafficking is a form of exploitation and a serious crime in Canada. There are many definitions of trafficking, but they all involve common elements. The two basic types of human trafficking are sexual trafficking and labour trafficking. There are many causes (systemic and individual) as well as influencing factors for trafficking.

Need to Know:

- Human trafficking takes place when human beings are sold and bought for the purposes of exploitation which mainly takes on the forms of sex or labour trafficking.
- Human trafficking often involves recruiting (finding victims), transporting (moving victims), receiving and harbouring (holding victims hostage), fraud/deceiving (lying to or tricking victims), controlling or forcing (harming or denying rights to victims), coercing (threatening to or actually harming victims) or exploiting (abusing victims for the purpose of benefiting others).

²⁹ Future Group (2007). *Faster, Higher, Stronger: Preventing Human Trafficking at the 2010 Olympics*.

- Human smuggling is when people pay others to help them illegally cross a border. Sometimes when people are smuggled they are vulnerable to being trafficked.
- Sexual trafficking and prostitution are not the same, but they are related and dependent on each other. Sexual trafficking is usually disguised as prostitution.
- There are many factors that make people vulnerable to being trafficked. Factors such as poverty and debt *push* them into the trafficking, and the great demand for inexpensive sexual and labour services *pulls* them in.



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Unit 2

Identifying and Communicating With Trafficked Victims

In this Unit

How to Recognize Human Trafficking – The Red Flags

Why Can Identifying & Assisting Be Difficult?

Initial Conversations with Possible Victims of Trafficking

Ethical and Safety Recommendations for Communication

Guidelines for Interpreters

Other Best Practices for Interviewing Possible Victims of Trafficking

Cultural Factors

Key Screening Questions to Ask Possible Victims of Trafficking

Adapting Intake Forms to Screen for Possible Victims of Trafficking

Summary

Need to Know

How to Recognize Human Trafficking – The Red Flags

It is possible and in some ministry units probable that you have met a trafficked person. They come to shelters, emergency rooms, health clinics, tourist destinations, military bases, truck stops and seasonal work camps. They are in rural areas and urban areas, out on street corners and hidden indoors. Many community service providers have encountered trafficked persons but did not realize it because they had not been trained to recognize the signs or red flags of trafficking.

Traffickers usually keep their victims hidden. They do not want victims to be identified and assisted, nor do they wish to be prosecuted for their crimes. Yet trafficked persons are often hidden in plain sight. For that reason, service

professionals need to look beneath the surface of clients' presenting situations, and skillfully intervene when the indicators of possible trafficking situations emerge.

According to international law, if a person is under the age of 18 and involved in the commercial sex industry, they are victims of human trafficking. In Canada, the laws are not as clear about making the link between sexual exploitation of minors and human trafficking, but in practice, law enforcement officers are mandated to use the best tool possible when laying charges. Trafficking applies when a youth is being exploited and there is fear for their safety or that of a person known to them.

For adults, there are criteria that must be met before a person can be considered to be trafficked. Because trafficked persons often do not self-identify, it is important for Salvation Army staff to recognize the red flags of trafficking.

Indicators of trafficking include:³⁰

- Evidence of being controlled (rarely alone, under constant surveillance, isolated from family and friends, bruised, fear of speaking for themselves)
- Evidence of inability to move or leave a job
- Persistent fear, depression, anxiety, or submissive or stupor-like behaviour (signs of trauma)
- Lack of passport or other identifying documentation
- Excessive work hours and lack of freedom
- Lack of or little pay for work
- Cohabitation with co-workers and/or employer allowing little privacy
- Untreated illnesses and infection
- Activity in commercial sex industry or working off the books in low-paying jobs
- Evidence of being tortured/abused (cigarette burns, cuts, rope burn, choke marks, gun marks)
- Fear or mistrust of authority/officials/uniforms

A trafficking person's language may deceive you. For example, they may refer to someone as their boyfriend, partner, friend or family member, when that person is really their trafficker or someone who is abusing/hurting them.

Many of the indicators for trafficked persons are similar to those for victims of domestic violence. Discovering these indicators does not definitively mean that

³⁰ *Look beneath the Surface Fact Sheet* (2005). Rescue and Restore Campaign, Department of Health and Human Services, U.S.A.

the person has been trafficked, but it may be the case. In addition to the above red flags, there are many other guides to identifying victims of trafficking. A valuable information guide for identifying victims was compiled by Dr. Donna M. Hughes and can be accessed at:

www.uri.edu/artsci/wms/hughes/hiding_in_plain_sight.pdf.

Online training regarding human trafficking is offered through British Columbia's Office to Combat Trafficking in Person at:

www.pssg.gov.bc.ca/octip/training.htm

It is estimated that only one in 10 trafficked persons ever reports to law enforcement. Thus, there is a special urgency in identifying trafficked victims in order for them to be assisted and restored. Identifying minors who have been trafficked is also of prime importance.

Why Identifying and Assisting Trafficked Persons Can Be Difficult

Despite the increased efforts in recent years to raise awareness of human trafficking and enhance protections and services to trafficked victims, they remain largely hidden and reluctant to come forward. This is because traffickers have many powerful psychological, physical and cultural mechanisms for isolating, hiding and intimidating victims, making it difficult to locate and rescue them. Furthermore, the professional community still lacks adequate knowledge of how to recognize victims and skills to help them successfully escape.

The tactical advantage of traffickers is compounded by the following factors:

- **Victims' isolation** – Victims are watched constantly and are often prevented from having unsupervised outside contact. Traffickers frequently move victims to different locations to prevent them from developing relationships and from learning about resources that could help them escape. Victims usually do not know where to go or whom to trust. Moreover, foreign victims often have significant language and cultural barriers preventing them from escaping and reporting their situations.
- **Myths and prejudices about the commercial sexual exploitation/prostitution** – There are many myths about the commercial sex industry, including that all of those involved are consenting to their sex work and therefore they are not victims. This myth allows the general public to ignore or turn a blind eye to this issue.
- **Victims' lack of information** – Often victims do not understand their rights in our country. They may have come from a country that does not extend basic human rights, so they do not understand the rights afforded to them in

Canada. Even domestically trafficked people may not know their rights as Canadian citizens or permanent residents. Victims may have encountered corrupt officials and police authorities, and as a result possess a general mistrust of all authority. Just as likely is that they do not understand that a crime has been committed and that they *are victimized*. Victims believe, and have likely been told by their traffickers, that *they* have caused their own misfortune (e.g. they agreed to enter Canada illegally) and that they are criminals rather than victims. It makes sense that trafficked persons do not come forward because they do not view themselves as victims of crime and believe that they were complicit in the situation (e.g. they ran away from home as a youth).

- **Intimidation of victims** – Traffickers use many psychological and cultural ploys to instil feelings of fear and helplessness in their victims. There are powerful dynamics of control at play. Traffickers successfully build financial, psychological and cultural dependence. Victims may fear that by reporting their abuse, they would lose the little bit of security, money or work that they have in their current situation. Victims are told by their traffickers that they will be treated as criminals, jailed or deported if they report to the authorities. Traffickers also tell them that no one cares for them in Canada, that they are just one more illegal person, and that no one in North America will take care of them as the trafficker does.³¹ Most victims of domestic trafficking have similar fears, especially victims who are sexually exploited through the commercial sex industry. Unfortunately, at times the threats by traffickers have come true. Trafficked persons are sometimes viewed by authorities as undocumented, illegal immigrants, and therefore criminals. They are sometimes jailed, detained and/or deported for crimes such as illegal entry or prostitution, rather than handled as victims who have committed criminal acts under duress. Fortunately, great strides are being made in training law enforcement, legal, and social service workers to be more victim-centered in their understanding of the dynamics of human trafficking.
- **Victims being physically threatened and abused** – Along with the psychological fear tactics, traffickers use other forms of intimidation to scare victims into silence. These are not idle threats. Sadly, there have been documented cases of murder, torture and assault tactics used to keep persons trapped. Victims also fear physical harm to their families.
- **Social service providers' lack of skill in victim identification** – Similar to the problem with law enforcement, social service personnel often are not trained to recognize or respond appropriately to trafficked victims. For example,

³¹ Women Working Together Foundation, Staff Oral Report, April 20, 2005, Austin, Texas.

some service providers, including social workers, medical professionals, victim advocates and legal professionals fail to see signs of victimization in persons engaged in the commercial sex trade and may treat the person as a criminal and complicit in the situation, rather than as a victim of human trafficking or other violence. Victims entrapped as domestic servants or within agricultural settings are often overlooked as well. Working together with law enforcement, the legal community and other social service agencies, The Salvation Army is dedicated to assisting and restoring as many human trafficking victims as possible.

Initial Discussions With Victims of Trafficking

If any indicators mentioned above are present, it is recommended that Salvation Army staff investigate further to ascertain if human trafficking may be occurring. For the purpose of this unit, we use the words “conversation/discussion” and “communication” to describe activities and dialogue between a Salvation Army staff person and a possible victim that occur in a private and non-threatening setting. These activities allow the staff person to gather enough information to determine whether or not the person could potentially be a victim of trafficking. This dialogue also provides the Salvation Army staff person the opportunity to express concern about the person’s safety, and educate them about the crime of trafficking, their identity as a trafficked person or victim, and their eligibility to receive protections and services.

Ethical and Safety Recommendations for Conversations with Trafficked Persons

Initial discussions with possible trafficked persons should be managed by those who are experienced in assessment and counselling and have knowledge of and at least initial training in human trafficking.

The World Health Organization (WHO) has written a guide about ethical and safety recommendations for interviewing trafficked women.³² The WHO guidelines are summarized as follows.

- **Do no harm.** Salvation Army staff must at all times consider if it is safe to ask a possible trafficked person questions about his or her situation, or if such an interaction places them in danger or makes their situation worse. For those

³² C. Zimmerman and C. Watts, *WHO Ethical and Safety Recommendations for Interviewing Trafficked Woman*, Health Policy Unit, London School of Hygiene and Tropical Medicine with support from the Daphne Programme of the European Commission and the World Health Organization, 2003. Used with permission.

who are still trapped in trafficking at the time of an initial conversation, the victim or their family may be at serious risk if the trafficker believes the victim is reaching out for help.

- **Do not assume the person accompanying the possible trafficked person is trustworthy.** Traffickers and others working with them have been known to go with victims to social services agencies and hospitals for services or treatment. Traffickers often monitor and control the victim's conversations and interactions so that the victim has limited opportunities to reach out for help.
- **Know your agency's safety and emergency plans.** Your unit should already have a policy for handling violent situations and working with clients to develop safety plans. Tips for developing a safety plan with clients are discussed in Unit 3.
- **Be discreet.** If at all possible, speak with the victim alone in order to obtain information about his or her situation and be discrete in requesting this private conversation. It may be easier to arrange a private conversation if your unit policy directs that assessments are always conducted in private. When the victim is reluctant to go with you to a private location, or if the person with them does not want them to speak with you alone, be very cautious and do not press the issue. It is better to be safe than to put the victim in a dangerous situation.
- **Know your referral information.** Do not make promises you cannot fulfill. Of course, the services to which you can refer the victim depends on your local community, but victims will likely need a referral to law enforcement, a legal professional or CIC officer, a health care provider, trauma counsellor, shelter, employment or education services, and possibly an addictions or grief counsellor. More information on needs and services can be found in Units 6 and 7.
- **Assess the victim's language needs and know your interpretation resources.** Because some trafficked victims are transported to Canada from foreign countries, it may be that a trafficking victim does not speak the language(s) of Salvation Army staff. Having appropriate translation is crucial. Do not rely on the friend/translator that came with the possible victim. If possible, access a professional translator/interpreter for this interview. Confidentiality cannot be assured if a volunteer translator is used.
- **Do not re-traumatize a victim.** Be mindful that the questions you ask may be potentially upsetting and strive to be sensitive. Do not ask questions that are

likely to provoke an emotional response. For example, a basic question such as, “Do you have any family?” may cause a strong reaction. Thus, be prepared to respond to a victim’s distress and highlight their strengths. If the victim is highly distressed, find a mental health professional trained in trauma work to counsel them.

- **Do not collect or document more information than you need.** Ask only the questions you need to identify the individual as a trafficked person and assess their safety, and then make an appropriate referral. Be mindful that you and your case records may be subpoenaed if there is ever a case against the victim or the trafficker. Case notes need to be accurate and to reflect the specifics of the conversation.

Guidelines for Interpreters³³

Finding a trustworthy person who speaks the trafficked person’s language may be a challenge, especially outside large urban areas, or when the person comes from a small ethnic group or particular dialect. The person they came with or a random person selected from the community could somehow be involved in trafficking, so care must be taken. You may be able to find interpretation services through contacts with NGOs or government services, which can be found online or in phone directories.

A verbatim translation is best and paraphrasing should be avoided. All words should be transcribed rather than an approximation of words or a summary made by the interpreter.

Other Best Practices for Interviewing Possible Trafficked Persons

- Establishing trust and rapport is essential.
- Interviewing should not be conducted in questionnaire or cross-examination style. Interviewers need to show sensitivity and take into account the trauma the person has been through, and the difficulty in getting to truthfulness right away.
- Do not grill or cross-examine—ask questions gently.
- The victim must feel supported throughout the entire process.
- The process should be victim-centred.
- Given that initial contact and facts of a situation may suggest that the victim is an offender rather than a victim, further exploration should take place.
- Verbal communication should be in words that are easy to understand, and care should be taken not to use terms or words that may be offensive. For

³³ *ibid*

example, refer to a person as having been violated rather than having committed crimes or immoral activities. Getting some or all of the facts of a victim's story will take time. A person's story is like an onion—there are many layers.

- Multiple discussions/conversations may be needed, both to establish trust and to educate the victim about his/her rights as a human being and as a trafficking victim.³⁴

Victims of trafficking will likely not be forthcoming about information concerning their situation or their traffickers; and may lie outright. Lying can occur for several reasons including:

- The victim has been coached to lie.
- The victim has a lack of trust in police/authority figures.
- The victim is frightened for their own safety or the safety of others.
- Depending on the person's culture, answering questions one-on-one may be unfamiliar or taboo.

Cultural Factors

A person's culture affects how they perceive and interpret the world, as well as how they interact with others. A person's culture will affect the way they answer questions, as well as how they perceive human trafficking and what has happened to them. Here are some cultural factors to consider when having a conversation with a trafficked victim:³⁵

- **Eye contact** – Some cultural norms demand that a person look straight into the eyes of someone asking them a question. Others demand that a person look down or away to show respect (which is sometimes interpreted as avoiding or lying).
- **Communication** – Some cultures get straight to the point when asking and answering questions, whereas others are used to taking time to reflect on the question, talking around issues or answering in parables or stories. Also, gestures such as hand motions, actions or facial expressions mean different things in different cultures, so the staff person must be aware of how they present and how they interpret the victim's verbal and nonverbal communication.

³⁴ Donna M. Hughes, *Hiding in Plain Sight: A Practical Guide to Identifying Victims of Trafficking in the U.S.* (October 2003). www.acf.hhs.gov/trafficking/resources/plain_site.html

³⁵ Many factors were taken from "Cultural Issues in Trafficking and Trauma" in Beth Grant and Cindy Lopez Hudlin, eds., (2007), *Hands that Heal: International Curriculum to Train Caregivers of Trafficking Survivors*. Faith Alliance Against Slavery and Trafficking (FAAST), U.S.A.

- **Respect for authority** – Some cultures have high respect for authority, uniforms, titles and positions because these are the people that lead and care for others in society. Others have complete mistrust for people in these categories.
- **Corruption** – Corruption is part of everyday life in many societies. This means that victims of trafficking may have learned not to trust or rely on authorities for help.
- **Karmic beliefs/destiny** – Some cultures believe that an individual's suffering is due to their actions in a previous life, and that interfering with or trying to change this path is not advised. Trafficked victims may feel that they need to suffer to carry out their destiny or to be punished for what they have done in the past. In North America we place value on an individual's control over their own life and destiny, whereas in many parts of the world, people do not feel that they have any control in these areas.
- **Patriarchy** – Many cultures are patriarchal, meaning they are run by men. Women are not valued as equals. Patriarchy can affect how a woman or girl values herself.
- **Childhood/child labour** – Some cultures do not have a concept of childhood or children's rights. Some cultures believe that children do not have a voice, and simply need to obey their elders. Many reinforce the idea that children should be working and contributing to the family income.
- **Poverty/education** – Many trafficked victims come from poor villages or reservations and face severe poverty. Many did not have the opportunity to receive an education. This may affect the way they see their future, whether they have options, literacy and their ability to communicate.
- **Shame and honour** – The majority of trafficked persons come from societies that place a high value on virginity and purity. Thus, when they are trafficked for the commercial sex industry, they often feel shame and believe that they have dishonoured themselves and their families. Many victims feel that they could never return home because of this shame and dishonour, and some girls and women who have been repatriated back to their home communities have been cast out because of shameful/sinful/dishonourable acts they have committed.
- **Virginity and HIV/AIDS** – Unfortunately, there is still a widespread myth that sleeping with a virgin can cure sexually transmitted infections such as

HIV.³⁶ This leads to a demand for younger and younger girls, because it is assumed that they will still be pure and disease-free.

- **Individual protection/success vs. group protection/success** – In North America we value individualism highly; the rights of each person, the safety of each individual, decision-making that will benefit the individual are of great importance. In many parts of the world, the protection and success of the group is more important. This could affect a trafficked victim’s thinking in that they would protect the group (other victims, traffickers, others involved) over themselves.

Key Screening Questions to Ask Potential Victims of Trafficking

RESOURCE: For a list of Initial Screening Questions to help determine if someone is a victim of human trafficking, see Appendix 3.

While the sample screening questions can be used as a general first contact/conversation guide for any intake personnel, Canadian government authorities will conduct a more extensive investigation of the suspected trafficking. The RCMP, or municipal or provincial law enforcement, and CIC and CBSA where appropriate, will conduct official interviews to determine whether a person is a victim of human trafficking. As a service provider, **it is not your decision**. If the answers to any of the questions below lead you to believe that a person has possibly been trafficked, call law enforcement following the informed consent to do so by the victim.

At all times, intake personnel should be mindful of any potential risks in asking these questions.

Adapting Intake Forms to Screen for Potential Victims of Trafficking

General intake forms are used in most human service settings, including Salvation Army shelters and other programs. If staff members who are conducting intakes are properly trained about human trafficking, they may consider adding the key questions listed in the appendix for identifying trafficking victims and screening for their immediate safety.

³⁶ Many groups have been trying to address the “virgin cure” myth for years. See UNESCO’s booklet *HIV and AIDS Myth Buster* at unesdoc.unesco.org/images/0015/001529/152975e.pdf

RESOURCE: For a sample of questions that could be added to an intake form/intake procedure for new clients, see Appendix 4.

Summary

Trafficked victims may be encountered by Salvation Army personnel during delivery of services, such as in street ministry, domestic violence programs, shelters, addictions programs, correctional and justice services and youth programs.

Need to Know:

- There are many indicators that a person may have been trafficked. Awareness of these signs will help with identifying victims.
- There are many ethical and safety recommendations, as well as cultural factors, that must be considered before Salvation Army staff members start to have in-depth discussions with people who may have been trafficked.
- Asking appropriate screening questions can help identify people who have been trafficked. It may be appropriate to include some of these questions on intake forms.
- If red flags or initial interview questions lead you to suspect human trafficking, refer the case to law enforcement upon informed consent.



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Unit 3

First Steps and Safety Plans with Trafficked Persons

In this Unit

Communication

- Communicate with the Trafficked Person
- General Protocol

Safety

- Assessing Safety
- Helping Victims Develop a Safety Plan

Client Confidentiality

- Visitor Policy
- Informed Consent
- Media

Consideration of Staff Members

Summary of Policies and Procedures

Summary

Need to Know

Now that you have asked the preliminary assessment questions and believe that the person may be a victim of human trafficking, taking a victim-centered approach to helping is critical. Age is an important factor in working through a plan to assist the victim (see Unit 5 for information about assisting trafficked minors). The following section will provide general information about what can be done when a victim is identified.

Communicate with the victim

Before jumping ahead, it is important to get an appropriate interpreter, if necessary, and communicate honestly with the person. Explain to them that, based on the information they provided, they appear to be a victim of trafficking, and that there are certain steps that should be taken to keep them safe and to access protection and services. The victim may deny that they have been trafficked, panic or ask questions about what will happen next. Reassurance is very important; do not make false promises or promises that you do not know if you can keep. Victims need a realistic assessment. Explain as clearly as possible what steps are necessary and answer their questions and concerns as well as possible. Continue to communicate well and reassure the victim throughout the process.

General Protocol³⁷

1. Report the suspected case of trafficking to the police (local or RCMP)

Professionals are not mandated to report trafficking of adults, however, it is strongly encouraged in order to ensure their safety and protection. It is important to gain informed consent from the victim to contact law enforcement unless danger is imminent. Dial 911 to be immediately connected to the police, fire department and ambulance service. The system automatically tells the operator where you are. Explain the reason for the call and what language the victim speaks, as there may be someone there who can speak the language. The operator will send the appropriate emergency personnel to your location immediately. As an alternative, dial the non-emergency phone number of local police depending on 911 availability or the urgency of the situation.

It is critical for direct service providers to establish working relationships with their local police/law enforcement before an emergency arises.

As outlined in Unit 2, the police (RCMP and/or local law enforcement) are the agents tasked with handling cases of human trafficking, and therefore they need to be at the forefront of these cases. In the past, community agencies have felt some hesitancy about involving the police, because they feared harsh measures (i.e. that the police would view victims as criminals and would hand them over to border security for deportation). In recent years, the police have been undergoing intensive training on the issue of human trafficking, including a

³⁷ Partially informed by the Department of Justice Canada website:
www.canada.justice.gc.ca/eng/fs-sv/tp/help-aide.html

victim-centred approach. Consultation and cooperation with law enforcement are needed for all other steps in this protocol.

2. Assess safety

As discussed above, ensuring that the victim is safe is of utmost priority. After conducting a safety assessment, it is important to develop a safety plan for the victim. In your centre, you should already have emergency plans (e.g. determining if 911 must be called) and you likely already have a process for developing a safety plan with clients, as per accreditation standards. More information follows in this unit.

Be aware that victims may not perceive themselves to be in grave danger when they actually are. Along with the data collected, use your judgment to determine level of risk.

3. Develop a safety plan and ensure that the victim has a safe place to stay

Safety includes ensuring that the victim has a safe place to stay. The Salvation Army and other organizations provide emergency shelters in many cities and towns. These are safe places where a person can go right away if they have nowhere to live, or if they are in danger and need a place to stay. A trafficked victim needs to be referred by authorities to a shelter that has very good security. In some cases, there may be shelters that are specifically for trafficked persons, or that have sections specifically for trafficked persons. In other cases, an alternative will have to be found. Law enforcement should have a clear idea of which shelters are appropriate. A trafficked victim needs to be protected. This can be made much easier by having conversations with the various partners before encountering an actual human trafficking victim. More on protocol for housing trafficked victims is found in Unit 6.

