

The Salvation Army Response to Public Safety's Consultation Questionnaire: Way Forward to End Human Trafficking in Canada

October 12, 2018

The Salvation Army welcomes and appreciates the opportunity to provide its views on Public Safety’s Consultation regarding a way forward to end human trafficking in Canada. In this submission we endeavor to provide insights into the effectiveness of current systems of response and will address the questions put forward in the questionnaire.

The Salvation Army has been engaged in combatting human trafficking and modern day slavery in Canada for decades and unfortunately, every day bears witness through our front line direct services of the devastating impacts it can have on individuals, families, and communities. That said, we are also privileged to be part of the journey of healing and restoration for many survivors and have witnessed the inspiring change that can happen with adequate support and care.

This submission is not a roadmap for a new anti-trafficking framework, but rather representations from our experiences in journeying with victims and survivors as well as tangible suggestions and proposed solutions as to how to combat some of the systemic barriers that exist in further developing prevention techniques, supporting survivors, and ending human trafficking in Canada. We believe that the development of a national strategy that includes more robust, formal engagement between all levels and departments of government and civil society across the country is necessary. It is important to recognize that human trafficking is a crime that occurs in communities and neighborhoods, where in many cases; it is often not always law enforcement who identifies and assists a victim to leave an exploitative situation. As such, it cannot be addressed through law enforcement and