4. Assess and treat immediate medical needs

If the trafficked victim is sick or injured, they need immediate medical attention. Do not assume that because the victim looks fine they do not require medical attention. Communicate with the individual. In some communities there are health clinics that provide medical care without asking any questions about who you are or what work you do. Most medical facilities require some form of health insurance (such as Interim Federal Health, which is provided with a Temporary Resident Permit) but in many cases, a doctor or clinic will treat a person for free. Again this can be made much easier by having conversations with the various partners before encountering an actual human trafficking victim.

5. Regularize immigration status

If a trafficked victim is a Canadian citizen or permanent resident and has the appropriate documents, regularizing immigration status is not necessary. If they are in Canada illegally, have had their documents taken from them or have lost them, or are in Canada on temporary status, they will likely need to regularize their immigration status. This is done through Citizenship and Immigration Canada (CIC) local offices. Trafficked victims can apply for a 180-day (renewable) Temporary Resident Permit. (Refer to Unit 2 for more details.)

6. After-care

Trafficked victims need to be assisted, to escape from their situation, and to heal from their trauma. Units 5 and 6 explore after-care.

Safety

Assessing Safety

It is crucial for Salvation Army staff to assess the victim's *immediate* threat of harm. The safety risks to victims are real, although victims may not understand them as such, because definitions of safety vary from person to person. Traffickers use force to control their victims and have access to weapons.

There are questions that help to assess safety. These questions should not be viewed as a questionnaire or a form to be filled out. Rather, they are a guide for uncovering the person's story and their true feelings about their situation and danger level. Victims may not feel endangered, but that does not mean they aren't.

[RESOURCE: For a sample Safety Assessment \(including questions to assess safety\) see Appendix 6.](#)

Asking these questions might make the victim feel threatened or unsafe. Timing and sensitivity are crucial, as is helping the victim feel as safe as possible. Be aware as well that if the victim's safety is compromised in the assessment interview, so is The Salvation Army centre's.

Helping Victims Develop a Safety Plan

RESOURCE: For Safety Plan guidelines and a sample Safety Plan, see Appendix 7.

Appendix 7 offers a suggested basic safety plan that can help to determine what the victim can do to keep safe. This plan should be written, and a copy should be placed in the client's file. If the victim wants a copy and feels safe holding onto it, they should have one. Otherwise, it can be memorized. The plan should be detailed enough to anticipate potentially harmful situations and prepare for what to do to be safe.

If the victim denies the potential for serious harm, and Salvation Army personnel still suspect possible violence, staff should provide instructions on how to call the 911 emergency services. Explain to the victim that 911 emergency services are designed for their protection. It may be helpful to walk through several scenarios with the victim on when and how to call.³⁸ Also, provide them with another resource to contact if they are reluctant to call 911 (e.g. a 24-hour hotline, a domestic violence shelter number, etc.). Adult trafficked victims have the choice whether or not to report to law enforcement authorities. Salvation Army personnel should not go against the wishes of an adult client, but they can provide information, encouragement and reassurance. All plans and referrals should be documented in the case notes.

Safety Planning Challenges

Trafficked persons may:

- not speak English
- have limited knowledge and skills (e.g. be unable to use the phone because they have never been exposed to a telephone)
- be isolated geographically
- fear the police
- have a concept of safety that is very different from that of the social service provider; thus, it is important to discuss what being safe means to *them*

³⁸ *Safety Planning Standards for Trafficked and Enslaved Persons: A Guide for Service Providers and Attorneys*, Safe Horizon, New York, N.Y., August 2004.

Client Confidentiality

The Salvation Army is committed to protecting the privacy of its clients, volunteers, employees, supporters and members, and it has always been concerned with treating personal information carefully and with appropriate confidentiality. As it is with all clients served through service agencies, maintaining the confidentiality of information regarding a trafficked person is a critical element in establishing their trust and upholding their right to privacy.

In many instances, victims share personal information with a service provider that they will not share with anyone else. There may be situations where the victims' lives or the lives of their family members may be at risk if information is leaked. Many people, including the media, defence attorneys for the traffickers and the traffickers themselves, may attempt to obtain this personal information and may use it to further harm or exploit the victim.

There are professional standards of conduct related to confidentiality. Numerous jurisdictions in Canada have also created privacy laws,³⁹ many of which The Salvation Army is subject to. To ensure that The Salvation Army is compliant with all such laws, as well as the current moral expectations for privacy that now exist in Canada, The Salvation Army has created a Privacy Policy (Operating Policy 7920) which applies to all Ministry Units.⁴⁰ The Privacy Policy clearly outlines that The Salvation Army will protect personal information by using security safeguards appropriate to the sensitivity of the information and by treating all personal information confidentially. It is crucial that The Salvation Army's Privacy Policy and guidelines about confidentiality are carefully reviewed regularly with staff, victims and visitors.

All employees and volunteers need to be clear on their responsibilities for upholding confidentiality and privacy.⁴¹ They should sign a privacy and confidentiality statement upon commencing employment and agree to abide by the ministry unit's privacy and confidentiality policies throughout their employment/time of service and after termination of employment. Service providers should ensure that all persons who interact with victims pledge to protect the safety of victims, their families and other staff members.

³⁹For more information, contact The Office of the Privacy Commissioner of Canada, www.privcom.gc.ca, 1-800-282-1376

⁴⁰This Privacy Policy is available in Salvation Army Territorial Manual of Operating Policies 7920 on Lotus Notes.

⁴¹ In the case of a trafficked victim attending a Salvation Army corps/church, it is also imperative that the corps officer ensure that the congregation be aware of the importance of confidentiality, and that corps members understand the confidentiality guidelines of The Salvation Army.

RESOURCE: See Appendix 9 for a Sample Confidentiality form for staff.

Service providers must protect any information concerning the victim's identity, location, personal history, financial status and details of the victimization. All client information must be secured in a locked file and/or in a password-protected computer. Because of the sensitivity of these issues, standards of care should also involve encryption of the database containing personal data about trafficked victims. Further, client information should only contain what is necessary to substantiate need and to document services provided. Case notes should be written with protection of the client's privacy in mind and should follow accepted professional standards for content. It is the service provider's responsibility to help the victim understand rules related to confidentiality and the limits to his or her protection of privacy under these rules. Any and all records can be subpoenaed in a court of law. Records should be retained for a minimum of seven years, as per Salvation Army policy.

Visitor Policy

RESOURCE: See Appendices 12 and 13 for a Sample Visitor's Policy and Visitor Confidentiality Form

People often want to visit facilities serving trafficked victims. This may be out of personal interest or a desire for public relations stories. Having a visitor policy in place will help to ease potential problems and stresses by making clear who is and who is not allowed to visit the facility and the clients. The following are considerations for creating a visitor policy:⁴²

- Consider who should be allowed into your residence as a visitor (e.g. family members? law enforcement? Salvation Army personnel? social workers? interpreters?). The Salvation Army recommends that only professionals engaged in support to clients be allowed to visit the facility (e.g. mental health professionals, lawyers, law enforcement, interpreters, etc.). Salvation Army personnel responsible for the governance and management of the unit would also be admitted.
- Inform visitors about the program's privacy and confidentiality policies, informed consent and media policies.
- Have visitors sign a written agreement to comply with confidentiality and other policies.
- Maintain a logbook of visitors at the facility.

⁴² Ibid.

- Do not allow photographs to be taken of facilities, programs or residents.

Informed Consent

Another aspect of protecting victim confidentiality is informed consent. The following information pertaining to informed consent should be used in conjunction with existing professional standards. According to The Salvation Army's Privacy Policy, depending on the circumstances, type and sensitivity of the personal information, The Salvation Army will use an appropriate form of consent to collect, use or disclose information.

If a new use for information comes about after it has been collected, staff need to consider whether the new use may have been implicitly authorized at the time of collection or whether consent to the new use must be obtained.⁴³ The victim provides consent to the release of information to specific persons for specific reasons. For example, a victim temporarily residing in a Salvation Army shelter may authorize The Salvation Army staff to provide a federal investigator with the telephone number and location of the shelter, so that the investigator may contact the victim to schedule an interview. However, the victim may not consent to the release of the same information to the media.

Due to the high degree of collaboration that is required in trafficking cases, policies must be in place to allow the victim to consent to information being shared between a variety of service providers, law enforcement, prosecutors and legal advocates. In terms of police access to client information, including trafficked victims, context is important. In general, the rule is that police can access the personal information in a client's file if (a) the individual consented, (b) access to the information would be required to prevent significant harm or (c) there is legal authority, such as a court order, warrant or subpoena. When in doubt, Salvation Army staff can refer to The Salvation Army's Privacy Policy, contact their institution's Executive Director or contact the Chief Privacy Officer (through the Chief Secretary's Office at Territorial Headquarters).

All shared information should be accompanied by a written consent signed by the victim. It is best if the written consent is in the language of the victim, or at least translated verbally by an independent translator so the victim is informed of the nature of the consent. If the victim was interviewed by an interpreter during the initial phases of the law enforcement investigation, and the victim trusts that interpreter, use the same interpreter for case planning with the victim if possible. The consent form should include: the purpose of the consent form, the exact information that will be shared or disclosed, who will be receiving the

⁴³ Taken from *The Salvation Army Canada and Bermuda's Legal Privacy Manual*, Section 0502: Access to Personal Information About Clients and Donors.

information and for what purpose, the expiration date of the consent form, and signatures of the client, agency representative and translator if one is used.

Media

Trafficking stories are popular media items, therefore Salvation Army centres need to have a clear media policy that protects trafficked victims. The policy should be explained to trafficked victims. Often, trafficked victims are concerned about their identities and information being leaked to the media. On the other hand, some victims are quick to agree to do media pieces or to share their story, without considering the long-term consequences of safety, how they will be labelled or who will find out in the future.

The following set of guidelines were developed in 2012 by The Salvation Army North American Anti-Trafficking Council to inform communications for journals, articles, the internet, films, and other use, on the issues of both commercial sexual exploitation (CSE) and human trafficking. The goals are to ensure that the identities of trafficked persons are protected and that their dignity is preserved.

Photographs/Videos:

People say that a picture is worth a thousand words. In part, this is because pictures have the capacity to capture people's attention and influence their emotions in powerful ways (e.g. generating compassion, igniting action). Photographs can also be used in ways that exploit and dehumanize. As this relates to CSE and sexual trafficking, not only have many victims suffered the horror of serial rape at the hands of countless persons, but some have been further abused in the production of pornography. Other survivors of human trafficking have bravely provided testimony that led to the conviction of their traffickers, and photographs of them could potentially be used by trafficking networks to trace their whereabouts. Further, even well-meaning uses of survivors' images can have unintentional damaging effects such as perpetually memorializing survivors as "victims," and/or re-objectifying survivors as the "trophies" of heroic do-gooders. Accordingly, we recommend the following:

Preferred Option:

- Purchase the licensed rights to stock photo images that evoke commercial sexual exploitation and/or human trafficking scenarios. When such images are used, be certain to include a disclaimer in publications explaining that images of survivors have *not* been used. Suggested text:

“Persons pictured in this publication are not actual victims of human trafficking.”

Other Recommendations:

- **DO NOT use photos of child victims of human trafficking or children receiving services under the auspices of a CSE or anti human trafficking program.**
- Adult survivors of CSE or human trafficking should only be approached for their photograph following at least 1-year of graduation from a program and after receiving appropriate counseling. Clients should not be approached for their photographs while enrolled in programs or receiving services.
- When using a photo in which an adult survivor is featured, a release form must be signed. Do not use a survivor’s photo unless you have their signed permission and make certain that the survivor has a full understanding of how their photograph will be used (e.g. in an article in a magazine, Internet blog post, etc.).
- Keep in mind that victims of human trafficking were conditioned to be people pleasers. Thus, make every attempt to ensure that the individual does not feel compelled to grant use of their image.
- Remember that when using a photo of an adult survivor to protect the dignity of the person first and foremost. Put yourself in their shoes. Would you want a picture like this of you to be circulated? Are they dressed appropriately?
- Maintain open lines of communication with the individuals in your photos. Be willing to remove or discontinue the use of photographs if the survivor asks.
- Ensure that the clothing that is worn does not have any trademarked or copyrighted images on it.
- Ensure that the photos are being taken in a public place and not on private property, unless permission is granted.
- In instances where the victim prefers to be unidentifiable, take photos of hands, close-ups of eyes or feet, or photos that are from behind.

Interviews and fundraising events

- CSE or human trafficking survivors should never be required to be a part of an interview or fundraising event, and never while receiving services or enrolled in a program.

- Interviews with survivors for public communications should only occur after sufficient counseling and 1-year following completion of programs, not before.
- **DO NOT** ask survivors currently receiving services to speak at fundraising events. If, however, the survivor would like to speak at an event 1-year following graduation from a program, they may. In such cases, ensure that the survivor understands the nature of the event (e.g. how many people are expected to attend, will the media be present, will there be a question and answer period, will funds be raised, etc.).
- When a survivor is participating in an event, be certain to protect the client from too much public and media exposure.
- **Any CSE or human trafficking survivor**, whether a former Salvation Army client or not, who speaks publically at an anti-trafficking event should receive an honorarium for their participation.

Confidentiality of survivors when using stories or for publications

- CSE and human trafficking survivors' stories are to remain confidential unless they choose to share them and sign a release form.
- When using the story of a survivor, change the name to protect the identity of the survivor.
- As necessary change certain details of the story to protect the survivor's identity, such as location and/or time of exploitation so that the survivor cannot be identified from the details of the account.
- In publications be certain to include a disclaimer explaining that victims' names have been changed. Suggested text: *"Clients names and certain details have been changed in order to protect their identities. However, their stories are real and have been used with permission of each client."*

[RESOURCE: See Appendices 14 and 15 for a Sample Media Policy and Suggested Guidelines developed by the North American Anti-Trafficking Council](#)

Only Public Relations Officers, or others designated by The Salvation Army's Public Relations Department, should express The Salvation Army's position on any issue, including human trafficking.⁴⁴

[RESOURCE: See Appendix 8 for Client Confidentiality Guidelines.](#)

⁴⁴ Taken from *Salvation Army Canada and Bermuda Territory Operating Policies*, 7903 "Letters to the Editor and Media Liaison," Revised May 09, 2001.

While healing, victims often want to share their stories, and communities are eager to hear these experiences. However, considerable caution should be used when victims speak openly. There is risk of re-traumatizing victims, as well as compromising identities and attaching labels.

Women in a brothel in Mumbai shared the story about one of their friends. She was rescued from the Mumbai brothels by a Christian organization. The staff helped this friend, treating her kindly and helping her in many ways. She was given new clothes, a safe place to stay, good food and some pocket money. She made a decision to follow Jesus and was learning how to pray and how to let God help her. The leader of the organization started bringing her to various churches to tell her story. She didn't like that. The ladies who were hearing her story said, "What's the difference in how the brothel owner treated her and how the leader is using her now? Isn't it just another form of prostitution?"⁴⁵

Consideration of Staff Members

Victims of trafficking are not the only people who need protection; staff members at a facility serving trafficked victims also need to be safe. The Salvation Army (in cooperation with law enforcement) needs to ensure that safety is a key component of facility management. Staff members may be targeted by traffickers, pimps, family members or those who are accused in a court case. Police have a duty to protect staff members, and should be consulted on best safety practices. Unit 6 will explore points of discussion for The Salvation Army to have with the RCMP when considering housing trafficked victims (e.g. being in an undisclosed location with all possible security measures in place including security guards, security cameras, double locks, key-locked, limited access to elevators, clear policies about visitors and media, making sure both staff and clients are instructed in policies such as not letting strangers come through the door, etc.). Salvation Army centres sheltering or working with trafficked victims need to ensure that their facilities are safe and as anonymous as possible. Staff information (e.g. contact information) should be kept confidential. It is critical to discuss safety with staff members, and find out what will help them feel the most safe, given their work. Policies around safety need to be created and followed (e.g. having two staff on shift at all times, when to call 911, etc.)

⁴⁵ Beth Grant and Cindy Lopez Hudlin, eds., *Hands that Heal: International Curriculum to Train Caregivers of Trafficking Survivors*, 2007, Faith Alliance Against Slavery and Trafficking (FAAST), U.S.A.

Summary of Policies and Procedures

The following are policies and procedures that need to be reviewed at Salvation Army centres that may encounter trafficked victims. These policies and procedures must take trafficked victims' special needs into account, and should, at a minimum, include:

- Ethical and safety guidelines for interviewing (see Appendix 2)
- Interpretation procedures/guidelines (see Unit 3)
- Safety Assessment (see Appendix 6)
- Safety Plans (see Appendix 7)
- Intake procedures and forms (see Appendix 4)
- Protocol around suspected cases of trafficking (see Appendix 5)
- Reporting procedures for sexually exploited youth/minors in need of protection (see Appendix 18)
- Confidentiality (see Appendices 8 and 9)
- Informed consent (see Appendices 10 and 11)
- Media policy (see Appendix 14)
- Visitor policy (see Appendices 12 and 13)
- Suggested Guidelines developed by the North American Anti-Trafficking Council (see Appendix 15)

Summary

There are recommended steps that should be observed when a community agency or service provider encounters a victim of human trafficking. The first priorities are calling police/involving local law enforcement and assessing immediate threats to safety. It is important to follow all confidentiality procedures and ensure that the victim understands the limits to the agency's confidentiality policies (i.e. if the victim is going to hurt herself or others). The victim should provide informed consent whenever personal information about them is shared. Identifying the victim's immediate level of safety and risk of harm is critical in the first stages of working with a victim. If the victim's safety is compromised, so is that of The Salvation Army centre and staff.

Need to Know:

- There is protocol that should be followed once you are face-to-face with a possible trafficked victim. First steps include communicating with the victim, reporting to the police and assessing safety.

- Doing safety assessments and developing safety plans for victims is crucial.
- Client and staff confidentiality and safety must always be maintained.
- A policy of informed consent, as well as a good visitor policy and media policy can assist with confidentiality and safety.



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Unit 4

Trafficked Minors

In this Unit

Internationally Trafficked Minors
Cycles of Violence
Legislation
Getting Information
Discussing Gender Relations and Sex
Sexually Exploited Boys
Mandated Reporting to Child Welfare
Reporting Suspected Trafficking of Minors
Healthy Relationships
Summary
Need to Know

Trafficked Minors

We know that minors (persons under the age of 18)⁴⁶ are being trafficked at alarming rates, and that many are involved in the commercial sex industry. According to UNICEF, one million minors enter the commercial sex industry each year around the globe.⁴⁷ According to international protocol,⁴⁸ *any* person

⁴⁶ According to some provincial laws, a minor is considered to be 16 years of age or younger. This does not apply to the Criminal Code, but could apply to child welfare services.

⁴⁷ UNICEF UK. *Position Paper on Commercial Sexual Exploitation 2006*
www.unicef.org.uk/unicefuk/policies/policy_detail.asp?policy=8

⁴⁸ The entire *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*.

under the age of 18 in the sex industry is considered to have been trafficked, whether they consented to this activity or not. In Canada, there are no specific laws equating minors in the sex industry with human trafficking, although The Salvation Army takes the stand that these youth are sexually exploited and may be trafficked, but no matter the situation, they are children and youth in need of protection. The average age of entry into commercial sexual exploitation in Canada is 13 to 14,⁴⁹ with the average age of Aboriginal girls being trafficked between seven and 12 years old.⁵⁰ When police consider whether trafficking charges or other charges are the most appropriate for prosecuting those who have lured minors into the sex industry, they would take into consideration the age of victims.

Most girls trafficked into the Greater Toronto Area come from Nova Scotia, brought by the North Preston's Finest gang. The N.P.F. members identify themselves with a tattoo and often "brand" girls with the same tattoos to identify who is their property. These victims are young, from troubled backgrounds or broken homes, and they all feel they are missing something—maybe friends, a boyfriend, a place to stay, or money to spend.⁵¹ The girls often believe the men are their boyfriends and may be unaware that their man is carrying on relations with three or four women. The girls are set up in a motel and start working at a club. They are expected to earn \$1,000 a night and are not allowed to leave the club until they have earned that quota. The girls believe they are earning money to set up a condominium or house. In the summer of 2007, four Halifax men connected to the NPF were charged with human trafficking and other charges.⁵²

Internationally Trafficked Minors

The Our Missing Children Program is a joint effort between CIC (Citizenship and Immigration Canada), CBSA (Canadian Border Services Authority), RCMP (Royal Canadian Mounted Police), DFAIT (Department of Foreign Affairs and International Trade) and DOJ (Department of Justice). It is mandated to ensure

www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_en g.pdf

⁴⁹ Interview with Susan Miner, Executive Director of Street Outreach Services (19 July 2005), in David Thompson, "Commercial Sexual Exploitation of Children in Canada," *Beyond Borders*. www.beyondborders.org/Publications/Fact%20Sheet%20-%20CSEC%20in%20Canada3.pdf

⁵⁰ Quote from Jo-Ann Daniels, Executive Director for the Métis Settlements General Council (Edmonton) in Tamara Cherry, "Flesh trade targets natives," *Toronto Sun*, Monday, September 29, 2008.

⁵¹ Tamara Cherry, "Up to 800 flesh trade victims are brought to Canada yearly, but the problem is also domestic," *Sun Media*, February 10, 2008.

⁵² Charles Mandel, "GTA police try to tackle N.S. prostitution ring," *National Post*, Thursday, October 25, 2007.

the safety and welfare of children who are missing or runaways; this could include trafficked children. Customs and immigration officers pay close attention to children at ports of entry as they enter Canada, especially if they do not have proper identification or if they are in the company of a person other than their legal guardian. CIC has the authority to question unaccompanied foreign minors or foreign minors accompanied by adults. *ENF 21: Recovering Missing, Abducted and Exploited Children*⁵³ outlines procedures to be followed with minors as well as indicators that there may be suspicious activity around their entry into Canada.

Cycles of Violence

*Violence in the Lives of Sexually Exploited Youth and Adult Sex Workers in BC*⁵⁴ is a provincial research project published in 2006. One hundred and ten people across the province of British Columbia in urban and rural areas were interviewed, including 43 youth and 18 adults involved in the commercial sex industry. Findings include:

1. The vast majority of the participants in the research reported that the first incidences of physical and emotional abuse occurred in the home during childhood. Early sexual abuse by parents and other family members was commonly linked with more formal types of exploitation later. Many of the youth experienced violence at the hands of people they were and are close to, including family members (parents, siblings, step-parents, foster parents, etc.), their boyfriends, close friends and members of their street community. Adult women reported that it was quite common to be beaten by their pimps or boyfriends for not meeting their quota for the night. An additional layer of violence is perpetrated against them by rival gang members, pimps, strangers, and johns or tricks. Most sexually exploited youth face violence at the hands of men who are much older than they are. Some participants also discussed the reality that some of their abusers are in positions of power in their community, such as police, lawyers, judges, teachers, clergy and First Nations chiefs (pages 10, 13).

2. Life in the commercial sex industry is dangerous. Research participants reported that violence is a regular part of daily life and can happen anywhere and anytime. While some youth and street-involved individuals experience violence on the street or in public places (e.g. malls, street corners, alleys and

⁵³ *ENF 21: Recovering Missing, Abducted and Exploited Children*
www.cic.gc.ca/english/resources/manuals/enf/enf21e.pdf

⁵⁴ Prepared by Sarah Hunt for the Justice Institute of British Columbia, Child, Family and Community Safety Division.
www.jibc.ca/cccs/Publications/Violence%20Research%20Final%20Report.pdf

parks), the majority of participants said that violence is more likely to happen in private places (hotel rooms, vehicles, houses, escort agencies, etc.) In the interviews, several people talked about cases of young girls being raped or assaulted during their first few days downtown, which then spiralled into a dependence on a “boyfriend” or group of friends for protection. This led to further sexual exploitation and street life (pages 11-12).

3. Aboriginal communities face particular challenges in dealing with violence and sexual exploitation. In communities across B.C., youth and adults talked about experiences of intergenerational violence, abuse and silence within their families. People who have spoken out against their abusers, whether they be a sibling, parent, grandparent or member of their community, have frequently found themselves to be blamed and ostracized for “breaking the silence” (page 13).

4. With increased use of mobile phones and the Internet, sexually exploited youth are more accessible to predators. Youth are using cell phones and the internet to send threatening messages to one another (page 12).

5. Very few of those interviewed said that sexually exploited youth or adult sex workers choose to report violent crimes to the police. Victims of sexual exploitation said they would only report if a child’s safety was at risk or if they were absolutely certain that they were going to die. Even in situations where individuals were beaten so badly that they almost died or were left for dead, most did not want to talk to the police. Key barriers that prevent victims from reporting crimes against themselves are fears of being labelled a rat, having their children taken away, organized crime, or not being believed (e.g. because of past drug-use). Others commented that they feel powerless to report, or have a history of being in court as an accused. They may have been abused in the past with law enforcement having not responded, which left them wondering about the benefit of reporting. Other reasons for not reporting are not knowing what the prostitution laws are, not knowing their rights and fearing they will be told “this is just part of the job” (pages 16-17).

Youth and children who have been victims of human trafficking have suffered immeasurably, and as a result will require very significant, specialized long-term therapy. It is important that relationships are forged as soon as possible between individual Salvation Army centres and appropriate, client-centred therapists.

Legislation

The *Criminal Code of Canada* (CCC) and the *Immigration and Refugee Protection Act* (IRPA) human trafficking charges outlined in Unit 2 apply whether the victims

are adults or minors. Likewise, the other criminal offenses mentioned in Unit 2 also apply to those who commit crimes against people of any age. There are also offenses that are particular to crimes being committed against minors. These include:

- Sexual interference with a minor – s. 151
- Invitation to sexual touching – s. 152
- Sexual exploitation – s. 153
- Permitting sexual activity of a minor as a householder – s. 171
- Indecent acts against a person under the age of 14 – s. 173

Although prostitution or being a prostitute is not illegal in Canada, “procuring” for prostitution is an offence under the *Criminal Code of Canada* (section 212). For example, a person who procures a minor for prostitution or solicits a minor to have sexual intercourse for payment (within or outside Canada) is guilty of an indictable offence and liable to imprisonment for up to ten years.

In terms of children being prostituted, more appropriately termed “commercial sexual exploitation of children,” the law (CCC sections 212(2) and (4)) is even stricter. In 1998, Bill C-15 created laws that reflected child prostitutes (a term now referred to as being highly offensive) as victims rather than offenders. Bill C-15 became Sections 212–214 of the *Criminal Code of Canada*. Prior to this, sexually exploited youth were often charged under the solicitation provision. Currently, every person who lives wholly or partly off of the avails of prostitution of another person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for up to fourteen years (minimum two years). Also, every person who attempts to gain sexual services of a person who is under eighteen years of age is guilty of an indictable offence and liable to imprisonment for up to five years (minimum six months).⁵⁵ Unfortunately, these laws can be difficult to enforce.

In Alberta, there is a specific legislative Act, the *Protection of Children Involved in Prostitution (PCHIP) Act*, which deals with sexually exploited minors. This Act labels all children and youth involved in prostitution as sexually exploited and in need of protection, and was the first of its kind worldwide. Under the Act, a police officer or director⁵⁶ can apprehend a child who is reasonably believed to be exploited or engaged in prostitution and take them to a safe house for five days for safety and assessment.⁵⁷ Rather than being charged for solicitation,

⁵⁵ Full details of the procuring laws can be found in appendix 20 and at [http://laws.justice.gc.ca/en/C-46/ \(section 212\)](http://laws.justice.gc.ca/en/C-46/(section%20212))

⁵⁶ For this Act, “director” means a director under the *Child, Youth and Family Enhancement Act*.

⁵⁷ To view the entire Act online visit:

www.qp.gov.ab.ca/documents/Acts/P30P3.cfm?frm_isbn=9780779726127

youth under the age of 18⁵⁸ are offered help and a way out of their lifestyle. Those youth who want to get out of prostitution can access a variety of voluntary community services including medical assistance, drug and alcohol counseling, psychological services, educational programming, placement resources and life skills support. This legislation also introduces legal penalties for johns and pimps, who can be charged with causing the child to be in need of protection and fined up to \$25,000, jailed for up to two years, or both.⁵⁹

Only Alberta and Saskatchewan⁶⁰ have legislation dealing specifically with prostituted children/commercial sexual exploitation of children. Most provinces and territories handle commercial child sexual exploitation through the child welfare system.

Protection legislation in many provinces clearly states that welfare authorities have the power to remove children at risk of prostitution and to place them into the child welfare system. British Columbia, Alberta, Saskatchewan and Prince Edward Island⁶¹ explicitly refer to prostitution. These Acts allow a child to be found in need of protection if the child has been or is likely to be sexually abused or exploited. Such will be the case where a child has been or is likely to be encouraged or coerced into engaging in prostitution. This would also be the case if they were exposed to prostitution-related activities, or were harmed as a result of prostitution-related activities and the parent had not protected the child. Once such a finding is made, then the child will enter the child welfare system, with the possibility of being apprehended and placed in a foster home.⁶²

A former Toronto man, Imani Nakpangi, 25, used two young girls, aged 15 and 14, over a period of 26 months as prostitutes. Both girls had been reported missing, while the convicted man made more than \$400,000 off of the girls—driving around in a BMW and buying a large home in Niagara

⁵⁸ Services for the youth may actually be available up to the age of 22 years.

⁵⁹ Although this legislation is praised by many, numerous concerns have been raised, challenging the legislation as a violation of children's human rights as protected by the *Charter of Rights and Freedoms*. British Columbia had considered the *Secure Care Act*, which heeded many similar principles/practices as the Alberta legislation, but it was never proclaimed.

⁶⁰ *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*
www.qp.gov.sk.ca/documents/english/Statutes/Statutes/e8-2.pdf

⁶¹ British Columbia *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46; Alberta *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12; Saskatchewan *Child and Family Services Act*, R.S.S. 1990, c. C-7.2; Prince Edward Island *Child Protection Act*, R.S.P.E.I., Cap. C-5.1.

⁶² Laura Barnett, *Prostitution in Canada: International Obligations, Federal Law, and Provincial and Municipal Jurisdiction*, February 2008.
www.parl.gc.ca/information/library/PRBpubs/prb0330-e.htm

*Falls. Nakpangi was arrested when an undercover police officer posed as a client seeking sex from the younger girl.*⁶³

Collecting Information⁶⁴

Because of their age, minors who have been trafficked are at particular risk, and need special attention and care. Salvation Army workers should be on the lookout for potentially trafficked minors. They also need to be aware that victims may not know their age or may initially lie about their age because they feel it is unsafe to disclose their situations.

If the youth that you suspect has been trafficked is accompanied by an adult, and it is unknown if the adult is involved in any way with the trafficking, extreme caution should be exercised in reporting the situation. If possible, tactfully separate the youth from the adult for the interview.

When interviewing children, ideally a male child should be interviewed by a male staff member and a female child by a female staff member. The presence of a toy or stuffed animal may be a reassuring presence to a child in this circumstance. Plain language should be used, as well as a relaxed, non-threatening posture and tone of voice. It is important to ensure that the child understands what has been said. This can be done by asking the child to explain in his or her own words what has been said to them.

Attentive observation of body language and careful listening are valuable skills in determining which children are at risk. The interview should be concluded in a positive and supportive manner. An explanation of why the questions were asked should be provided on a level equal to the child's age and ability to understand.

Sexually Exploited Boys

Although most people who are sexually trafficked around the world are women and girls, the issue of sexual exploitation of boys is also important to acknowledge and address. Prostitution of boys is largely unreported, under-reported and misreported. Often boys are very reluctant to share information because their sexual abuse is associated with homosexuality, and this can bring about shame, guilt and embarrassment. Some symptoms that have been identified in sexually abused males are anxiety, depression, dissociation, hostility and anger, impaired relationships, low self-esteem, sexual dysfunction, sleep

⁶³ Bob Mitchell, "Man gets 5 years for selling teens for sex," *Toronto Star*, June 25, 2008.

⁶⁴ Some of these guidelines came from *ENF: Recovering Missing, Abducted and Exploited Children*. www.cic.gc.ca/english/resources/manuals/enf/enf21e.pdf

disturbance, and suicidal thoughts and behaviour.⁶⁵ Sexually exploited boys need care, support and specialized programming and trained professional intervention.

Mandated Reporting to Child Welfare

According to the *Constitution Act of Canada*, the provinces and authorities are responsible for operating child welfare systems, both creating and enforcing legislation regarding the protection of minors. A list of provincial/territorial legislative acts, as well as how to contact child welfare services in each province/territory is found in Appendix 19.

It is important for Salvation Army staff and all service professionals to know their obligations under provincial mandatory reporting laws regarding children in need of protection. While provincial/territorial laws do vary, they all have common themes about mandatory reporting, namely that all persons are responsible for the welfare of children, and therefore all have a responsibility to report any suspected incidences of child abuse or neglect.

Professionals who work with children, such as teachers, religious leaders, health professionals, service providers, social workers and others have an obligation to report suspected cases of abuse/sexual exploitation/neglect to their local child welfare/children's aid society as well as to the police, and they will be fined⁶⁶ if they do not report abuse discovered in their professional capacity. Be familiar with your provincial/territorial laws, your professional code of ethics, and the protocols and procedures of The Salvation Army.

Reporting Suspected Trafficking of Minors

The same basic protocol covered in Unit 4 must be observed in cases of trafficked minors, although as we have seen, with minors there are additional steps regarding child welfare authorities. When calling local child protection authorities, the social service worker should first explain to the youth the reason for the call. Youth may be very resistant to child welfare authorities, yet it is the duty of adults, particularly those in helping professions, to do so.

During the call, the social service worker should:

⁶⁵ Jim Hopper, *Sexual Abuse of Males: Prevalence, Possible Lasting Effects and Resources*, 2006, www.jimhopper.com/male-ab/#pref

⁶⁶ For example, according to Ontario's Child and Family Services Act, Section 72, professionals/officials who fail to report a suspicion that a child is or may be in need of protection are liable of conviction to a fine of up to \$1,000.

- Identify the case as one of suspected human trafficking
- Provide evidence
- Reveal any risk or safety issues that might affect the youth or the youth's family if the youth is immediately removed from the trafficking situation

The police should always be summoned. If the child is accompanied by an adult, the adult will need to be questioned as to their involvement in the trafficking. If it is not possible to remove the youth from the trafficking situation immediately, the social service worker should discuss with law enforcement or child welfare services the next step to prevent further exploitation.

Healthy Relationships

Sexually exploited youth have needs that are similar to sexually trafficked adults, but they also have needs unique to youth; therefore they require specialized attention and programming that requires a qualified professional. The scope of this manual is too limited to go into detail, but will comment on the need for healthy relationships. Their connection the youth has with a youth worker or other community worker may form the only healthy relationship in their life, and this can be an important component in identifying and helping exploited youth. We have seen the cycles of violence that these youth are usually caught up in. With intergenerational abuse and other factors, they may be unfamiliar with healthy relationships. It is therefore essential that youth be given an opportunity to develop these trusting relationships over the long-term and that they be unconditional.

Often, youth will need a caring, committed adult to play a guiding role for unconditional care and support. They may often appear resistant to the idea at first, because they have likely been living on their own and looking out for themselves for a long time. It is important for workers serving sexually exploited youth to keep a balance between rules and structures (e.g. in a residential setting) while not being too controlling, as exploiters are. Sexually exploited youth do not need adults to tell them what to do and make decisions for them, but they do need help with guidance and support through difficult transition times.

Trafficked youth (and adults) who feel shame or self-hatred may try to push away any person who seems to care for them, because they do not feel worthy of a healthy relationship. They may try to sabotage anything good that happens to them because they do not believe they deserve it. If they feel guilty for or ashamed of actions they have committed, they may try to punish themselves by

refusing care and love. For a staff person, this can be both painful and rejecting, but the reaction requires patient, consistent love.⁶⁷

Summary

Around the world, minors are being trafficked into various child labour situations. There are also many cases of children and youth being trafficked for the purpose of sexual exploitation, including many youth in Canada. Young people under the age of 18 in the sex industry/prostitution are in need of protection. They are exploited by others and by some definitions, they are trafficked. Life for minors in the commercial sex industry is violent and harmful. It is a crime to prostitute a minor and all adults have a mandatory responsibility to report youth trafficking/sexual exploitation/abuse through child welfare services and local law enforcement. Service providers need skills in identifying and interviewing possibly trafficked minors. Sexually trafficked minors have unique needs for services and programming.

Need to Know:

- Many minors, or youth under the age of 18, are trafficked into dangerous, violent situations. Any minor in the commercial sex industry is considered to be in need of protection.
- There are several offenses in the Criminal Code of Canada related to the sexual exploitation of minors.
- We all have a responsibility to report trafficking and sexual exploitation to law enforcement and child welfare authorities.
- Minors who escape lives of trafficking need assistance to become healthy, whole and restored again. Specialized services for boys are necessary.

⁶⁷ Beth Grant and Cindy Lopez Hudlin, eds., *Hands that Heal: Academic Edition*, 2007, FAAST, U.S.A.



Giving
Hope
Today

Unit 5

Physical Needs and Services for Trafficked Victims

In this Unit

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Addictions

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“Where There is a Need, There is The Salvation Army”

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Summary

Need to Know

Foundations of Care

There are certain foundations of care, or principles, which underlie all Salvation Army services. These are:

Treating People with Dignity and Respect

One of The Salvation Army's core values is respecting and promoting the dignity of all persons.⁶⁸ Dignity and respect are also key elements of *The Salvation Army Social Services Code of Ethics for Social Service Personnel*. The Salvation Army believes that we are created in the image of God, and that all human beings have worth and dignity.

Many trafficked victims possess incredible strength that has enabled them to survive through extremely difficult circumstances. They require someone to walk alongside, to honour them and to encourage self-determination. Many people have strong feelings about the commercial sex industry, and judge those working in it as criminal or immoral, which in turn contributes to victims' judgement of themselves. Trafficked victims need grace to replace disgrace, and compassion to replace guilt and shame. In many instances, victims do not feel disgrace, guilt or shame, and should not be judged for this. Despite having worked with other victims or received training on trafficking, personnel should approach each victim as an individual, due to their unique circumstances and personalities. Trafficked victims have suffered indignities and indecencies, therefore care must include a restoration of dignity, decency and respect.

Building Trust/Building Relationships

When trafficked victims exit the sex industry, their potential for trusting others can be very low. For many victims, the people they should have been able to trust turned their backs on them, abused them or were not able to provide or care for them. One of the goals of helping victims who have left their traffickers is to help them learn to trust again, because this is part of the healing process. But this will take time, effort and a lot of patience for caregivers/service providers. It is important for those working with trafficked victims to be consistent, patient and respectful. Caregivers can offer hope and security, and show a different way of relating.

Holistic Care and Networking

In this unit and the next, we have divided physical, psychological, social and spiritual needs, but all of these needs are connected and overlapping. Those who assist victims of trafficking to become restored serve whole persons in an integrated fashion. *It is impossible for one agency or centre to provide for all of the*

⁶⁸ For a listing of The Salvation Army's mission and core values, see www.salvationist.ca/2007/mission-and-values

needs of trafficked victims. It is therefore crucial for centres to network and to assist one another in order to best serve victims of trafficking. Networking with legal professionals, medical providers, mental health providers and trauma counsellors, interpreters, employment/education resources, interpretive services, Citizenship and Immigration Canada, local law enforcement (e.g. law enforcement task force members, officers specializing in trafficking cases, etc.), short-term and long-term housing resources, child welfare services and others is encouraged.

Caring for the Caregivers⁶⁹

The key to identifying and assisting trafficked victims is compassionate, caring people who are willing and capable of helping. If caregivers become over-worked or over-stressed, they will not be as effective. Working with trafficked victims can be a highly stressful ministry. Often, staff take on the trauma of those they are working with (i.e. secondary or vicarious trauma); if untreated, this can lead to serious consequences. In addition, hearing the stories of victims can bring up a staff person's own issues, which can trigger negative emotional responses. As healing and restoration for victims takes significant time, and some victims return to their traffickers, workers may become frustrated and discouraged. Staff require strategies to maintain hope in order for them to share that hope with others.

Caveat: Most Salvation Army ministry units are not equipped to provide long-term residential or therapeutic assistance to trafficked persons. It is beneficial to establish partnerships with resources that are able to assist with long-term housing, case management, counselling and therapy.

New Programming: Salvation Army Protocol

There are many people in The Salvation Army, at social centres and at corps (churches), who want to help trafficked victims. This unit covers many of the needs of trafficked victims, and it may inspire you to create programming for your ministry unit for these people. Those Salvation Army centres and corps that want to advance programming specific to victims of trafficking, going beyond the identification and short-term intervention for the victim (which would involve new staff, services or funding, etc.) need to complete The Salvation Army's Program Proposal Form, which is available on Lotus Notes (OP number

⁶⁹ Much information from this section was informed by Chapter 10 "Recognizing Cost as Caregivers," Beth Grant and Cindy Lopez Hudlin, eds., *Hands that Heal: International Curriculum to Train Caregivers of Trafficking Survivors*, 2007, Faith Alliance Against Slavery and Trafficking (FAAST), U.S.A.

7919). It is important to work with your division and a social services consultant or other appropriate THQ (Territorial Headquarters) staff if you want to begin any ministry with trafficked persons.

Physical Needs

The Salvation Army has a long history of working with people in body, mind and spirit, and from the beginning, there has been a belief that people cannot explore their emotional or spiritual brokenness without first addressing their physical (e.g. William Booth's statement that, "You cannot preach about the love of God to someone who is cold and hungry."). The basic physical needs of trafficked persons are safe shelter, food, clothing and medical care. Depending on your facility, you will either be able to offer these services to trafficked people or you will need to build good links with partner agencies or government providers. When a trafficked victim approaches The Salvation Army for help, it is important to follow the recommended protocol, then, in partnership with law enforcement, to do a needs assessment, exploring and prioritizing the needs of the victim and identifying community partnerships for referral.

Health Care

Addressing immediate health concerns is usually a top priority for people who are helping trafficked victims. The medical needs can be multiple and serious, because trafficked victims have usually been in unsafe working conditions—either as labourers or in the sex trade. It is unlikely that they have received medical attention, even if their condition has been enduring.

Many sex trafficking survivors have contracted Hepatitis C or HIV, and some have already progressed to AIDS. There may be other sexually transmitted infections, untreated yeast infections, urinary tract infections or bladder infections present.

Universal health precautions should be taken in all Salvation Army ministry units at all times to ensure that all clients and staff are safe. For more information on universal health precautions see the *Communicable Disease Manual* (Lotus Notes 0603, p. 74).

Trafficked victims may not be open about their medical conditions or medical needs. They may have survived a situation where they were not allowed to complain or to report health problems. A medical assessment by a trained medical professional should be done, but trust will likely need to be built first.

Addictions

Trafficked victims may have issues with harmful substance use/abuse/dependence. Sometimes victims are forced to take drugs and alcohol in order to make them more compliant; the use can become so regular that an addiction develops. Others begin taking drugs or alcohol to cope with depression and their miserable situations. The health and wholeness of individuals depends largely on the degree to which their basic needs are fulfilled. When their needs are not met, they experience imbalance or unhappiness, and employ coping mechanisms to feel better. Often drugs and alcohol are a way to mask the pain and suffering of trafficking or for a temporary escape.

While inherently harmful, the abuse of addictive substances and associated activities and behaviours represents the efforts of some victims to resolve the inner conflict of trying to cope and survive. Continued abuse leads to an addiction or dependence that causes the substance or activity to become the central object of desire. Over time, tolerance increases and effectiveness decreases, resulting in increased abuse and decreased well-being.

Recognizing, treating and recovering from addictions are complicated and time-consuming. The Salvation Army in some locations and other organizations provide several types of services for persons with addictions, including withdrawal management programs, longer-term out-patient or residential recovery programs.

Staff need to recognize that withdrawal from drugs or alcohol can cause serious bio-psycho-social-spiritual pain. Victims should be referred to a professional who has appropriate training, experience and certification who can provide this care.

Nutrition

Food may have been absent or substandard during captivity, so it is important that trafficked victims access healthy and nutritious food. Meals offered by The Salvation Army must be of a size, quality, variety and nutritional value to meet the recommended daily intake based on Canada's Food Guide. All food should be prepared, handled and stored in a sanitary manner. Caregivers should pay attention to details, such as if the person is diabetic or malnourished. There may be a need for basic instructions on healthy eating and what constitutes adequate nutrition.

Clothing

Depending on how the survivor escaped their traffickers, the victim may only have the clothes they left with. They will likely need some new, clean, socially appropriate clothing to wear. There may also be a need for instructions on proper care of clothing.

Initially, a trafficked person may resist getting new clothing. This could be an issue of pride and not wanting to feel dependent on another; or they could believe they are being judged for not dressing appropriately. Caregivers need to be sensitive when approaching the issue of clothing.

Rest and Relaxation

People who have been through traumatic situations need to de-stress and release some of the tension that has built up from stress or hardship. When people are rescued or released from traumatic situations, they need to opportunity to relax, but they may need to be taught how to engage in suitable leisure activities.

Shelter

Most trafficked victims who are rescued or who escape their traffickers need a safe place to stay to begin the road to healing and restoration.

“Where There is a Need, There is The Salvation Army”

When law enforcement personnel encounter victims (e.g. through raids on brothels or after labour trafficking rings have been uncovered), they need to find places to house survivors. Potential victims may also be referred to shelters by community-based service providers or by “good Samaritans.” Because The Salvation Army is one of the largest and best known social-service providers in the country for sheltering, it is possible that they may be called when there is a need for shelter.

It continues to be the case that shelters housing internationally trafficked persons are not usually reimbursed by government for the costs of the sheltering, unless a prior agreement has been negotiated. It is important for Salvation Army institutions to realize that although the government may be reviewing this issue in the future, The Salvation Army is currently responsible for shelter costs of internationally trafficked persons. Accessing resources for programming is a challenge.

Canada launched the National Action Plan against Human Trafficking in 2012, but this plan does not include a national protocol for sheltering trafficked victims. Regional partnerships with all forms of Law Enforcement and other resources need to be made around possibilities of the short-term sheltering of trafficked victims and what would need to be put in place in order to house victims of trafficking.

Some potential issues arising in discussions between The Salvation Army and law enforcement:

- Security systems—looking at what is in place to ensure the other shelter residents are not put at risk and to ensure the victim continues to be safe.
- Exploring what protection measures are available for staff members.
- Limits of responsibility. For example, in Salvation Army facilities, people have the liberty to come and go, and no one is forced to stay in shelters. Law enforcement agencies that count on victims for prosecution purposes need to be aware that The Salvation Army abides by the premise of self-determination of residents and therefore does not monitor its clients.
- Confidentiality issues, informed consent, visitors' policy and a "no media" policy.
- Length of stay for victims (which is dependent on funding, contracts and per diem rates). Again, most Salvation Army units are only equipped to accommodate for the short term.
- How victims will be medically and psychiatrically stabilized (in terms of physical health or serious mental health functioning).
- Current (and potential) intake capacity (in terms of gender and age specificity, number of beds, etc.).

When starting these discussions, keep in mind that adding programming to include trafficked victims requires the submission of a program proposal to Territorial Headquarters. This is one of the steps included in The Salvation Army protocol for housing trafficked victims.

Salvation Army Protocol for Housing Trafficked Victims

[RESOURCE: See Appendix 16 for Salvation Army protocol on sheltering trafficked victims.](#)

If a situation develops in which a Salvation Army shelter administrator receives a call in the middle of the night requesting shelter services for multiple victims, they must be sure that all steps of Salvation Army protocol have already been followed. This includes conducting a risk assessment and involving law

enforcement each time the centre considers housing a victim. Salvation Army staff should contact a supervisor prior to admitting any trafficked victims. If law enforcement is the referring agent, they will automatically conduct a risk assessment for the safety not only of the victim, but of the shelter workers they request as resources. They will not put a centre's staff in harm's way.

All of these elements need to be included in The Salvation Army's proposal for programming.

RESOURCE: See Appendix 17 for a sample Risk Assessment—to be used before accepting trafficked victims into Salvation Army institutions.

Challenges of Providing Shelter

Any Salvation Army unit providing housing for trafficked victims needs to comply with all municipal/provincial standards and regulations on sheltering. In addition to all of the standard policies and procedures to be considered, when providing shelter for victims of human trafficking there are some other challenges that should be addressed:

- From a risk-management perspective, promoting the fact that a centre houses trafficked victims is dangerous. Housing these special residents could put the unit and potentially the whole Salvation Army at risk from individual traffickers or organized criminal networks. Confidentiality and anonymity is of utmost importance. Units housing trafficked victims need to be in an undisclosed location, with all possible security measures in place including security guards, security cameras, double locks, key-locked and limited access to elevators, clear policies about visitors and media, clarity to staff and clients in policies (e.g. not letting strangers come through the door, etc.). Transport also needs to be assessed, in terms of victims and staff members traveling to and from the unit. If there are threats made against the shelter, individual residents or shelter staff, law enforcement need to be contacted immediately. (See Appendices 9, 14 and 12 for samples of confidentiality, media and visitor policies.)
- Staff working closely with trafficked victims needs specialized and comprehensive training, both in the short and long term. This training includes an understanding of the complexities of human trafficking, as well as the policies and procedures that must be in place in order to ensure safety. They will need to be clear if and why house rules are different for trafficked victims than other persons. In addition to a better-trained staff, more specialized staff members will be needed when considering long term shelter

and programming specifically for trafficked persons that needs to be included in the Program Proposal.

- Another challenge is serving people who do not necessarily want the services. Some victims will welcome their release from their abusive situations, and may enter a unit severely traumatized but grateful to be alive and finally experience a degree of safety. Others may feel angry or hostile about being forced to leave their situation because they are psychologically bonded to their traffickers (trauma bond). They may be frightened and confused. They may not know who to trust, and they may resist help. Trafficked victims will vary widely in terms of their overall readiness to accept services and integrate into a facility.
- In the case where victims remain bonded to their traffickers, they may attempt to contact their traffickers, thus putting the staff and other residents in potential danger. Security systems and negotiations with law enforcement need to be in place before victims arrive, and victims should only be taken in when they are ready or willing to cooperate to protect their own safety and the safety of others.

Special Needs of Trafficking Victims⁷⁰

Victims' needs vary depending upon whether or not they identify themselves as victims, the level of trauma experienced and how much time has passed since they have been away from their trafficker. The amount of help that The Salvation Army can give depends on the capacity and mandate of a facility and balancing the needs of the rest of the client population.

The Florida Coalition Against Domestic Violence has identified some special needs of trafficking victims. The following suggestions offer a solid guide to Salvation Army units that plan to incorporate trafficking victims into existing residential programs:⁷¹

The special considerations for sheltering trafficked victims include:

- **Safety planning** – Safety planning takes on new complexities for victims of trafficking because their traffickers may be involved in organized crime and

⁷⁰ These needs would be relevant for victims in units with trafficked victims only and with mixed populations.

⁷¹ *Human Trafficking Service Provider Manual for Certified Domestic Violence Centres* is available at: www.fcadv.org/downloads/legal/Human%20Trafficking%20Manual%20for%20FL%20DV%20Centers.pdf. Some of the suggestions come from FFAST's *Hands that Heal* curriculum 4.3.

other extensive trafficking networks. Instructions for safety planning are provided in Unit Three and Appendices 6 and 7.

- **Establishing networks with additional service providers** – No single agency can meet all the needs of trafficked victims. Thus, it is useful for centres to proactively identify and establish relationships with other service providers, such as those in the refugee resettlement service community, housing, counselling/therapy and the legal field.
- **Media attention** – Trafficking prosecutions often catch the interest of local, national and international media. Centres should develop clear policies of how to manage the media during active trafficking court cases. Do not discuss any aspect of a case with the media.
- **Mental health/trauma** – Victims of trafficking face mental health challenges in line with victims of torture. Symptoms of trauma may include anxiety, depression, sleep and appetite disturbances, flashbacks to traumatic events, extreme mood swings and a desire to isolate themselves from others. Depending upon their background and culture, traditional Western therapies may be refused by the victim. Culturally appropriate forms of mental health treatment should be offered.
- **More intensive case management** – Trafficked victims require more intensive *and* specialized case management due to the complexities of their situation, circumstances or status.
- **Behaviour and discipline** – People exiting the commercial sex industry need to adjust to life outside of the sex-trade community. They will likely have highly sexualized behaviours, language and gestures. They may flirt or gesture inappropriately with staff or other clients. They may be used to a system where discipline includes violence and rewards include money and drugs. Their sexual creativity has been encouraged. Forms of discipline and accepted behaviour may have to be adjusted or communicated well with trafficked persons. The centre's expectations of the victims need to be communicated clearly.
- **Culture shock** – For trafficked persons, entering a residential shelter is a whole new world:
 - The type of language used is likely different (e.g. may be religious rather than profane/sexualized/graphic).
 - The daily schedule is different (e.g. the centre may require people to wake and eat at certain times, rather than work all night and sleep during the day).

- The customs and manners are different (e.g. expectations of appropriate clothing or how people talk to and treat one another).
- The non-verbal communication may be different (e.g. personal space, hand gestures, eye contact).
- The worldview/philosophy may be different (e.g. mistrust and violence vs. caring and hope).
- The expectations are different (e.g. value yourself and treat others with respect vs. your only value is your body or your labour and treat others with suspicion).

Most victims will experience a mix of cultures (e.g. their home culture and the trafficking culture). Caregivers need to be aware that trafficked victims will likely experience culture shock and difficulty adjusting.

- **Length of stay** – Victims of trafficking may need long-term housing, depending on their plans (e.g. to participate in criminal proceedings, to make arrangements to return to their own country/town, etc.). Units need to make clear to victims of trafficking the time frame of residency allowable and qualifications of residency.
- **Participation in the centre’s activities** – Communal living poses challenges and barriers for most people accessing shelter, and this includes victims of human trafficking. Trafficked victims may not have assimilated into the local community or Canadian culture. Barriers such as language and lack of family and community support may make it difficult for trafficked victims to engage in traditional requirements of communal living, such as communal meals, support groups, and roommates of different ethnic, cultural or religious backgrounds. Staff members need to use sensitivity and judgment to know when to encourage victims to engage in community life and when to allow them to disengage from it.
- **Interpretation needs** – Finding interpreters of specific dialects of a language and translating written consent forms and other documents into those dialects is a constant challenge for centres. It is important to find a trustworthy interpreter and not someone who may be connected to the traffickers in some way. (Refer to “Guidelines for Interpreters” in Unit 3). Costs of interpretation services also need to be taken into consideration.
- **Reaching out to ethnic communities** – Centres wishing to provide services to trafficked persons will need to establish ongoing relationships with diverse populations located in the community. These relationships will be vital when interpreters are needed and when culturally sensitive knowledge and support for victims are required. Be aware, however, that traffickers also live in and utilize these resources within ethnic communities.

- **Cooperation with law enforcement** – Law enforcement is at the forefront of trafficking cases. Salvation Army units must build working relationships with the police, specifically sharing information on policies related to confidentiality, safety, victim issues and entering buildings.
- **Housing multiple victims at one time** – Trafficked person who have escaped from the same trafficker may request that they be housed together, or law enforcement may request that the victims be housed together or apart for security reasons. It is important that The Salvation Army is clear on each unit's ability to accommodate multiple victims and it is helpful if they can provide prompt referral of the victims to other communities and resources.
- **Providing services to minors** – Many trafficked victims are unaccompanied minors. In most cases, minors are mandated by child welfare laws and policies. The Salvation Army centre should decide if it is its mandate to provide shelter services to minors and, if not, assist in the prompt referral of the minor to appropriate community shelter and other resources.
- **Providing services to men and boys** – Generally, there is no mixing of genders in Salvation Army residences, unless they are family shelters. If a trafficked victim in need of a bed is not of the gender served by the centre, a referral needs to be made.

Orientation

A good practice to make anyone comfortable in a new setting is to provide an orientation to the location and answer their questions. An orientation should at a minimum include:

- Introduction to staff and other residents
- A tour of the living spaces and of the facility
- Information on how they may obtain toiletries, towels and other items
- The routine of the shelter, including meals, activities and services
- Who they can talk to if they need assistance during the day or in the middle of the night
- Resident rights and responsibilities
- The rules:
 - Trafficked persons should not use the telephone unsupervised, as calls to their traffickers put the centre at risk
 - Procedures for leaving and returning to the unit
 - Safety procedures for all residents
 - Confidentiality

Victims should be given the freedom to decide if they want to stay in a facility. If they choose not to stay, Salvation Army staff must immediately work to coordinate with the referring agency to assist them in finding other accommodation.

Discharge Planning

Long before the victim leaves, there should be a plan in place to ensure their safety and wellness for the future. A written discharge plan needs to be put in place, which will build on the healing and restoration that has taken place while the victim has been in the residential setting. This plan could refer to where the person will be living (e.g. what type of housing or in what community), what they will be doing (e.g. schooling or employment), how they will be keeping safe (e.g. a form of witness protection program worked out with law enforcement or moving to another community) and supports that will remain in place (e.g. with mental-health-care professionals or legal professionals).

Summary

There are basic foundations of care that all Salvation Army centres incorporate in any programming or service. These principles include:

- Treating people with dignity and respect
- Building trust and relationships
- Holistic care and networking
- Caring for caregivers

Need to Know:

- There are basic foundations of care that all Salvation Army centres adhere to when providing services to people, including victims of human trafficking.
- The physical needs of trafficked victims include: health care/medical treatment, nutritious food, clothing, rest/relaxation, shelter and possibly addictions treatment.
- Salvation Army ministry units that shelter human trafficking victims need to follow certain protocol outlined in Appendix 15 and above.
- Special needs must be considered when working with trafficked victims.



Giving
Hope
Today

Unit 6

The Mind and Spirit of Trafficked Victims and Exploring Community Partners and Service Delivery

In this Unit

Psychological Factors

- Dynamics of Control
- Cognitive Distortions
- Emotional Dependence

Emotional Responses

- Depression (or Other Mental Health Complications)
- Anger
- Shame
- Grief
- Fear
- Special Issues of Fear for Internationally Trafficked People

Social Needs

- Family Reunification and Repatriation
- Education and Life Skills
- Employment
- Social Support and Community

Spiritual Needs

Identifying Community Partners

Developing a Comprehensive Individual Program Plan

Summary

Need to Know

Psychological Factors

Caveat: Victims of human trafficking have been through traumatic circumstances that usually require long-term professional counselling with trauma therapists. While Salvation Army facilities can provide an environment that is conducive to healing, it is best to leave trauma work to trauma/abuse recovery specialists. This unit will cover some basics about psychological needs and healing, but Salvation Army staff should remember not to get in beyond their capabilities, because damage could be done both to the victim and the staff member.

I thought I was safe because he had clean shoes.

I thought I was safe because when we met, he smiled and he seemed so genuine.

I thought I was safe because he did not just want to use me; he wanted to marry me.

I thought I was safe because my mother liked him and trusted him.

I thought I was safe because he never beat me at home.

I thought I was safe because one day he came home with a roasted chicken from the shop.

I thought I was safe because we were married a whole year before we got on that bus.

But I wasn't safe.

His manner changed when we crossed the border. He was like a different person. He told me just to trust and that if I trusted, I would be OK. I didn't know what he meant. I had always trusted him! Imagine that! I trusted the man who sold me; who viewed me as nothing more than a valuable piece of property. I had fooled myself into thinking that I had control over my life; that I would be different from other women in my family. That I would be a somebody. But I'm a nobody. Did you know that I actually escaped once? I got to a police station and started telling my story. As soon as the officer left the room to call in another person, I ran. I ran back to the very people who hold me captive. Because at least with them I know what will happen next. I know where my next meal will come from. I know who I am. How could I ever return home—a disgraced daughter; an unmarried mother of a mixed race child? No, this is my life now. I just need to imagine that I am safe. Then I can get through each day.⁷²

⁷² A story based on the lives of trafficked victims.

Dynamics of Control

Unit One introduced the various tactics of force, fraud and coercion used by traffickers to exploit vulnerable persons for profit. These powerful forces create multiple barriers to trafficked victims trying to escape. Trafficked victims may not initially be ready to get away from their trafficker once they are identified. Social service workers will then have to establish a relationship of trust first, and work with the victim over a period of time to address all their obstacles to being rescued.

Force, fraud and coercion can be accomplished in many ways. Many coercion tactics are psychological. In some cases it may be difficult to quickly ascertain whether a case involves trafficking or another immigration-related issue. Remember that if a person is under 18 and involved in the exchange of sex for something in return or is somehow lured into or forced to perform a commercial sex act, that youth or child is in need of protection whether it is considered human trafficking or not.

Trafficked victims, like domestic violence victims, are strongly influenced by a number of factors that keep them trapped. Both victim populations are skilfully controlled by others through a combination of physical abuse, sexual abuse, emotional abuse, isolation, financial control and intimidation tactics. “Violence against women and oppression are integral to sexual violence, domestic violence and trafficking.”⁷³

Other factors that keep trafficked victims feeling trapped include: drug dependence; lack of survival resources such as housing, income, employment, support and community resources; lack of employment and life management skills; psychological trauma and debilitating depression; and threats or use of violence to instil fear. Trafficked victims often live with the threat of physical harm or death to themselves and their families. Trafficking is best conceptualized “not as a discrete series of violent acts but as a system of power and control the [trafficker] institutes and maintains over his victim through the use of an array of interconnected strategies: isolation, intimidation, emotional abuse, economic abuse, sexual abuse and threats.”⁷⁴

⁷³ N. Zollo and R. Thompson, eds., *Human Trafficking Service Provider Manual for Certified Domestic Violence Centers*, 2004, Florida Coalition against Domestic Violence, p. 9.

⁷⁴ W. Freed, “From duty to despair: brothel prostitution in Cambodia” in *Prostitution, Trafficking, and Traumatic Stress*, 2003, M. Farley, ed., Haworth Maltreatment & Traumatic Press, Binghamton, N.Y., p. 133-146.

Cognitive Distortions

Like victims of domestic violence, trafficked victims need to find ways to cope with the harsh realities of their lives of violence. They predictably adopt certain beliefs about the violence or about their situation that prevent them from clearly seeing their victimization.⁷⁵ Cognitive distortions are thoughts or thinking patterns that are false or irrational, yet seem very real to the person who has them. They are a form of unhealthy coping that allows a person to get through a situation, justifying or normalizing it to themselves.

Some cognitive distortions that prevent people from leaving situations of violence include:⁷⁶

- *They will change, and the violence will stop.*
- *I can't make it on my own.*
- *If I leave him, I will always be alone.*
- *No one else will ever love me.*
- *I will die without her in my life.*
- *It is my fault he becomes angry or violent.*

This last point is a common distortion, whereby victims believe their behaviour is the cause of their abusers' violent behaviour. This distortion is further reinforced by their abuser, who also blames the victim. Victims tend to wrongly blame themselves for their abusers' behaviours, and therefore view themselves as the problem. This belief is inaccurate; no person is responsible for the aggressive behaviour of another, yet many people find it difficult to believe this truth. The confusion about responsibility for violence impairs their ability to understand their victimization and to leave the abusive situation. For this reason, correcting victims' distorted beliefs regarding their responsibility for causing their abusers' violence is often an initial cognitive treatment goal in counselling.⁷⁷

Emotional Dependence

Like other hostage victims, victims of trafficking can, and do, develop emotional dependence on their captors.⁷⁸ This emotional dependence is also known as

⁷⁵ N. Zollo and R. Thompson, eds., *Human Trafficking Service Provider Manual for Certified Domestic Violence Centers*, 2004, Florida Coalition against Domestic Violence, p. 9.

⁷⁶ This information was taken from the American Salvation Army's manual, p 55.

⁷⁷ A. Roberts, *Handbook of Domestic Violence: Intervention Strategies, Policies, and Programs, and Legal Remedies*, 2002, Oxford University Press.

⁷⁸ In *Modern Bondage: Sex Trafficking in the Americas: Central America and the Caribbean*, 2002, DePaul University College of Law, Chicago IL.

Stockholm Syndrome,⁷⁹ and may be hard for helping professionals to understand because it leads the victim to feel attached to, loyal to or defensive of the ones who were harming them. It is a clear and present dynamic that must always be considered when interviewing and assisting potential trafficked victims. If they are emotionally dependent, victims may not initially wish to leave the situation, may refuse to speak to law enforcement or refuse to testify in court against their traffickers. Emotional dependence assures that the trauma from their situation will be greater if and when they are released.⁸⁰

The intensity of the relationships between victims and traffickers creates a bond. Traffickers use psychological manipulations to play on the emotions of their victims:

- They isolate victims so that the only people they see are the traffickers or others who abuse them.
- They make sure the victim remains unable to communicate with others most of the time.
- They force the victim through a cycle of physical and emotional abuse followed by non-abuse, companionship, fun and cultural identification.
- They may make the victim feel as if they are the favourite, and may occasionally reward their work with a kind word, nice clothes or a good meal. This emotional see-sawing can be very confusing and detrimental to victims, because they never know what to expect.
- Lastly, emotional dependence is created through the fact that often the victims' survival relies on their traffickers; their food, clothing, shelter, money and health depend on their captors. The fact that traffickers occasionally meet the basic needs of the victims creates a strong connection between the victims and traffickers, even when victims despise their situations.⁸¹ This can lead to an emotional crippling of the victim, who can have trouble making simple decisions and determining what her own expectations are. Trafficked victims who are freed need to be empowered in terms of learning to make decisions. This further encourages self-esteem and confidence, and can go a long way in terms of re-balancing power-differentials that have been instilled by the traffickers.

⁷⁹ The name derives from a 1973 hostage incident in Stockholm, Sweden. After six days of captivity in a bank, several kidnapping victims resisted rescue attempts and later refused to testify against their captors.

⁸⁰ M. Ugarte, L. Zarate and M. Farley, "Prostitution and trafficking of women and children from Mexico to the United States," in Farley, ed., *Prostitution, trafficking, and traumatic stress*, 2003, Haworth Maltreatment & Traumatic Press, Binghamton, N.Y., p. 160.

⁸¹ C. Stark and C. Hodgson, "Sister oppressions: A comparison of wife battering and prostitution," in Farley, ed., *Prostitution, trafficking, and traumatic stress*, 2003, Haworth Maltreatment & Traumatic Press, Binghamton, N.Y., p. 23.

Emotional Responses⁸²

Research has shown that there are five main emotional responses and consequences to the trauma of trafficking. A victim may feel all of these at once, or in turn, or may only feel one or some of them. Both children and adults experience these emotional reactions to trafficking. Trauma causes intense emotional reactions in people, and victims may need reassurance that these reactions are normal and not crazy. The five main emotional responses are:

1. Depression (or other mental health complications)
2. Anger
3. Shame
4. Grief
5. Fear

1. Depression (or other mental health complications)

Symptoms may include poor appetite, nightmares, inability to sleep, social withdrawal, sadness, resignation and despair. Sometimes depression involves a struggle to find meaning in the trafficking situation (e.g. Why did this happen? or Why me?) Trafficked victims can also develop other serious mental health issues, such as post-traumatic stress disorder, acute stress disorder, dissociative disorders, self-harming or sleep disorders. Victims should be referred to trained mental-health professionals in order to get the help they need.⁸³

2. Anger

Anger can be an emotion of self-protection and can be a healthy response for the trafficked victim, because it shows that the person has maintained self-respect and a sense that an injustice has been committed against them. Anger shows that the soul has not been destroyed, yet it is also a signal that things are not well within that soul. A specialized anger management group⁸⁴ or counsellor may be helpful in terms of uncovering the underlying emotions behind the anger, and learning to express anger in a healthy way.

⁸² Much of this information was taken from Beth Grant and Cindy Lopez Hudlin, eds., *Hands that Heal: International Curriculum to Train Caregivers of Trafficking Survivors*, 2003, Faith Alliance Against Slavery and Trafficking (FAAST), U.S.A.

⁸³ Trafficked children or children of trafficked mothers may have also developed attachment disorder, developmental disorders, conduct disorder, attention-deficit/hyperactivity disorder, learning disorders, etc.

⁸⁴ Sending trafficked victims to a general population anger management group may not maximize their benefit, because of the difficulty of having to relate their issues of trauma and slavery with the more ordinary issues of others in the group.

3. Shame

Shame is when a person feels that they are bad or evil or wrong in the core of their being. Shame is often a real issue for sexually trafficked victims because of society's stigma towards prostitution, commercial sex and promiscuity. Shame is often related to self-blame (e.g. Why did I let that happen to me? or Why didn't I escape sooner?). Often issues of shame are deep and unexpressed, so caregivers need to create a safe environment that is non-judgmental and non-threatening.

My name is Grace. I am 16 years old. My mother died of a long illness three years ago; my father a year before that. I am caring for my two brothers and my sister with the help of my aunt. A while ago, my aunt started becoming angry with me—always telling me I was useless and that I should be earning more money to support the family. She sent me to a “cousin” in the capital city. I thought I would be cleaning people’s houses. My first night, “John” came to visit. I served him tea properly and went to the bedroom to rest, but John followed me and forced me to have sex with him. I cried the whole time. The next morning, I talked to my cousin. She said that I should trust her—that she would help me. I told her I was a Christian—that this was wrong. She slapped me, pushed me into my room and locked the door. That night another man came. Where I come from you have to listen and obey those who are older than you. You have no choice. My cousin makes me a special meal on Sundays. She must care about me. I used to love going to church on Sundays. When I first came to the city, I prayed all the time, but now I don't because I am too sinful and ashamed. One night a policeman came to my room and I thought I was being rescued. But he raped me too. God must have seen that. He must have seen how evil I've become.⁸⁵

4. Grief

Trafficked victims usually need to deal with some form of grief. Grief can manifest itself as an emotional response (e.g. feelings of sadness and sorrow), a physical one (e.g. fatigue/troubled sleep), or a social one (i.e. withdrawn). Victims will likely grieve the life they lived before their trafficking experience, but they may also grieve their life with their traffickers. When trafficked victims escape or are taken from their traffickers, there is likely a sense of relief, but there may also be grief. This grief is complicated, because it is not a normal situation of loss, but rather one that involved trauma. There may have been no sense of closure with their former lives (e.g. they may have been taken from their home quite suddenly by being kidnapped; likewise, they may have been taken from their trafficked life quite suddenly in a police raid). A trained, professional grief

⁸⁵ A story based on the testimonies of trafficked victims.

counsellor should be available as an open, listening ear and to help the victim accept the reality of losses and work through them. An experienced professional can help the victim deal first with their trauma and then their grief. A grief counsellor helps victims not only mourn losses, but determine how to move forward into the future and a new healed life.

Some examples of tangible and intangible losses in a trafficked person's life:⁸⁶

- Childhood/innocence
- Family and home
- Home culture
- Virginity
- Health
- Hopes/dreams
- Security/safety/ability to trust
- Identity (the one developed before, during and after the trafficking)
- Sense of self-worth and value as a person
- Sense of control (i.e. over one's body/movement/freedom)
- Children (including the chance to live with children or the inability to have children due to physical abuse and damage)
- Family, friends, social circle and elements of the lifestyle involved in the trafficking
- The home where they have been living and/or personal belongings
- Status or prestige that was gained in the hierarchical system of the sex industry
- Pocket money for daily expenses
- Ability to know how to measure success (for example, outside of the sex industry)

5. Fear

Fear and anxiety demonstrate that a person has maintained coping mechanisms in the face of the trauma that they have experienced. It is normal to feel fear amid threats of physical and sexual exploitation, terror, captivity, physical illness, and other harmful realities. However, when a person is removed from that traumatic situation, they need to learn to gradually give up that fear. While hyper-vigilance may have served the victim well in dangerous situations, it could cause unnecessary stress in a safe situation. Safety means different things to different people, depending on their background, culture, gender, personality or

⁸⁶ Beth Grant and Cindy Lopez Hudlin, eds., *Hands that Heal: International Curriculum to Train Caregivers of Trafficking Survivors*, 2007, Faith Alliance Against Slavery and Trafficking (FAAST), U.S.A.

experiences. The following are some responses of trafficked victims when asked what makes them feel safe:⁸⁷

- Self-empowerment/being in my own power
- Staying off drugs/staying straight
- Knowledge and experience with dealing with scary situations
- Being known by others around you
- Having a spotter
- Having a cell phone
- Having a boyfriend to protect me
- Knowing my friends are close by

When these same victims were asked what puts them at risk of violence, they responded:

- Being ignorant about how to take care of yourself
- Not trusting your instincts
- Not being aware of your surroundings, particularly when using drugs or alcohol
- Being in a dark or hidden place (such as an alley)
- Knowing no one will hear you if you scream
- Drug debts
- Not making your quota for the day (if a pimp or someone is managing you)

Special Issues of Fear for Internationally Trafficked People

All trafficked victims face fear on a number of levels, but internationally trafficked people have some special areas of concern:

- Human trafficking victims are often relocated from their places of origin to foreign countries. In strange cultures, they do not know the area or understand the local customs, laws, resources or language. In order to keep victims disoriented, they are often transported to several different locations. Lack of knowledge about their whereabouts renders victims more isolated and dependent on their traffickers than their domestic counterparts.
- Trafficked victims may be in the country illegally and therefore subject to a complex set of immigration laws and possible deportation. Without a valid

⁸⁷ Sarah Hunt, *“Violence in the Lives of Sexually Exploited Youth and Adult Sex Workers in B.C.”* 2006, Justice Institute of British Columbia, Child, Family and Community Safety Division. www.jibc.ca/cccs/Publications/Violence%20Research%20Final%20Report.pdf

work permit, people who are not citizens or permanent residents of Canada cannot work legally; this restricts their ability to secure employment to sustain themselves outside of their trafficking experience. Of course, if they come forward, they can get a Temporary Resident Permit and apply for a work permit, but they likely do not know this.

- Trafficked persons often perform work that is illegal or has illegal components, and fear that if they are discovered they can face serious consequences, such as jail time or deportation.
- Internationally trafficked persons may be controlled by a sophisticated organized crime network with powerful contacts in their home country. They may fear harm will come to loved ones back home.

These unique factors amplify the effectiveness of the physical and emotional control factors characteristic of human trafficking situations. With such powerful manipulation factors, it is no wonder that human trafficking victims are unlikely to come forward to shelters or programs where they can receive assistance.

Social needs

Family Reunification and Repatriation

Many trafficked victims want to be reunited with family members, be they parents or children; others do not, or feel they cannot. For example, in some situations, families refuse to let a sexually exploited child or youth back into their family and village because they are blamed for the “evil,” sexual acts they have committed.

Likewise, some internationally trafficked victims want to return to their community of origin and others do not. Some communities refuse to accept a trafficked person who wants to return because they did not send money back to the community while they were living abroad, because they worked in the sex industry, or because they have come home with a stigmatized illness such as HIV/AIDS.

Family reunification and repatriation can be complicated—physically, legally and emotionally—depending on the circumstances, but there are organizations available to help. It is important for care and support to be available in both the sending and receiving communities/countries. For cases in which internationally trafficked victims want to return to their home community, a complex and demanding process must be initiated, including government engagement,

investigative work to ensure that the trafficking is no longer happening in that community and assurances from the family.

Education and Life Skills

Education needs for trafficked victims will vary depending on a number of circumstances, including age, background and life experience. Some may need:

- Basic literacy training
- Completion of primary or secondary education
- Language skills
- Life skills for everyday survival (such as decision making, cooking, budgeting, safety)
- Social skills (such as communicating, expressing emotions, building friendships and healthy relationships, solving conflicts)
- Vocational training for employment (such as learning a trade or skills to start a small business)
- Legal rights education (their rights in Canada and what the legal system looks like)

Going to a class or school will not only help with gaining skills, but also with socialization, confidence and self-esteem. One challenge for trafficked victims is the time investment of education or training; if victims feel it will take too long to learn a trade or get a diploma, they will be tempted to go back to a work for which they already have the skills and know they can make money (i.e. the sex industry). Another challenge is that they may have been so demoralized by their traffickers, that they have been convinced that they are not capable of acquiring new skills.

Employment

Generally, in order to survive, people need some form of income-generating employment. Employment helps people become included in society in a more meaningful way. Caregivers can assist victims of trafficking by finding out what types of skills they have and identifying possible fields of work. For example, in the sex industry, certain business skills may have been learned, such as maintaining appointments, cold calling, negotiating contracts, giving persuasive presentations and resolving conflicts. These skills can be transferred to other settings.⁸⁸ Caregivers can also refer victims to employment centres where they can get help writing resumes or job-searching. Internships may be a viable

⁸⁸ Beth Grant and Cindy Lopez Hudlin, eds., *Hands that Heal: Academic Edition*, 2007, Faith Alliance Against Slavery and Trafficking (FAAST), U.S.A., p. 137-138.

option. A challenge in finding employment for victims of trafficking is that they may have to settle for a much lower wage than they were making (although they are able to keep the money they are earning rather than turning most if not all over to the traffickers). Another challenge is finding work that will be stable, sustainable and in a healthy environment.

Social Support and Community

Usually, trafficked victims have a distorted view of themselves and of others around them. Trafficked victims may have developed a hard shell that makes them appear gruff and hard, when on the inside they are soft and vulnerable. This can make it difficult for them to reach out and establish friendships, yet all human beings need to be part of a community. Community may be family, friends and people of the same ethnic or faith backgrounds or with similar interests. Released victims have likely left behind a community of people in the sex or labour industry; no matter how unhealthy this situation or these relationships were, they were still a community. Victims need a supportive community to help them with healing, restoration and finding their identity again.

Victims may also need familiarization with their physical community, including learning about services and resources in the neighbourhood. Sightseeing activities can be very healthy for internationally trafficked victims, who then have something to write about to families and friends at home. It can also be a way of healing unmet dreams and expectations of seeing the world that victims may have initially had before the trafficking.

Spiritual Needs

People are spiritual beings who search for meaning and who need hope, truth, purpose and love. Trafficked victims have all kinds of faith or religious backgrounds, which should be respected by their caregivers. If a trafficked person has found meaning, hope, truth, purpose and love through their faith or religious practices, they should be encouraged to deepen their faith journey. If a trafficked victim does not have or has lost a faith, they may find great comfort, freedom and healing in discovering a God of love, compassion, justice, rescue and healing. Many survivors around the world have found restoration from being part of a loving church community as they have initiated new spiritual journeys.

The Salvation Army is a Christian movement based on the love of Jesus Christ, who offers hope for all human beings. This Christian love and hope can be

shared with victims of trafficking; however, Christians need to be aware of the language they use in sharing the Good News. If a person's approach or language appears forceful or coercive, it will be most unhelpful. For example, Christian language tends to portray God as masculine; this may be a stumbling block for victims, especially in the case of women or girls who have been sexually trafficked by men. Likewise, explaining that God is our Father could bring up various images, positive or negative. Further, Christians talk about a relationship with God, however, they need to keep in mind what the victim's concept of relationship or even love might be. A person with a thoughtful Christian response takes time to listen and to reflect on language before discussing God or faith.

A thoughtful and engaged ministry unit, either corps or social service, can support a victim of trafficking by offering caring relationships. An environment where relationships are respected offers the victim an opportunity to experience healthy, not exploitative, communication and interaction. Whereas many trafficked victims feel rejection and shame, a supportive ministry unit community can offer unconditional love and acceptance. A ministry unit can offer a victim of trafficking an opportunity to become part of a new family and community of faith, filling the spot of the family they may have lost, and the sex or labour community they were trapped in.

A ministry unit can also offer new and healthy spiritual observances for a person. Many women feel that their trafficking has spiritual elements and that evil spirits have entered them.⁸⁹ It is important for caregivers to listen to victims and try to understand their spiritual backgrounds. In Christian communities, new spiritual observances such as reading the Psalms, praying or meditation can be introduced to victims, which can bring peace and restoration. These spiritual rituals can help a person develop new, healthy spiritual practices, which can help them release the feelings of personal rejection and shame, and embrace forgiveness and freedom.

When victims feel they have lost their identity, the Christian community can offer a new identity in Christ. Rather than being valued for their sexual or labour services, victims can find a place where they are valued simply because they are human beings created and loved by God, the author of life. A strong and inviting Christian community can also help a trafficked victim come to terms with the truth, and peel away layers of lies and deceit about God, themselves, others and the world.

⁸⁹ David Batstone, *Not for Sale: The Return of the Global Slave Trade—and How We Can Fight It*, 2007, Harper San Francisco, p. 64-65.

The Faith Alliance Against Slavery and Trafficking (FAAST) has developed a manual, *Hands that Heal*, which is available to help churches and communities wanting to equip themselves to meet spiritual needs of people who are victims of trafficking.

Identifying Community Partners

As we have seen, trafficked victims have many physical, emotional, social and spiritual needs. Take some time to identify community partners with whom you could build relationships for serving victims of human trafficking.

Developing an Individual Program Plan

When Salvation Army staff discover what a trafficked person's needs are, and when they have partnerships with other agencies that can help meet those needs, a comprehensive service plan and therefore intensive case management is needed. This individual program plan is developed in partnership with Salvation Army staff, other service providers and the victim.

An individual program plan includes a needs assessment, goals and specific action steps. The program plan documents actions to be taken by both staff and the victim in order to help the victim achieve the goals.

A basic format for developing an individual program plan is as follows:

- **Current Need Area:** the needs the victim wishes to address.
- **Goals:** broad outcome statements of what is to be accomplished and by when.
- **Action Steps:** measurable tasks to accomplish the goal(s) agreed upon by the victim and the staff person.
- **Person(s) responsible:** who will complete or make sure the action step is completed.

[RESOURCE: See Appendix 18 for Individual Program Plan Guidelines and sample sections from an Individual Program Plan](#)

Summary

This module focuses on the psychological, social and spiritual needs of trafficked victims. It examines some of the internal and external issues victims struggle

with and their attempts to deal with the emotions and trauma of their experiences. The unit has also referred to the need for identifying community partners and developing a comprehensive individual program plan for victims in our care.

Need to Know:

- Most trafficked victims have undergone psychological trauma. Victims may develop healthy and unhealthy coping mechanisms to deal with their situations. Some coping involves cognitive distortions (faulty thinking) or emotional dependence on the trafficker.
- There are five common emotional responses to trafficking: depression (or other mental illnesses), anger, shame, grief and fear.
- Trafficked victims have varied social needs, which may include family reunification/repatriation, education and life skills, employment, social support and community.
- They also have spiritual needs related to connecting with God and a loving community of faith.
- Identifying community partners and creating individual program plans with these partners and the victims will ensure that the needs of trafficked victims are met.



Giving
Hope
Today

Unit 7

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Need to Know

Prevalence

Due to the hidden nature of human trafficking, reliable statistics are difficult to establish. However, according to Canadian Non-Governmental Organizations (NGOs), at least 2,500 foreign women are brought into the Canadian sex trade each year by human traffickers.⁹⁰

There are many Canadian women and girls who are trafficked within Canada's borders and it is suggested that far more domestic trafficking exists within Canada than international trafficking. Canada's Aboriginal female population is prostituted and trafficked in disproportionate levels, further marginalizing this group of people. Aboriginal youth are only 3-5% of the Canadian population, and yet in some cities they are 90% of the visible sex trade.⁹¹ Often, youth are approached at airports, bus stations, malls or youth facilities, and offered friendship that leads to trafficking. Other times they are trafficked to events like fairs, sports events or exhibitions. They are especially vulnerable because of their youth, prior sexual exploitation in families or on reserves,⁹² and racism in society. "Aboriginal women who smoke, they'll go out on the side there, away from the entrance of their business buildings, of their offices, and they'll get solicited. It's a real problem. That's how racialized the sex industry is in this country," says Jo-Ann Daniels, interim executive director for the Métis Settlements General Council in Edmonton.⁹³

According to the *Trafficking in Persons 2012 Report*⁹⁴, Canada is a source, transit and destination country for men, women and children trafficked for the purposes of commercial sexual exploitation and a destination country for adults exploited into forced labour situations. Canadian women and girls are trafficked into sexual exploitation and aboriginal women and girls are particularly vulnerable. Police report the involvement of organized crime in sex trafficking

⁹⁰ This estimate came from Michelle Miller, of REED Inc. (Resist Exploitation Embrace Dignity). Victor Malarek (author of *The Natashas*) also estimates 2,000 - 3,000. Other groups state that the numbers are closer to 8,000 - 16,000 (D.M. Hughes, L.J. Sporcic, N.Z. Mendelsohn, V. Chirgwin, *The Fact Book on Global Sexual Exploitation*, 1999, Coalition Against Trafficking in Women.) In 2005, the RCMP put the estimate at 600-800 persons trafficked into Canada annually, with another 2,200 people coming to Canada in transit to the United States for work in brothels, sweatshops, domestic jobs and construction work. Many groups use this statistic, but the RCMP does not, saying that they cannot estimate the numbers.

⁹¹ According to research conducted by Michael Chettleburgh, gang expert, quoted in Tamara Cherry, "Flesh trade targets natives," *Toronto Sun*, Monday, September 29, 2008.

⁹² About 75% of Aboriginal girls under 18 have been sexually abused, according to researcher Anupriya Sethi, as quoted in *ibid*.

⁹³ *Ibid*.

⁹⁴ *Trafficking in Persons Report*, U.S. Department of State, June 2012.

such as gangs' involvement in prostitution. Internationally, 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 Thailand, Cambodia, Malaysia, Vietnam, South Korea, Russia and the Ukraine. Asian victims tend to be trafficked more frequently to Vancouver and Western Canada, while Eastern European and Latin American victims are trafficked more often to Toronto and Eastern Canada. A significant number of victims, particularly South Korean females, are trafficked through Canada to the United States. Canada is a source country for sex tourism, and NGOs report that Canada is also a destination country, particularly for American sex tourists.

Labour trafficking takes the form of foreign workers coming legally into Canada from Latin America, Asia, Eastern Europe and Africa and then being trafficked into industries such as agricultural work, construction, criminal activities, factories and domestic servitude.

National Action Plan

The Federal Government launched Canada's National Action Plan to Combat Human Trafficking in June, 2012 which has the participation of 18 federal departments and is to give direction and coordination to the government's fight against human trafficking. New initiatives contained within the plan include:

- increased law enforcement through the creation of an integrated team dedicated to combat human trafficking,
- increased front line training to identify and assist trafficked persons and better prevent the trafficking of vulnerable persons,
- provide increased support for victims,
- strengthen coordination between sectors combating human trafficking.

The National Action Plan and specific details can be found at: <http://www.publicsafety.gc.ca/prg/le/cmbt-trffkng-eng.aspx#toc-01.3>

The Canadian Legal Framework

Key Players:

- **Royal Canadian Mounted Police (RCMP)** – The RCMP is the national police force, and it works with local law enforcement agencies as the lead investigative agency in offenses related to the *Immigration and Refugee Protection Act* (IRPA), which includes trafficking in persons offenses.

- **Law Enforcement/Police** – The police are responsible for enforcing the *Criminal Code of Canada* (CCC). Each province is responsible for policing, meaning they likely have various forms of provincial, town/city, regional police forces or hire the RCMP to police the area. The police investigate crimes, arrest suspects and charge people with criminal offences.
- **Department of Justice Canada (DOJ)** – In Canada, the federal government has the power to determine what constitutes a criminal offence. The DOJ is responsible for developing policies and laws at a federal level (such as the *Criminal Code of Canada*). The DOJ works to ensure that Canada has an accessible, efficient and fair system of justice.
- **Public Safety Canada** – This federal government department is the department tasked with administering Canada’s National Action Plan to Combat Human Trafficking.
- **Provincial Courts** – While the federal government makes criminal laws, the provincial governments have the responsibility of operating the court systems in each province. Crown Attornies are lawyers hired by the provincial government to prosecute criminal cases. Federal Crown Attornies are also situated in the provinces for certain types of cases. Crown Attornies review police charges and decide if there is enough evidence to proceed with a charge.
- **Canada Border Services Agency (CBSA)** – CBSA monitors Canada’s borders in an attempt to prevent trafficking into or via Canada. CBSA investigates and prosecutes *Immigration and Refugee Protection Act* offences, lending assistance to the RCMP and Department of Justice in the investigation and prosecution of traffickers.⁹⁶ CBSA Migration Integrity Officers conduct intelligence gathering and investigative activities related to irregular migration which can include trafficking.
- **Citizenship and Immigration Canada (CIC)** – CIC assists victims of trafficking to secure immigration status. This may be accomplished through a Temporary Resident Permit or more permanent status.

⁹⁶ In March 2007, the RCMP and CBSA concluded an agreement which stated that the RCMP would be the lead investigative agency in IRPA offences related to organized crime and national security (including trafficking in persons). CBSA lends assistance and shares information and intelligence to the RCMP (and to the Department of Justice) to prosecute traffickers.

- **The Federal Interdepartmental Working Group on Trafficking in Persons (IWGTIP)⁹⁷** – This group is tasked with co-ordinating federal activities to address trafficking.
- **Hotlines and Contact Information** - Telephone hotlines and contact information current at the time of writing are:
 - Crime Stoppers to report anonymously: **1-800-222-TIPS (8477)**
 - The Chrysalis Network's Hope for the Sold hotline for those who have been trafficked internationally or domestically and want to have or hear about support available: **1-866-528-7109**
 - Citizenship and Immigration Canada does not have a 24-hour service. If calling outside of normal business hours, the referral can be made to the Canadian Border Services Agency (CBSA), a partner agency to CIC. In this case, CBSA becomes responsible for the safety of the victim in question. Their toll-free number is 1-888-502-9060.
 - RCMP Human Trafficking Contact numbers by region:

Royal Canadian Mounted Police
Human Trafficking National Coordination Centre (HTNCC)
 1-855-850-4640

New Brunswick 1-888-506-7267

Newfoundland and Labrador 1-800-709-7267

Nova Scotia 1-800-803-7267

Prince Edward Island 902-566-7112

Quebec 1-800-771-5401 or 1-866-227-2124

National Capital Region 613-993-8888 or 613-952-4200

Ontario 1-800-387-0020

Alberta 403-276-5794

Manitoba 204-983-5462

North West Territories 867-669-1111

Nunavut 867-979-1111

Saskatchewan 306-780-5563

⁹⁷The IWGTIP includes: Canada Border Services Agency (CBSA), Canadian Heritage (CH), Canadian International Development Agency (CIDA), Canadian Security Intelligence Service (CSIS), Citizenship and Immigration Canada (CIC), Department of Justice Canada (JUS), Department of Foreign Affairs and International Trade (DFAIT), Health Canada (HC), Human Resources and Skills Development Canada (HRSDC), Indian and Northern Affairs Canada (INAC), Passport Canada, Privy Council Office (PCO), Public Safety Canada (PS), Royal Canadian Mounted Police (RCMP), Statistics Canada, Status of Women Canada (SWC)

British Columbia Contact [your local RCMP detachment](#) or municipal police agency
Yukon 867-667-5555

Legislation

In Canada, there are two main sources of legislation with respect to human trafficking: the *Immigration and Refugee Protection Act* (IRPA) and the *Criminal Code of Canada* (CCC).

1. *Immigration and Refugee Protection Act (IRPA):*

Section 118 of IRPA is a series of human trafficking laws that came into effect in June 2002. These federal offences are generally handled by federal prosecutors.

According to IRPA, human trafficking is about purposefully arranging for a person to come into Canada using harmful means, or using harmful means to receive or keep them once they are on Canadian soil.

Specifically, section 118 says that (1) *"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."*

(2) *For the purpose of subsection (1), "organize" with respect to persons, includes their recruitment or transportation and, after their entry into Canada, the receipt or harbouring of those persons.*

The section 118 laws in IRPA have a transnational/cross-border focus. The purpose of the crossing of borders is not as important as the method of entry. In other words, the way that they were brought into Canada is more of a focus than what they will actually do once they get to Canada.

The section may apply in cases where suspects have trafficked children into Canada in order to obtain welfare benefits.

Under IRPA, a trafficking charge is punishable by a fine of up to \$1,000,000, or life imprisonment, or both. This is determined by aggravating factors related to the crime which are outlined in section 121 and include an examination of all the circumstances, such as whether there was bodily harm or death, association with a criminal organization, profit, or humiliating or degrading treatment.

Full details of these anti-trafficking laws can be found in Appendix 20 and online at www.laws.justice.gc.ca/en/I-2.5/

2. *Criminal Code of Canada (CCC)*

Section 279.01-04 of the Criminal Code of Canada is a series of human trafficking laws that came into effect November 2005. These federal offences are generally prosecuted by provincial prosecutors.

According to the *Criminal Code of Canada*, human trafficking is about purposefully exploiting a person using harmful means or exercising control/influence over their movements.

Specifically, Section 279.01 states that, *“Every person who recruits, transports, receives, holds, conceals or harbours a person or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation...”* is involved in human trafficking.

These people are guilty of an indictable offence and liable to life in prison (if the trafficking included kidnapping, aggravated assault or aggravated sexual assault, or death). All other cases carry a punishment of not more than 14 years in prison. If the accused did not actually participate in the trafficking, and yet benefited from it (e.g. financially), they can be liable to not more than 10 years in prison (see Section 279.02).

For a person to be charged with trafficking under the CCC, there is no requirement that the victims cross borders or change cities. There is also no requirement for deceptive, fraudulent, coercive or improper recruiting. In the CCC, the main emphasis is on exploitation. The actual exploitation need not be proven, but it must be proven that the actions taken were for the purpose of exploiting the victim. The intent is crucial.

Section 279.04 states that in order for a person to be exploited, he or she must reasonably believe that if they do not provide their labour/services, their safety or the safety of others will be in danger (or that they will have an organ or tissue removed). Take note that this definition of exploitation is different from our common everyday definition of the term.

Of critical importance in the CCC is that the victim’s consent has no bearing in a determination of the accused’s guilt. Section 279.02 states that, *“No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.”* This section of the Code recognizes that, given the complex nature of trafficking, trafficked people may consent to various activities, but consent may be given under duress or without true awareness of other choices.

Full details of these anti-trafficking laws can be found in Appendix 20 and online at <http://laws-lois.justice.gc.ca/eng/acts/C-46/>

Other Laws Used to Prosecute Traffickers

Prior to 2002, there were no specific human trafficking laws, yet trafficking still happened and people were prosecuted under related *Criminal Code of Canada* offences. These offences still apply. They include:

- Kidnapping – s. 279(1)
- Extortion – s. 346(1)
- Intimidation – s. 423
- Assault – s. 265 - 268
- Causing bodily harm or death by criminal negligence – s. 220 - 221
- Homicide – s. 229
- Sexual assault – s. 271 - 273
- Forcible confinement – s. 279(2)
- Uttering threats – s. 264.1
- Conspiracy – s. 465
- Prostitution and bawdy-house-related offences – s. 210 - 212
- Living off the avails of the prostitution of a person under 18 years of age – s. 212(2 - 2.1)
- Obtaining for consideration the sexual services of a person under 18 – s. 212(4)
- Child abduction (non-parental) – s. 280 - 281
- Child pornography – s. 163.1
- Organized crime provisions – s. 467.1 - 467.13
- Forgery and uttering forged documents – s. 57, s. 366 - 368

In IRPA, relevant sections are 126 (Counseling Misrepresentation), 127 (Misrepresentation) and 128 (Penalty).

In the legal world, the Kienapple Principle applies. This means that if the same transaction gives rise to two or more offences with substantially the same elements and the accused is found guilty of more than one of them, they should only be convicted of the most serious of the crimes.

Although there have been few cases and no convictions of trafficking under section 279 at the time of writing, traffickers are still being punished through these other offenses. For example, from the spring of 2004 to February 2006, at least 25 convictions were made under various Criminal Code of Canada sections for human trafficking offences.

In August 2008, a couple in Gatineau were accused of luring three girls off Ottawa streets, holding them captive in their condominium for a year and forcing them into prostitution. They were charged with a total of 21 offences, including human trafficking, kidnapping, forcible confinement, procuring and living off the avails of prostitution.⁹⁸

Identity Documents

Under IRPA, a related offence is appropriating identity and travel documents (section 122). It is a crime to possess a passport, visa or other document (Canadian or foreign) of another person that establishes that person's identity or allows them to enter/remain in Canada. It is also illegal to import, export or deal in these documents. The penalty ranges from five to 14 years imprisonment. For full details see Appendix 20.

The *Criminal Code of Canada* also addresses withholding or destroying documents while committing or facilitating trafficking (see Section 279.03). Any person who conceals, removes, withholds or destroys any travel document that belongs to another person, or any document that establishes or purports to establish another person's identity or immigration status is guilty of an indictable offence and liable to imprisonment for a term of not more than five years, whether or not the document is of Canadian origin or is authentic.

Contrast of Canadian Trafficking Legislation

Immigration and Refugee Protection Act Sections 118, 120, 121	Criminal Code of Canada Sections 279.01 - 279.04
Published in June 2002	Published in November 2005
Federal laws, usually prosecuted in federal courts	Federal laws, usually prosecuted in provincial courts
Highlights:	Highlights:
Transnational: trafficking must involve the victim crossing international borders.	Transnational or domestic movement (e.g. crossing of borders or changing of cities) is not necessary; neither is improper recruitment.

⁹⁸ Dave Rogers, "More charges likely in teen luring case," *The Ottawa Citizen*, Friday, August 8, 2008 and Daniel Leblanc, "Dossier Emerson-Kingsbury: d'autres décisions de la Cour d'ici dix jours." Info07.com

<p>This offence focuses on the way in which entry into Canada is achieved, rather than the ultimate purpose of entry into Canada (i.e. exploitation). Evidence of some form of deceptive, fraudulent, coercive or otherwise improper recruiting is required.</p>	<p>Exploitation or the intent to exploit the victim is the most important aspect. The victim must reasonably believe that his/her safety, or that of those s/he knows, is at risk if there is non-compliance.</p>
<p>Exploitation is an aggravating factor to be considered in determining the penalty.</p>	<p>Consent of the victim is not a defense for a trafficking charge.</p> <p>People indirectly involved (e.g. gaining profit) can also be charged.</p>
<p>Penalty for trafficking: maximum \$1 million and/or life imprisonment.</p>	<p>Penalty for trafficking: 10 years, 14 years or life imprisonment (depending on section).</p>
<p>Penalty for appropriating documents: five-14 years imprisonment.</p>	<p>Penalty for withholding/destroying documents: five years.</p> <p>Various penalties related to charges of kidnapping, intimidation, sexual assault, etc.</p>

Under 18

In international protocol, in the case of children (persons under 18), the threat or use of force, other forms of coercion, abduction, fraud, deception, the abuse of power or vulnerability, or the giving of payments or benefits are **not** required to establish the crime of trafficking in persons. Canadian law does not deal with trafficking of minors specifically, but there are pieces of related legislation in the *Criminal Code of Canada*. According to Canadian law, we cannot say definitively that all minors in the commercial sex industry are considered to be trafficked, however, the law does definitively consider them to be exploited and in need of protection. When law enforcement agents are charging people related to crimes of sexual exploitation of minors, they may use a charge of human trafficking, or another charge, depending on their judgment of the best tool to prosecute. Unit 5 is dedicated to looking at trafficked minors.

The Elmvale 11

In 2006, an Oakville labour supply company, ComFact, was anticipating a federal contract to supply labour to build two ocean-going icebreakers. In order to prepare for this anticipated contract, the owner, Robert McAllister, decided to “bank” a workforce from overseas. He applied for Labour Market Opinions (LMOs) for more than one hundred workers. (LMOs are immigration documents for temporary foreign workers. Once workers get these LMOs they can apply for work permits.) ComFact did not get the deal and so did not need the LMOs, but unbeknownst to the owner, two local recruiting companies in Manila, Philippines (Cete Millenium and Sanlee) stole or bought the LMOs (both activities are illegal) and ran advertisements for the jobs, pretending to be ComFact.

Many people applied, paying for medical exams, taking English classes and upgrading their professional skills in order to be considered. Once these men got word that they had been approved, they quit their jobs, and begged or borrowed the \$12,000 to pay the recruiting agency for their plane tickets. The men were promised \$23/hour plus overtime and food and lodging for their work in Canada.

On June 29, 2007, eight men arrived in Canada from the Philippines; three more came a few days later. They were met by Susan Teng, who claimed to be working for ComFact, but was really part of the recruiting company Cete Millennium. Teng brought them to a house where they slept four to a bed, and demanded that they give up their passports, work permits and telephones.

A week later, these men were relocated two hours north to Elmvale (which is why they are termed the “Elmvale 11”) where they were given used mattresses to sleep on and dirty towels and sheets. Food drop-offs at the house were intermittent. They were living in deplorable conditions and working long hours without pay (although some received a pittance in cash). Every time they complained, they were threatened with deportation.

Even though this is a clear case of human trafficking, prosecution of this case has been challenging. Despite months of investigations by the RCMP and the CBSA, at the time of writing no charges have been laid. RCMP Constable Julie Meeks explains, “The way exploitation is phrased in the Criminal Code of Canada, they have to fear for their safety or their lives. They just didn’t have that fear.”⁹⁹ Some feel that this is a major loophole in the legislation.

⁹⁹ All facts for this case study are taken from Dale Brazao, “Exploited workers Canada’s ‘slave trade’” *Toronto Star*, August 30, 2008.

Temporary Resident Permits

One role of Citizenship and Immigration Canada (CIC) is to protect victims of trafficking in Canada and to assist them in securing legal immigration status. Many trafficked victims do not have clear legal status in Canada. Some have entered Canada illegally, others may have come on legally, on a visitor's visa, for example, but went underground when it expired. Sometimes, traffickers secure entry for their victims by booking international flights transiting through Canada. Once in the airport, the victims are met by an associate who accompanies them out of the airport, purposely missing their connecting flight.

Timeline - History of Temporary Resident Permits (TRPs)

Temporary Resident Permits (TRPs) existed before May 2006 and were used by immigration officers in exceptional cases (for example, the person did not meet the requirements of the IRPA yet it was impossible to issue them a removal order) or to override a person's inadmissibility.

On May 11, 2006, it was The Honourable Monte Solberg (Minister of Citizenship and Immigration Canada) announced that TRPs would be issued to victims of trafficking. These TRPs were valid for up to 120 days and are issued by immigration officers for victims of human trafficking. Any victim granted a TRP is thereby deemed to be a true victim of trafficking, is exempt from immigration processing fees, and is eligible for Interim Federal Health (IFH), a federal government-sponsored basic health plan, which includes emergency medical treatment, essential medical services, and basic counseling.

On June 19, 2007, it was The Honourable Diane Finley (Minister of Citizenship and Immigration Canada) announced that the TRPs would be extended from 120 days to 180 and will be renewable depending on circumstance. Also, those with TRPs are eligible to apply for work permits. Individuals possessing TRPs are still be eligible for health care and counseling services under IFH. Fees for residence permits and work permits are waived and individuals may apply for permanent residence within Canada based on humanitarian and compassionate grounds.

Intended Recipients

Temporary Resident Permits are for foreign nationals of any age (i.e. not Canadian citizens or permanent residents) who:

- have no legal immigration status
- cannot provide proof of their legal status
- have temporary status (i.e. visitor visa or work/study permit) or
- have a pending refugee claim.

How to Apply

Application for a TRP must be made through a local Citizenship and Immigration Canada office. During normal business hours, referrals can be made to: NHQ-VTIP-TDP@cic.gc.ca or 1-888-242-2100.

Protocol

On May 26, 2006, section 16 and Appendices F-I of Manual IP 1 regarding Temporary Resident Permits¹⁰⁰ were updated to include new guidelines to assist immigration officers when issuing TRPs to victims of trafficking. This section was named “Procedure: Victims of Human Trafficking” and was updated again on June 19, 2007.

Section 16 states that, “Trafficking in Persons is a modern form of exploitation, and is a criminal offence under the *Criminal Code of Canada* and the *Immigration and Refugee Protection Act*.”

A mutual and automatic consultation between CIC and partner law-enforcement agencies should occur when a person self-identifies as a Victim of Trafficking in Persons (VTIP). If referred by a Non-Governmental Organization (NGO), and if the CBSA or RCMP have not already been consulted an automatic consultation should occur. A preliminary interview of the person concerned may be necessary to verify their identification as a VTIP. If the victim is referred to CIC by a law-enforcement agency, they can assist with the preliminary verification; however, the final decision rests with CIC to determine if a TRP is justified in the circumstances. When the VTIP is referred by the CBSA, a final decision should be made within 48 hours of contact as the CBSA may release the individual after 48 hours.¹⁰¹

The preliminary assessment should consider indications that:

- recruitment of the individual was fraudulent/coercive and for (realized or intended) purposes of exploitation
- the individual was coerced into the employment/activity
- conditions of employment or any other activity were exploitative
- the individual’s freedom was restricted

¹⁰⁰ www.cic.gc.ca/english/resources/manuals/ip/ip01e.pdf

¹⁰¹ Ibid.

For an initial TRP to be issued, evidence does not have to be conclusive. Trafficking cases tend to be quite complicated, in part because victims have been psychologically traumatized and therefore have trouble telling or maintaining consistency in their story. Temporary Resident Permits offer trafficking victims a reflection period without fear of deportation to recover from some of the trauma they have been through, and to decide what to do next, having escaped the influence of traffickers (e.g. participate in an investigation, make arrangements to go home or apply for permanent residence in Canada—all of which are options).

After 180 days, a trafficked victim can apply to have their TRP renewed. CIC officers review these applications on a case-by-case basis considering issues such as whether it is safe or possible for the person to return home, whether the person is needed for or willing to participate in a criminal investigation, etc.

Facts About TRPs:

- They have been available to victims of trafficking since May 2006.
- Trafficked minors can apply for them in the same manner.
- They offer temporary legal immigration status in Canada for 180 days.
- Citizenship & Immigration Canada officers have full authority/discretion to authorize them and they are issued through local CIC offices.
- Victims must be interviewed in person in the TRP application process.
- Victims with TRPs can apply for work permits and get basic health insurance through IFH.
- Having a TRP does not stop a victim from applying for other immigration categories (e.g. refugee protection claim, stay of removal or permanent residence on humanitarian and compassionate grounds).

Frequently Asked Questions

How does law enforcement learn of potential cases to investigate?

Information can be obtained from members of the public reporting suspicious activities (e.g. noticing a neighbour who always seems to be in the control of another or a place of business with unusual operations), governmental and non-governmental agencies (e.g. ports of entry or health and social services), international agencies working in partnership to combat human trafficking, victims who escape from traffickers and criminal investigations conducted by law enforcement.

Why aren't more people being prosecuted for trafficking?

The *Criminal Code of Canada* added the human trafficking offence in November 2005, yet the first charges were only laid in January 2008, when a 21-year-old woman went into a downtown Toronto police station, saying she came to Canada from Eastern Europe on a promise of a modeling job only to be forced into sexual slavery.¹⁰² In a separate case, Michael Ng was the first person to be charged with human trafficking under IRPA in 2005. He was not convicted for human trafficking, however, but for other related charges. “Trafficking offences are difficult to prosecute for some of the same reasons that they are difficult to investigate. Because of the nature of the crime, the frequent need to rely on evidence collected abroad, the need to rely on the services of interpreters and translators, and the potential for victims and witnesses to be intimidated or for public officials to be corrupted, prosecuting these offences presents the judiciary with some new and difficult challenges. Enhanced international judicial collaboration, effective collaboration with victim assistance services and the development of stronger witness protection measures must all be part of a strategy to meet these challenges.”¹⁰³ Another problem is lack of adequate resources for law enforcement officers to monitor bawdy houses and other areas of suspect.

Why wouldn't all victims want to prosecute their traffickers?

Unlike in some countries, a trafficked victim in Canada is not required to participate in a criminal investigation or to testify against their trafficker in order to gain a TRP, or to apply for and gain permanent immigration status. This measure was advocated for by non-governmental organizations like The Salvation Army, because it was felt that the pressure this requires would mean that most victims would not come forward.

Traffickers use many psychological tactics to trap their victims. Often, trafficking victims develop mixed loyalties and cognitive distortions about their situation. A trafficked woman in the sex industry may view her trafficker as her boyfriend, or a trafficked man in the labour industry may view his trafficker as the one who allowed him to hide in Canada. Trafficked victims have also been taught to fear, and so they may fear that if they participate in a prosecution, their lives and lives of their families will still be in danger. Psychological trauma will be explored in more depth in Module 7, but it is important to understand that, in general, trafficked victims are not easy to assist, but this does not mean we should not do our best.

¹⁰² Tamara Cherry, “Up to 800 flesh trade victims are brought to Canada yearly, but the problem is also domestic,” Sun Media, February 10, 2008.

¹⁰³ *Human Trafficking: Reference Guide for Canadian Law Enforcement*, May 2005, University College of the Fraser Valley Press.

www.icclr.law.ubc.ca/Publications/Reports/human_trafficking_2005.pdf

Why wouldn't all victims want to return to their home countries or provinces?

For some trafficked victims, shame prevents them from wanting to be reunited with their families or their home countries. In the past, some well-intentioned NGOs tried to reunite girls and young women with their families after getting them away from brothels, only to have their families refuse them because of the shame involved in the work they were forced to perform. Much learning has happened in the field, and NGOs are now more sensitive and practical about addressing challenges of reunification for victims and their family members. Other victims do not want to return because they have been away for too long or because they have children in Canada.

Summary

The two pieces of Canadian legislation that deal with trafficking in Canada are the *Immigration and Refugee Protection Act* and the *Criminal Code of Canada*. These define trafficking as (IRPA) using abduction, fraud, deception, (threat of) force or coercion to recruit, transport, receive or harbour persons into Canada, or (CCC) 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. Temporary resident permits are available to victims of trafficking who do not have permanent residence in Canada.

Need to Know:

- Human trafficking happens in Canada. There are international and domestic victims, and Aboriginal peoples are affected disproportionately in the domestic trade.
- There are many key players in Canada who are working together to serve victims of trafficking and to prosecute traffickers.
- Human trafficking is a crime that is prosecuted under various sections of the *Criminal Code of Canada* and the *Immigration and Refugee Protection Act*.
- A Temporary Resident Permit is available to victims of human trafficking who are not permanent residents or citizens of Canada, and who have been interviewed with Citizenship and Immigration Canada. The TRP gives victims 180 days to legally stay and work in Canada while receiving health care and counseling.



Giving
Hope
Today

Conclusion

In this Unit

Recap of Need-to-Know Points
Resource Binder
Farewell

Recap of Need-to-Know Points

Introduction:

- Almost one million people are trafficked across international borders each year and many more millions are trafficked within national borders. Human trafficking is a \$10 billion USD a year business.
- Traffickers can be men or women, family or members of organized crime networks.
- The Salvation Army has a long history of fighting human trafficking and serving victims, and the work continues around the world today.

Unit 1:

- Human trafficking is when human beings are sold and bought for the purposes of sexual or labour exploitation.
- Human trafficking typically involves recruiting (finding victims), transporting (moving victims), receiving/harboring (holding victims hostage), fraud/deceiving (lying to or tricking victims), exercising control or force (harming or denying rights to victims), coercing (threatening to or actually harming victims) or exploiting (abusing victims for the purpose of benefiting others).

- Human smuggling is when people pay others to facilitate them illegally crossing a border into Canada. Sometimes when people are smuggled they are vulnerable to being trafficked.
- Sexual trafficking and prostitution are not the same thing, but they are interrelated.
- There are many factors that make people vulnerable to being trafficked. These factors “push” them into the trafficking, and the great demand for inexpensive sexual and labour services “pulls” them in.

Unit 2:

- There are many red flags that signal that a person may have been trafficked. If we are aware of these signs, it will help us recognize possible victims.
- There are many ethical and safety recommendations and cultural factors that must be considered before Salvation Army staff first speak to people who may have been trafficked.
- Asking appropriate screening questions can help identify people who have been trafficked. It may be appropriate to include some of these questions on intake forms.
- If red flags or initial interview questions lead you to suspect human trafficking, refer the case to law enforcement. If the trafficked person does not give informed consent to contacting law enforcement, and staff determine that the unit’s safety could be compromised without that contact, then regrettably the person is unable to stay at the unit and alternatives should be sought quickly.

Unit 3:

- There is protocol that should be followed once you are face-to-face with a possibly trafficked victim. First steps include communicating with the victim, reporting to the police and assessing safety.
- Doing safety assessments and developing safety plans for victims is crucial.
- Client and staff confidentiality and safety must be vigilantly maintained.
- Policies regarding informed consent, visitors and media can assist with confidentiality and safety.

Unit 4:

- Many minors (youth under the age of 18) are trafficked into dangerous, violent situations. Any minor in the commercial sex industry is considered to be in need of protection.
- There are several offenses in the *Criminal Code of Canada* related to the sexual exploitation of minors.

- We all have a responsibility to report trafficking and sexual exploitation to law enforcement and child welfare authorities.
- Minors who escape lives of trafficking need assistance to become healthy, whole and restored. Specialized services for boys and trans-gendered youth are needed.

Unit 5:

- There are basic foundations of care that all Salvation Army centres adhere to when providing services to people, including victims of human trafficking.
- Physical needs of trafficked victims include health care/medical treatment, nutritious food, clothing, rest/relaxation, shelter and possibly addictions treatment.
- Trafficked persons may have many special needs that need to be considered.
- Salvation Army ministry units that shelter human trafficking victims need to follow certain protocol outlined in Appendix 15 and in Unit 6.

Unit 6:

- Most trafficked persons have undergone psychological trauma. Victims may develop healthy or unhealthy coping mechanisms to deal with their situation. Some coping involves cognitive distortions (faulty thinking) or emotional dependence on the trafficker.
- There are 5 common emotional responses to trafficking: depression (or other mental illnesses), anger, shame, grief and fear.
- Trafficked victims have varied social needs that may include family reunification/repatriation, education and life skills, employment, social support and community. They also have spiritual needs related to connecting with God and a loving community of faith.
- Identifying community partners and creating individual program plans with these partners and the victims will ensure that the needs of trafficked victims are met.

Unit 7:

- Human trafficking happens in Canada. There are international and domestic victims. Aboriginal Peoples are disproportionately affected.
- There are many key players in Canada who are working together to serve victims of trafficking and to prosecute traffickers.
- Human trafficking is a crime that is prosecuted under various sections of the *Criminal Code of Canada* and the *Immigration and Refugee Protection Act*.

- A Temporary Resident Permit is available to victims of human trafficking who are not permanent residents or citizens of Canada, and who have an interview with Citizenship and Immigration Canada. The TRP allows victims to legally stay and work in Canada for 180 days, while receiving health care and counseling.

Resource Binder

The appendices can be used in a resource binder. Included are samples of forms, procedures and guidelines related to human trafficking.

Thank you for reading *The Salvation Army's Reference Guide: Recognizing and Serving Victims of Human Trafficking*. We hope that you feel more informed about human trafficking and better equipped to identify and serve victims.

We hope we have met our goals of increasing your capacity to:

- Identify and assist trafficked persons.
- Ensure victim-centred shelter, emergency services and reliable information and appropriate referrals to victims.
- Identify resources and collaborative partners with whom The Salvation Army can work on in dealing with victims.

We also hope we have met our objectives of assisting you:

- Define human trafficking.
- Understand the scope, causes, dynamics, and impact of human trafficking
- Identify the signs of human trafficking.
- Identify the challenges of assisting victims.
- Adhere to safety and confidentiality protocols when interviewing and serving victims.
- Identify needs and services for victims of human trafficking.

Thank you for joining The Salvation Army's battle to end human trafficking: to PRAY, PREVENT, RESTORE.

*The Salvation Army's Reference Guide:
Recognizing and Serving Victims of Human Trafficking*

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APPENDIX 1

INDICATORS OF HUMAN TRAFFICKING¹⁰⁴

The following are red flags that may identify victims of human trafficking. These indicators do not necessarily mean that the person has been trafficked, but they often do.

- Evidence of being controlled (rarely alone, seem to be under constant surveillance, isolated from family and friends, bruises, fear of speaking for themselves)
- Evidence of inability to move or leave a job
- Persistent fear, depression, anxiety, or submissive or stupor-like behaviour (signs of trauma)
- No passport or other identifying documentation
- Excessive work hours; not free to take time off
- Unpaid or underpaid for work
- Lives with co-workers and employer; no privacy
- Untreated illnesses and infections
- Active in commercial sex industry or works “off the books” in low-paying job
- Evidence of being tortured/abused (e.g. cigarette burns, cuts, rope burns, choke marks, marks from guns, branded with tattoo)
- Fear or mistrust of authority/officials/uniforms
- Youth under 18 in the commercial sex industry

Note that a trafficking victim’s language may deceive you. For example, they may refer to someone as their boyfriend, partner, friend or family member, when that person is really their trafficker or someone that is abusing/hurting them.

¹⁰⁴ Look beneath the Surface Fact Sheet (2005). Rescue and Restore Campaign, Department of Health and Human Services, U.S.A.

APPENDIX 2

ETHICAL AND SAFETY RECOMMENDATIONS FOR INTERVIEWING

- In Canada, the RCMP has jurisdiction in cases of international human trafficking and will, along with other law enforcement and CIC, conduct official interviews to determine if a person is a victim of human trafficking. In domestic human trafficking cases, local law enforcement has jurisdiction over the cases and will make this determination along with input from the RCMP. As a service provider, **it is not up to Salvation Army staff to decide**. If the answers to any of the questions from Appendix 3 lead you to believe that a person has been trafficked, call law enforcement.
- Safety is very important. Before you start asking questions, consider whether it is safe to do so, or whether it could put them in immediate danger or worsen their situation. Do no harm!
- If the potential victim is with someone else, you cannot assume that that person is benign. Even if introduced as a relative or friend, he or she could be a trafficker.
- Be discreet. If possible, speak with the victim alone or with an appropriate interpreter. If you sense that asking to speak to them alone would put them in danger, do not press the issue.
- If the person has been trafficked, they are likely traumatized and need to be handled with care. Do not interrogate or push. Be sensitive. They are likely afraid and very hesitant to trust.
- Getting to the whole truth will take time. Just because a person lies about something does not mean that their whole story or other parts of their story are untrue.
- Know your agency's protocol for dealing with possible trafficked persons and be prepared for emergency intervention.
- Find an appropriate interpreter if language is a barrier. Do not rely on a friend of the victim, but use a professional, trustworthy interpreter. The interview should be translated verbatim without paraphrasing.

APPENDIX 3

SCREENING QUESTIONS

These questions are not intended to be answered in questionnaire format. They are simply guides to lead you to initial thoughts about whether someone may have been trafficked.

1. How old are you?
2. What type of work do you do?
3. Are you getting paid? If so, are you paid in cash? Is the amount at least minimum wage?
4. Do you have any debts?
5. How did you get started in this field/work/business? Is it what you expected?
6. Can you leave your job if you want to?
7. Has your employer ever lied to you? If so, what type of lies?
8. What are your living and working conditions like?
9. Do you feel safe? If not, what or who are you afraid of?
10. Have you or your family ever been threatened?
11. Have you been hurt or abused?
12. What is your immigration status? (e.g. citizen, permanent resident, refugee, temporary worker, etc.)
13. Where were you born? (if not in Canada)
14. When did you arrive in Canada? How did you arrive in Canada?
15. Do you have identity documents with you? If not, do you know where they are?
16. Are you living/working in Canada legally?

APPENDIX 4

INTAKE QUESTIONS FOR
TRAFFICKED VICTIMS

These questions give general indicators of whether or not a person has been trafficked. Likely, many of these categories are already part of your intake procedure, and this may serve as a guideline for what angles to look for.

1. Basic personal information
(age, nationality, immigration status)
2. Do you have identity documents with you?
If not, do you know where they are?
3. What are your living conditions like?
Can you come and go as you please?
4. What is your financial status?
Do you owe people money?
Are you working?
5. What are your working conditions like?
Are you getting paid?
If so, are you paid in cash?
Is the amount at least minimum wage?
Can you leave if you want to?
6. Do you feel safe?
If not, what or who are you afraid of?
Have you or your family ever been threatened?

APPENDIX 5**PROTOCOL:
IF YOU SUSPECT A CASE OF HUMAN TRAFFICKING**

The following protocol should be followed in order if the initial screening questions (from Appendix 4) lead you to suspect that the interviewee may be a victim of human trafficking.

1. Communicate with the victim.

Explain that based on the information provided, the person appears to be a victim of human trafficking, and there are certain steps that should be taken to be safe and to access protection services. Reassurance is very important if the person denies that they have been trafficked or if they start to panic about what will happen next. Maintain communication through appropriate interpreters if necessary.

2. Report the suspected case of trafficking to law enforcement.

If the client agrees, call 911. The RCMP and local police are tasked with handling cases of human trafficking. Working relationships with law enforcement should already be in place. If the client does not agree about contacting law enforcement, ministry unit leadership needs to be advised and a decision should be made as to whether services can be provided while maintaining safety for the entire unit.

3. Assess the victim's safety.

Use Safety Assessment questions (see Appendix 6) to determine the victim's immediate threat of danger or harm. Be aware that victims may not perceive themselves to be in grave danger.

4. Develop a safety plan with the victim and ensure that they have a safe place to stay.

See Appendix 7 for guidelines on writing a Safety Plan and a sample Safety Plan. Work with law enforcement to find safe, secure housing that will protect the victim.

5. Assess and treat medical needs

Some medical needs are urgent while some can wait for treatment. If the victim does not have medical insurance, they can wait for Interim Federal Health, which comes with the Temporary Resident Permit, or they can access a doctor or clinic that will treat free of charge.

6. Regularize immigration status

If the person does not have permanent, legal status in Canada, they need to connect with Citizenship and Immigration Canada to apply for a 180-day (renewable) Temporary Resident Permit (TRP) or some other form of legal immigration status. If they do not want to stay in Canada, repatriation needs to be explored.

7. After-care

Once a person has escaped from their trafficking situation, they need to begin the long journey to restoration and recovery. The services they need will depend on their individual circumstances.

APPENDIX 6

SAFETY ASSESSMENT

These questions can help determine if a trafficked person is at immediate or potential risk of harm. This is not a questionnaire, but rather a list of sample questions that can probe and help elicit the person's individual story.

- If you leave here, are you going to be in any kind of danger? If yes, what kind?
- What or who are you afraid of?
If it is a person that you are afraid of, where are they?
Do you live/work in the same area?
- Have you ever been threatened by someone you live or work with or for?
If yes, what kinds of threats were made?
- Have your family or friends ever been threatened by someone you live or work with or for?
If yes, what kinds of threats were made?
- Have you ever been injured by someone you live or work with or for?
If yes, what kind of injuries did you sustain?
- Have you ever been deprived of food, water, sleep, medical care or other life necessities?
If so, describe the circumstances.
- Have you ever been forced to ask permission for things like food, water or medical care?
If yes, describe the circumstances.
- Have you watched or heard about your friends or family being injured or denied something important by someone you live or work with or for?
If yes, describe the situation.
- Do you feel under someone's control?
If yes, describe the situation.
- Do you have reason to believe that you will be injured or killed if you return to where you stay/work today?
If yes, describe the circumstances. What is happening?

- What do you believe would happen if you left your job or upset your employer?
- What do you believe would happen if you returned to your home country/province/village/reserve/family?
- How do you plan to keep yourself safe?

APPENDIX 7

SAMPLE SAFETY PLAN

This document should be kept on file at The Salvation Army ministry unit. If the client believes it would be dangerous to keep a copy, they should try to memorize it.

1. If/when I do not feel safe, I can go to:

2. I can leave safely if I take these measures:

It may be helpful to rehearse the escape plan or practice it in your mind, if safe.

3. The people I can trust are:

Names:

Phone numbers:

Police

It is helpful and safer to have contact phone numbers memorized.

4. Things I can do to keep myself and my family safe are:

5. Obstacles that will prevent me from keeping to this safety plan are:

6. Solutions to overcome these barriers are:

Name: _____

Witness: _____

Signature: _____

Signature: _____

Date: _____

SAMPLE SAFETY PLAN

Case situation: Sophia is working at a strip club. She came to Canada legally six months ago. Her work permit has expired, and she does not have any of her documents. She assumes they are with her boss. Sophia knew that she was coming to Canada to work as a dancer, but she had no idea that she would be working 12 hours a day and performing sexual services for clients. She also did not realize that she would have no freedom to leave the apartment. Five months ago she told her boss that she wanted to return home, and he threatened to kill her. She lives with this fear. Sophia has just discovered that she is pregnant. She is afraid of her child being brought into this unhealthy situation. She escaped the club this morning, and saw a poster for The Salvation Army, so she walked into a shelter to ask for help. She says she cannot leave her situation now, but she wants to know what her options are for the future.

1. If/when I do not feel safe, I can go to:

The Salvation Army. Bilyanka will help me stay safe, and we will go to the police together, if that is the best option. She will explain to them that, whatever happens, I need to stay with my baby, and keep him safe.

2. I can leave safely if I take these measures:

If I wait for Nicolas to be on one of his out-of-town trips, I can go into work, and take a client to the blue room. Then I can pretend to be sick, and leave through the back door. Elena will cover for me by shielding the main room video camera.

3. The people I can trust are:

- *Elena. She works at the strip club, but she has shown herself to be trustworthy in a few circumstances. She likes me, and I think she would help me escape.*
- *Bilyanka at The Salvation Army. I know she wants the best for me. I have memorized her direct line and the address.*
- *The police – 911.*

4. Things I can do to keep myself and my family safe are:

Once I leave, I can go into some sort of witness protection program, so that I never have to fear seeing my boss or any of his associates again.

5. Obstacles that will prevent me from keeping to this safety plan are:

Fear - of getting caught and killed.

6. Solutions to overcome these barriers are:

Think about my future and the future of my unborn child.

APPENDIX 8**CLIENT CONFIDENTIALITY GUIDELINES**

- All clients have the right to privacy and confidentiality.
- All Salvation Army institutions are governed by The Salvation Army's Privacy Policy (TMOP 7920) and relevant Canadian privacy laws.
- It is crucial that confidentiality and privacy policies are carefully defined and reviewed regularly with staff, victims and visitors.
- All Salvation Army staff must sign commitments to confidentiality and protecting the safety of clients and their families (see Appendix 9 for a sample).
- Employees and volunteers must understand that keeping matters confidential is not a time-limited issue. Even after leaving The Salvation Army, information gained during employment/volunteering must remain in confidence. Should this permanent confidentiality be breached, disciplinary action and a court order requiring silence may come into force.
- It is the service provider's responsibility to help the client understand rules related to confidentiality and limits to privacy under these rules.
- All information pertaining to clients is protected (including identity, location, personal history, financial status, details of the victimization).
- Any written documentation about a client must be kept in a locked file and/or password-protected computer, with encryption of the information if possible.
- Case notes should be written with the protection of the client's privacy in mind, and should follow accepted professional standards for content.
- Victims' stories should never be shared by staff (to family, other agencies, media, etc.) unless specific and explicit informed consent by the client is given.
- In terms of police access to client information (including trafficked victims), the context is important. In general, the rule is that police can access the personal information in a client's file if (a) the individual consented, (b) access

to the information would be required to prevent significant harm, or (c) there is legal authority (court order, warrant subpoena). When in doubt, Salvation Army staff can refer to The Salvation Army's Privacy Policy, contact their institution's Privacy Officer (usually the Executive Director) or contact the Chief Privacy Officer (through the Chief Secretary's Office at Territorial Headquarters).

APPENDIX 9

SAMPLE CONFIDENTIALITY FORM FOR STAFF

I, the undersigned, do willingly promise to hold IN CONFIDENCE all matters that come to my attention while employed by The Salvation Army, including materials from and about clients and matters regarding colleagues.

I understand that these matters must be held in confidence even once I have left my work at The Salvation Army.

I will respect the privacy of the people with whom I serve and work, and will confer appropriately with those designated as my supervisors and/or administrators.

Further, I will respect, in a responsible and discretionary manner, all information gained in the course of my employment.

I understand that any breach of confidentiality on my part may result in disciplinary action, including dismissal from employment.

I also understand that, should I breach my responsibility for permanent confidentiality, The Salvation Army has the right to obtain a court order requiring my silence on this knowledge.

Employee name

Witness and title

Employee signature

Witness signature

Date

Date

APPENDIX 10**INFORMED CONSENT GUIDELINES**

- The Salvation Army must not disclose personal information about victims without signed informed consent from them.
- Informed consent is defined as when a client provides consent to the release of information to specific persons for specific reasons. All shared information should be accompanied by a written consent form signed by the victim.
- These guidelines should be used in conjunction with existing professional standards.
- If possible, written consent should be in the language of the victim, as well as of the ministry unit, or at least translated verbally by a professional interpreter.
- Exceptions to the necessity to obtain informed consent might include:
 - when the client's refusal or neglect to provide information could endanger the safety of another individual or group
 - when disclosure is required as per a court order or subpoena
- The consent form should include:
 - The purpose of the consent form
 - The exact information that will be shared or disclosed
 - Who will be receiving the information and for what purpose
 - The expiration date of the consent form
 - Signatures of the client, staff member and translator if used

APPENDIX 11

SAMPLE INFORMED CONSENT FORM

I, _____, understand that _____
(name) (agency/party)

has requested access to information about _____
(details about information requested)

for the purpose of _____.
(intended use of the information)

I give permission for this information to be released to them, and only to them. My understanding is that they will keep this information confidential unless other informed consent is given. I am aware that I may withdraw this consent at any time.

Signature: _____

Witness/Staff signature: _____

Interpreter signature: _____

Date: _____

SAMPLE INFORMED CONSENT FORM

I, Sally Ann Booth, understand that the Toronto Police
(name) (agency/party)

has requested access to information about my name and location I'm staying
(details about information requested)

for the purpose of interviewing me about my experience with traffickers.
(intended use of the information)

I give permission for this information to be released to them, and only to them. My understanding is that they will keep this information confidential unless other informed consent is given. I am aware that I may withdraw this consent at any time.

Signature: _____

Witness/Staff signature: _____

Interpreter signature: _____

Date: _____

APPENDIX 12**VISITOR POLICY
FOR UNITS WITH TRAFFICKED VICTIMS**

Protecting the safety and confidentiality of clients is of utmost concern to The Salvation Army. Therefore, visitation will be restricted in residences or programs where there are victims of trafficking. While The Salvation Army recognizes that there are many well-meaning people who want to visit our programs out of curiosity or desire to help, this needs to be restricted because of the priorities of safety and confidentiality.

- Family members of victims will not be allowed to visit the facility.
- Media will not be allowed to visit the facility.
- Essential professionals will be allowed to visit the facility when informed consent is given by the victim. This includes mental-health professionals, lawyers, law enforcement and interpreters.
- Salvation Army personnel who do not work at the facility yet have a valid reason for visiting (e.g. senior executive members performing inspections, lawyers representing the institution or social services consultants doing accreditation reviews) will be allowed to visit the facility when prior notice is given. When outside Salvation Army personnel want to speak with individual clients, informed consent by those individuals must be given.
- All visitors will be informed about the unit's privacy and confidentiality policies, and informed consent and media policies.
- All visitors will sign a written agreement to comply with confidentiality and other policies (see sample in Appendix 13).
- A staff person will accompany all visitors at all times when they are in the building.
- A logbook of visitors at the facility will be maintained.
- No photographs will be allowed of facilities, programs or residents.

APPENDIX 13**SAMPLE VISITOR CONFIDENTIALITY FORM**

I recognize that confidentiality is an important component of keeping people safe, and I understand that privacy of all Canadians is protected under various forms of legislation.

I will hold in confidence all matters that come to my attention during this visit to The Salvation Army _____ facility. I understand that this includes any information pertaining to any residents, participants and staff in the unit, including the fact that I saw them in this setting.

I will respect the privacy of others, and use all information gained at The Salvation Army facility in a highly responsible manner. I shall use the same standards of care to protect the confidentiality of information received at this facility as I use to protect my own confidential information, and I shall limit disclosure of such information to those associates who also have a written obligation to protect the confidentiality of such information.

I understand that should I violate this agreement, The Salvation Army has the right to get a court order requiring my silence on this knowledge.

Name: _____

Signature: _____

Witness: _____

Signature: _____

Date: _____

APPENDIX 14**SAMPLE MEDIA POLICY**

At The Salvation Army _____ (*name of unit*) we strive to protect the confidentiality and privacy of all of our clients and staff. All staff members of The Salvation Army have agreed to keep confidential any and all information about staff members and clients that has been gained throughout their employment.

Although trafficking cases often catch the interest of local, national and international media, Salvation Army centres will not discuss any aspect of a case with the media.

We do not allow any media personnel to visit or contact our facility.

We do not allow any photographs/videos of our facility or clients.

We avoid all articles, newsletters or publications based on our facility or clients' stories.

Only Public Relations Officers (or others designated by The Salvation Army's Public Relations Department) should express The Salvation Army's position on any issue, including human trafficking.¹⁰⁵

¹⁰⁵ Taken from *Salvation Army Canada and Bermuda Territory Operating Policies*, 7903 "Letters to the Editor and Media Liaison," Revised May 09, 2001.

APPENDIX 15

SALVATION ARMY NORTH AMERICAN ANTI-TRAFFICKING COUNCIL
Guidelines for Use of Photographs, Personal Stories, and
Terminology Pertaining to Survivors of Commercial Sexual
Exploitation and Human Trafficking¹⁰⁶

The following set of guidelines were developed in 2012 by The Salvation Army North American Anti-Trafficking Council to inform communications for journals, articles, the Internet, films, and other use, on the issues of both commercial sexual exploitation (CSE) and human trafficking. The goals are to ensure that the identities of trafficked persons are protected that their dignity is preserved.

Photographs/Videos:

People say that a picture is worth a thousand words. In part, this is because pictures have the capacity to capture people’s attention and influence their emotions in powerful ways (e.g. generating compassion, igniting action). Photographs can also be used in ways that exploit and dehumanize. As this relates to CSE and sexual trafficking, not only have many victims suffered the horror of serial rape at the hands of countless persons, but some have been further abused in the production of pornography. Other survivors of human trafficking have bravely provided testimony that led to the conviction of their traffickers, and photographs of them could potentially be used by trafficking networks to trace their whereabouts. Further, even well-meaning uses of survivors’ images can have unintentional damaging effects such as perpetually memorializing survivors as “victims,” and/or re-objectifying survivors as the “trophies” of heroic do-gooders. Accordingly, we recommend the following:

Preferred Option:

- Purchase the licensed rights to stock photo images that evoke commercial sexual exploitation and/or human trafficking scenarios. When such images are used, be certain to include a disclaimer in publications explaining that images of survivors have *not* been used. Suggested text: *“Persons pictured in this publication are not actual victims of human trafficking.”*

¹⁰⁶ Official approval is pending.

Other Recommendations:

- **DO NOT use photos of child victims of human trafficking or children receiving services under the auspices of a CSE or anti human trafficking program.**
- Adult survivors of CSE or human trafficking should only be approached for their photograph following at least 1-year of graduation from a program and after receiving appropriate counseling. Clients should not be approached for their photographs while enrolled in programs or receiving services.
- When using a photo in which an adult survivor is featured, a release form must be signed. Do not use a survivor's photo unless you have their signed permission and make certain that the survivor has a full understanding of how their photograph will be used (e.g. in an article in a magazine, Internet blog post, etc.).
- Keep in mind that victims of human trafficking were conditioned to be people pleasers. Thus, make every attempt to ensure that the individual does not feel compelled to grant use of their image.
- Remember that when using a photo of an adult survivor to protect the dignity of the person first and foremost. Put yourself in their shoes. Would you want a picture like this of you to be circulated? Are they dressed appropriately?
- Maintain open lines of communication with the individuals in your photos. Be willing to remove or discontinue the use of photographs if the survivor asks.
- Ensure that the clothing that is worn does not have any trademarked or copyrighted images on it.
- Ensure that the photos are being taken in a public place and not on private property, unless permission is granted.
- In instances where the victim prefers to be unidentifiable, take photos of hands, close-ups of eyes or feet, or photos that are from behind.

Interviews and fundraising events

- CSE or human trafficking survivors should never be required to be a part of an interview or fundraising event, and never while receiving services or enrolled in a program.
- Interviews with survivors for public communications should only occur after sufficient counseling and 1-year following completion of programs, not before.

- **DO NOT** ask survivors currently receiving services to speak at fundraising events. If, however, the survivor would like to speak at an event 1-year following graduation from a program, they may. In such cases, ensure that the survivor understands the nature of the event (e.g. how many people are expected to attend, will the media be present, will there be a question and answer period, will funds be raised, etc.).
- When a survivor is participating in an event, be certain to protect the client from too much public and media exposure.
- **Any CSE or human trafficking survivor**, whether a former Salvation Army client or not, who speaks publically at an anti-trafficking event should receive an honorarium for their participation.

Confidentiality of survivors when using stories or for publications

- CSE and human trafficking survivors' stories are to remain confidential unless they choose to share them and sign a release form.
- When using the story of a survivor, change the name to protect the identity of the survivor.
- As necessary change certain details of the story to protect the survivor's identity, such as location and/or time of exploitation so that the survivor cannot be identified from the details of the account.
- In publications be certain to include a disclaimer explaining that victims' names have been changed. Suggested text: *"Clients names and certain details have been changed in order to protect their identities. However, their stories are real and have been used with permission of each client."*

APPENDIX 16**SALVATION ARMY PROTOCOL FOR
SHELTERING TRAFFICKED VICTIMS**

1. Executive Directors should inform DHQ, as per TMOP 7919, of their intention to provide long term shelter/housing to victims and submit a program proposal form.
2. Executive Directors need to be in contact with local law enforcement/RCMP in advance to negotiate what the sheltering will look like. Things to consider in negotiations are:
 - Security systems – looking at what will need to be changed to ensure that victims and staff will be safe.
 - Exploring what protection measures are available for staff members.
 - Limits of responsibility – In Salvation Army facilities, people have the liberty to come and go, and no one is forced to stay. Law enforcement agencies who are counting on victims for prosecution purposes need to be aware that The Salvation Army abides by the premise of self-determination of residents, and therefore does not monitor its clients.
 - Confidentiality issues, informed consent, visitors’ policy and media policy.
 - Length of stay for victims.
 - How victims will be medically and psychiatrically stabilized (infectious diseases or serious mental health issues, etc.)
 - Current and potential intake capacity (gender, age, number of beds, etc.)
3. Relevant staff members need to be trained in serving victims of human trafficking, in order to become competent and confident in all protocols, procedures and best practices outlined in this manual.
4. Policies and procedures relevant to trafficking victims need to be put in place and well understood (such as confidentiality, informed consent, visitors, and media).
5. Risk Assessments should be conducted each time there are individual/group cases of trafficked victims wanting to come into the unit. Staff should always consult with a supervisor before accepting trafficked victims. If direct threats are made to the unit or individuals, law enforcement should be notified.

APPENDIX 17**RISK ASSESSMENT FOR UNITS RECEIVING TRAFFICKED
VICTIMS FROM REFERRING AGENCIES**

1. What is the total number of victims?
What are their ages, genders and ethnicities?
Do they need interpretive services?
If yes, in what language(s)?
2. To your knowledge, are there any safety or security concerns that Salvation Army staff should be aware of?
Have there been any threats of violence or retaliation by their traffickers/family/significant others?
To your knowledge is anyone in the group a flight risk?
What are their security needs?
3. Do they appear relieved to be rescued?
Have they been cooperating with law enforcement?
Do you suspect they may attempt to contact the trafficker(s)?
4. What is/are the type(s) of trafficking victimization? (sexual, labour, other)
5. To your knowledge, are there any health or contagious disease concerns that we should be aware of?
Are there immediate medical/dental needs?
6. What is the behaviour of the victims like?
Are there any known mental health concerns (psychotic, suicidal, homicidal, depression, etc.)?
7. What are your and/or the victims' expectations of the accommodations at the shelter? (Explain living accommodations)
8. How long do you anticipate the victim(s) will need shelter?

APPENDIX 18**INDIVIDUAL PROGRAM PLAN GUIDELINES**

- Before an individual program plan is created, Salvation Army staff need to assess the trafficked victim's needs.
- It is good practice for Salvation Army staff to have networked with other service providers in various fields (law, health, immigration, law enforcement, addictions, counselling, mental health, grief, anger management, etc.) before needs arise.
- An individual program plan is developed in partnership between the victim, Salvation Army staff and other service providers.
- Victims should have input regarding services they want and when they want to receive them. They need to be team members and key decision-makers, not simply recipients of help that someone else thinks would be good for them.
- An individual program plan is a living document that should receive frequent review and adjustment.
- An individual program plan should include:
 - *Current Need Area* – for the victim to address.
 - *Goals* – outcome statements of what will be accomplished and by when.
 - *Action Steps* – measurable tasks, with timelines, to accomplish the goals agreed upon by the victim and the staff person.
 - *Person(s) responsible* – who is responsible for the completion of the action step.

(These components should be explored for each need area.)

SAMPLE SECTIONS FROM AN INDIVIDUAL PROGRAM PLAN

1. Current Need Area: *Maria needs to get some form of immigration status in Canada.*

Goals: *Maria will apply for and receive a Temporary Resident Permit by February 16.*

Action Steps:

- 1) *Maria and her interpreter will call Citizenship and Immigration Canada on February 3 to make an appointment for a TRP interview.*
- 2) *Maria, her interpreter and her Salvation Army caseworker will meet February 4 to discuss the process of applying for a TRP and what types of questions CIC might ask.*
- 3) *On the day of the appointment, Maria and her interpreter will go to CIC, apply for the TRP and have the interview.*

Persons Responsible:

- *Maria is responsible for making arrangements with her interpreter for the phone call and the two meetings.*
- *The Salvation Army caseworker, Kim, is responsible for knowing TRP procedures and for setting up a meeting with Maria in advance to discuss these procedures.*

2. Current Need Area: *Maria needs trauma counselling to be able to help her deal with her emotions.*

Goals: *Maria will begin seeing a counsellor by February 21.*

Action Steps:

- 1) *Maria's caseworker, Kim, will research who does trauma counselling in the city, and which of these counsellors will accept people who have basic health coverage (Interim Federal Health).*
- 2) *Kim will call counsellors to find someone appropriate.*
- 3) *When the counsellor is found, Maria and Kim will meet to discuss the situation (deadline: February 18).*
- 4) *Maria will make arrangements with her interpreter to meet with the trauma counsellor.*

Persons Responsible:

- *Kim is responsible for networking and finding an appropriate trauma counsellor.*
- *Maria is responsible for attending the appointments and making the arrangements with her interpreter.*

APPENDIX 19**REPORTING PROTOCOL FOR
SEXUALLY EXPLOITED MINORS****1. Communicate with the victim**

Explain to the youth, through an appropriate interpreter if necessary, that based on the information they provided, they appear to be a victim of human sexual trafficking, and there are certain steps that should be taken to keep him/her safe and to get access to protection services. Reassurance is very important.

2. Report the suspected case of trafficking to law enforcement

Call 911. The RCMP and local police are tasked with handling cases of human trafficking. Working relationships should already be established.

3. Report the case to child welfare authorities

Contact your local child welfare authority/children's aid society (see Appendix 19) and inform them of the situation. All adults have a legal duty to report any suspected child abuse/exploitation to child welfare, regardless of the youth's consent.

4. Assess the victim's safety

Use Safety Assessment questions (see Appendix 6) to determine the victim's immediate threat of danger or harm. Be aware that victims may not perceive themselves to be in grave danger.

5. Develop a safety plan with the victim and ensure a safe place to stay

See Appendix 7 for information on safety plans. Work with law enforcement to find safe, secure housing that will protect the victim.

6. Assess and treat medical needs

Some medical needs are urgent, and some can wait for treatment.

7. Regularize immigration status

If the person does not have permanent, legal status in Canada, they need to connect with Citizenship and Immigration Canada to apply for a 180-day (renewable) Temporary Resident Permit, or some other form of legal immigration status. If they do not want to stay in Canada, repatriation needs to be explored.

8. After-care

Once a person has escaped from their trafficking situation, they need to begin the long journey to restoration and recovery. The services they need will depend on their individual circumstances, including their age.

APPENDIX 20

**CHILD WELFARE SERVICES IN CANADA
BY PROVINCE****ALBERTA:****Relevant legislation**

- Protection of Sexually Exploited Children Act
<http://www.qp.alberta.ca/documents/Acts/P30P3.pdf>
- The Child, Youth and Family Enhancement Act

To report suspected child maltreatment

1-800-387-KIDS

To find local child welfare services

- www.child.alberta.ca/home/local_offices.cfm

BRITISH COLUMBIA:**Relevant legislation**

- Child, Family and Community Service Act

http://www.mcf.gov.bc.ca/child_protection/

To report suspected child maltreatment

- Call local child welfare services (business hours)
- After-hours call the Helpline for Children at 310-1234 (no area code needed from anywhere in BC)
- Call police

To find local child welfare services

- Contact the Ministry of Children and Family Development
 - Victoria: (250) 387-6121
 - Vancouver: (604) 660-2421
 - Elsewhere in B.C.: 1-800-663-7867

MANITOBA:**Relevant legislation**

- The Child and Family Services Act
<http://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php>

To report suspected child maltreatment

- Contact local child protection services or police.

To find local child welfare services

- <http://www.gov.mb.ca/fs/locations/cfsagencies.html>

NEW BRUNSWICK:**Relevant legislation**

- Family Services Act
<http://www.gnb.ca/0062/PDF-acts/f-02-2.pdf>

To report suspected child maltreatment

- 1-800-992-2873
- Emergency after-hours 1-800-442-9799

To find local child welfare services

- http://www2.gnb.ca/content/gnb/en/services/services_renderer.9355.Child_Protection.html

NEWFOUNDLAND & LABRADOR:**Relevant legislation**

- Child Welfare Act
<http://www.assembly.nl.ca/legislation/sr/annualstatutes/RSN1990/C12.c90.htm>

To report suspected child maltreatment

- Call local services or (709) 729-2668

To find local child welfare service

- Check telephone book blue pages or
- Call the Department of Health and Community Services—Child Protection Services (709) 570-7819 or after hours (709) 570-7819

NOVA SCOTIA:**Relevant legislation**

- Children and Family Services Act
<http://www.gov.ns.ca/legislature/legc/statutes/childfam.htm>

To report suspected child maltreatment

- Call 1-877-424-1177 (business hours)
- Call 1-866-922-2434 (after hours)

To find local child welfare services

- <http://www.gov.ns.ca/coms/departement/contact/>

NORTHWEST TERRITORIES:**Relevant legislation**

- Child and Family Services Act
http://www.justice.gov.nt.ca/PDF/ACTS/Child_&_Family_Services.pdf

To report suspected child maltreatment

- Contact local services
- In Yellowknife, call (867) 873-7276 or after hours (867) 873-1929
- HELP Line (867) 920-2121

To find local child welfare services

- Contact Children and Family Services, Department of Health and Social Services (867) 873-7046

NUNAVUT:**Relevant legislation**

- Child and Family Services Act
<http://www.canlii.org/en/nu/laws/stat/snwt-nu-1997-c-13/latest/snwt-nu-1997-c-13.html>

To report suspected child maltreatment

- Call (867) 975-5700

To find local child welfare services

- Contact the central office of the Department of Health and Social Services, based in Iqaluit (867) 979-7300

ONTARIO:

Relevant Legislation

- The Child and Family Services Act
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c11_e.htm

To report suspected child maltreatment

- Contact local child welfare organization/children's aid society

To find local child welfare services

- <http://www.oacas.org/childwelfare/locate.htm>

PRINCE EDWARD ISLAND:

Relevant legislation

- Child Protection Act
http://www.gov.pe.ca/law/statutes/pdf/c-05_1.pdf

To report suspected child maltreatment

- 1-800-341-6868 or 911
- Call local services

To find local child welfare services

- <http://www.gov.pe.ca/infopei/index.php3?number=20625>

QUEBEC:

Relevant legislation

- Youth Protection Act
http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/P_34_1/P34_1_A.HTM

To report suspected child maltreatment

- Contact local Centre Jeunesse
- For services in English, call Batshaw Youth and Family Centres in Montreal at (514) 935-6196

To find local child welfare services

- <http://www.acjq.qc.ca/?8EE54FDD-475E-4592-B399-82AF8CDCDDDC>

SASKATCHEWAN:

Relevant legislation

- The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act
- <http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/e8-2.pdf>
- The Child and Family Services Act
<http://www.qp.gov.sk.ca/documents/english/statutes/statutes/C7-2.PDF>

To report suspected child maltreatment

- Contact local or aboriginal agency or call the police

To find local child welfare services

- <http://www.socialservices.gov.sk.ca/child-protection.pdf>

YUKON:

Relevant legislation

- Child and Family Services Act
http://www.hss.gov.yk.ca/cfsa_changes2010.php

To report suspected child maltreatment

- (867) 667-3002 or 1-800-661-0408, local 3002

To find local child welfare services

- Contact Family and Children's Services, Government of Yukon
 - Telephone: (867) 667-3002

APPENDIX 21

CANADIAN LEGISLATION RELATED TO HUMAN
TRAFFICKINGCriminal Code of Canada

View the entire Criminal Code of Canada online at: <http://laws.justice.gc.ca/en/C-46/>

Trafficking in persons

279.01 (1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence and liable

(a) to imprisonment for life if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence; or

(b) to imprisonment for a term of not more than fourteen years in any other case.

(2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

Trafficking of a person under the age of eighteen years

279.011 (1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person under the age of eighteen years, or exercises control, direction or influence over the movements of a person under the age of eighteen years, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence and liable

(a) to imprisonment for life and to a minimum punishment of imprisonment for a term of six years if they kidnap, commit and aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence; or

(b) to imprisonment for a term of not more than fourteen years and to a minimum punishment of imprisonment for a term of five years, in any other case.

Consent

(2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

Material benefit

279.02 Every person who receives a financial or other material benefit, knowing that it results from the commission of an offence under subsection 279.01(1), is guilty of an indictable offence and liable to imprisonment for a term of not more than ten years.

Withholding or destroying documents

279.03 Every person who, for the purpose of committing or facilitating an offence under subsection 279.01(1) or 279.011 (1), conceals, removes, withholds or destroys any travel document that belongs to another person or any document that establishes or purports to establish another person's identity or immigration status is guilty of an indictable offence and liable to imprisonment for a term of not more than five years, whether or not the document is of Canadian origin or is authentic.

Exploitation

279.04 (1) For the purposes of sections 279.01 to 279.03, a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service. Factors

(2) In determining whether an accused exploits another person under subsection (1), the Court may consider, among other factors, whether the accused

- (a) used or threatened to use force or another form of coercion;
- (b) used deception; or
- (c) abused a position of trust, power or authority.

Organ or tissue removal

(3) For the purposes of sections 279.01 to 279.03, a person exploits another person if they cause them, by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed.

Procuring

212. (1) Every one who

- (a) procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada,

(b) inveigles or entices a person who is not a prostitute to a common bawdy-house for the purpose of illicit sexual intercourse or prostitution,

(c) knowingly conceals a person in a common bawdy-house,

(d) procures or attempts to procure a person to become, whether in or out of Canada, a prostitute,

(e) procures or attempts to procure a person to leave the usual place of abode of that person in Canada, if that place is not a common bawdy-house, with intent that the person may become an inmate or frequenter of a common bawdy-house, whether in or out of Canada,

(f) on the arrival of a person in Canada, directs or causes that person to be directed or takes or causes that person to be taken, to a common bawdy-house,

(g) procures a person to enter or leave Canada, for the purpose of prostitution,

(h) for the purposes of gain, exercises control, direction or influence over the movements of a person in such manner as to show that he is aiding, abetting or compelling that person to engage in or carry on prostitution with any person or generally,

(i) applies or administers to a person or causes that person to take any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower that person in order thereby to enable any person to have illicit sexual intercourse with that person, or

(j) lives wholly or in part on the avails of prostitution of another person,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Living on the avails of prostitution of person under eighteen

(2) Despite paragraph (1)(j), every person who lives wholly or in part on the avails of prostitution of another person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of two years.

Aggravated offence in relation to living on the avails of prostitution of a person under the age of eighteen years

(2.1) Notwithstanding paragraph (1)(j) and subsection (2), every person who lives wholly or in part on the avails of prostitution of another person under the age of eighteen years, and who

(a) for the purposes of profit, aids, abets, counsels or compels the person under that age to engage in or carry on prostitution with any person or generally, and

(b) uses, threatens to use or attempts to use violence, intimidation or coercion in relation to the person under that age,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years but not less than five years.

Presumption

(3) Evidence that a person lives with or is habitually in the company of a prostitute or lives in a common bawdy-house is, in the absence of evidence to the contrary, proof that the person lives on the avails of prostitution, for the purposes of paragraph (1)(j) and subsections (2) and (2.1).

Offence – prostitution of person under eighteen

(4) Every person who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months.

(5) [Repealed, 1999, c. 5, s. 8]

Immigration and Refugee Protection Act

View the entire I.R.P.A. online at <http://laws.justice.gc.ca/en/I-2.5/>

Human Smuggling and Trafficking

Organizing entry into Canada

117. (1) No person shall knowingly organize, induce, aid or abet the coming into Canada of one or more persons who are not in possession of a visa, passport or other document required by this Act.

Penalties – fewer than 10 persons

(2) A person who contravenes subsection (1) with respect to fewer than 10 persons is guilty of an offence and liable

(a) on conviction on indictment

(i) for a first offence, to a fine of not more than \$500,000 or to a term of imprisonment of not more than 10 years, or to both, or

(ii) for a subsequent offence, to a fine of not more than \$1,000,000 or to a term of imprisonment of not more than 14 years, or to both; and

(b) on summary conviction, to a fine of not more than \$100,000 or to a term of imprisonment of not more than two years, or to both.

Penalty – 10 persons or more

(3) A person who contravenes subsection (1) with respect to a group of 10 persons or more is guilty of an offence and liable on conviction by way of indictment to a fine of not more than \$1,000,000 or to life imprisonment, or to both.

No proceedings without consent

(4) No proceedings for an offence under this section may be instituted except by or with the consent of the Attorney General of Canada.

Offence – Trafficking in persons

118. (1) 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.

Definition of “organize”

(2) For the purpose of subsection (1), "organize", with respect to persons, includes their recruitment or transportation and, after their entry into Canada, the receipt or harbouring of those persons.

Disembarking persons at sea

119. A person shall not disembark a person or group of persons at sea for the purpose of inducing, aiding or abetting them to come into Canada in contravention of this Act.

Penalties

120. A person who contravenes section 118 or 119 is guilty of an offence and liable on conviction by way of indictment to a fine of not more than \$1,000,000 or to life imprisonment, or to both.

Aggravating factors

121. (1) The court, in determining the penalty to be imposed under subsection 117(2) or (3) or section 120, shall take into account whether

- (a) bodily harm or death occurred during the commission of the offence;
- (b) the commission of the offence was for the benefit of, at the direction of or in association with a criminal organization;
- (c) the commission of the offence was for profit, whether or not any profit was realized; and
- (d) a person was subjected to humiliating or degrading treatment, including with respect to work or health conditions or sexual exploitation as a result of the commission of the offence.

Definition of "criminal organization"

(2) For the purposes of paragraph (1)(b), "criminal organization" means an organization that is believed on reasonable grounds to be or to have been engaged in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of an offence punishable under an Act of Parliament by way of indictment or in furtherance of the commission of an offence outside Canada that, if committed in Canada, would constitute such an offence.

Documents

122. (1) No person shall, in order to contravene this Act,

- (a) possess a passport, visa or other document, of Canadian or foreign origin, that purports to establish or that could be used to establish a person's identity;
- (b) use such a document, including for the purpose of entering or remaining in Canada; or
- (c) import, export or deal in such a document.

Proof of offence

(2) Proof of the matters referred to in subsection (1) in relation to a forged document or a document that is blank, incomplete, altered or not genuine is, in the absence of evidence to the contrary, proof that the person intends to contravene this Act.

Penalty

123. (1) Every person who contravenes

- (a) paragraph 122(1)(a) is guilty of an offence and liable on conviction on indictment to a term of imprisonment of up to five years; and

(b) paragraph 122(1)(b) or (c) is guilty of an offence and liable on conviction on indictment to a term of imprisonment of up to 14 years.

Aggravating factors

- (2) The court, in determining the penalty to be imposed, shall take into account whether
- (a) the commission of the offence was for the benefit of, at the direction of or in association with a criminal organization as defined in subsection 121(2); and
 - (b) the commission of the offence was for profit, whether or not any profit was realized.

APPENDIX 22

TRAUMA and TRAUMA INFORMED SERVICE

Trauma is the emotional or psychological response to an overwhelming experience. Traumatic stress is so intense that it can be too difficult to cope with. It can cause depression, shame, fear, anger, hopelessness and can intensify or decrease affect. Without treatment, trauma can permanently disrupt a persons' emotional, mental, spiritual and physical health.

People who experience violent, prolonged, and life-threatening situations can be expected to manifest severe trauma. Trafficking victims could experience severe psychological injuries including rape trauma, depression, acute shame and worthlessness, substance abuse, memory loss, personality disorders, suicide ideation and post-traumatic stress disorder. Experts believe that human trafficking victims experience similar trauma to victims of rape and domestic violence, but at much higher levels.¹⁰⁷

There are several challenges in working with traumatized people, including establishing trusting relationships, but training in trauma-informed service will aid in helping victims. Trauma-informed caregivers/services:

- promote sensitive and relevant responses to those they serve
- try to be aware of past and current abuse
- understand the role that violence plays in peoples' lives
- use this understanding to provide services that accommodate vulnerabilities of trauma survivors and facilitate client participation in treatment.

Trauma-informed service delivery demonstrates that, regardless of a ministry unit's primary service, it is committed to delivering services in a manner that is welcoming and appropriate to the needs of survivors.

Core assumptions of trauma-informed services are:¹⁰⁸

- Trauma is a life-defining event that profoundly shapes a victim.
- Prior exposure to trauma will impact response to additional trauma.
- Primary goals of service are empowerment, healing and recovery.
- A review of ministry unit policies and procedures must take place.

Trauma informed service training for staff throughout a unit will benefit the quality of service delivery and the care victims receive.

¹⁰⁷ Dorchen Leidhohdt, "Successfully Prosecuting Sex Traffickers," Testimony Before the Committee of the Judiciary, House of Representatives, United States, Nov 2007.

http://action.web.ca/home/catw/readingroom.shtml?x113289&Aa_EX_Session=e290fa8

¹⁰⁸ H. Clawson, A. Salomon and Grace L. Goldbatt, *Treating the Hidden Wounds: Trauma Treatment and Mental Health Recovery for Victims of Human Trafficking*, 2008.

<http://aspe.hhs.gov/hsp/07?HumanTrafficking/Treating/ib.htm>

Key Characteristics of Trauma Informed Services:

- Making the assumption that most people who present at Salvation Army shelter services and similarly natured ministry units have experienced moderate trauma.
- Ensuring safety and meeting basic service needs by having an environment of physical and psychological safety.
- Using interviewing techniques that empathize respect and allow the person to “take the lead” to begin to build trust.
- Offering Peer to Peer support and Peer led services.
- Ensuring people are making decisions about and have control over their own programming and recovery.
- Forming helping relationships based on partnership and reducing the authority imbalance.
- Offering non-traditional open programs to improve self-awareness and containment/coping methods such as art therapy, journaling, poetry and song writing, yoga, drama, outdoor activities, mindfulness techniques (deep breathing, thought stopping) and spiritual retreats.

APPENDIX 23

CULTURAL SENSITIVITY

Culture refers to systems of beliefs, attitudes, values, race, ethnicity, religion and behavioural norms shared by groups of people. Cultural differences can be obvious, subtle and all points in between. We tend to view culture mainly from the perspective of ethnic background or religion, but it is important to also be aware of the more subtle cultural systems such as: street culture, various neighbourhoods and community cultures, and the culture that exists within a shelter or church. The more a person can identify with or understand the culture that is around them, the more comfortable and at ease they may be.

Trafficked persons can originate from any culture ; as such, it is important that ministry unit staff recognize and respect differences between local culture and the culture of the victim. These culture differences can play out in many ways, including how victims communicate verbally and non-verbally, how they behave, the way they cope and heal, and their spiritual beliefs.

It is important that ministry unit staff and caregivers are sensitive to these cultural differences when interacting with any clients, but particularly with trafficked victims who could be dealing with trauma, medical concerns, addictions, change in environment or other serious issues. For example, while some cultures value talking about issues to help with healing, others may encourage privacy and stoicism. Staff should consider differences like these in order to properly respect, care for and demonstrate kindness to victims. Acting in consideration of this knowledge is called cultural competence, and is:

- open-minded and non-judgmental
- knowledgeable about various communication styles
- accepting and respectful of people and their diversities
- skilled in helping people heal and knowledgeable of resources
- considerate of clients' needs and habits (dietary, worship, social, etc.)

In addition, cultures may take different views on issues. For example, some cultures may view women who have been trafficked as innocent victims who have been deceived and enslaved, while others may view them as shameful, damaged women who willingly chose their fate. Gaining awareness of cultural views is important in considering issues like a victim's return to her home community, the level of shame a victim feels, the most beneficial type of counselling, or her healing process. The victim herself and others from her culture can help expand staff members' understanding of some of these attitudes. Similarly, how people choose to heal can vary across cultures. It is

important that caregivers understand victims' needs (social, physical, spiritual, psychological), and learn and respect how they prefer to heal.

Brief cultural sensitivity training would be beneficial for staff coming in contact with trafficking victims at any level (counselling, reception, kitchen, program, housekeeping, etc.).

To be culturally sensitive suggests that those who have contact with trafficked persons, or potentially trafficked persons, are dedicated to learning about the culture of the person they are working with and responding to the disclosers of that person appropriately. A gentle question of when was the last time he or she felt safe and how the client views what happened to them from their perspective of how they were raised, their faith or religious background and ethnic background, can all be a means of learning about the person's culture as well as providing them with the opportunity to share their experience and be engaged in their own healing.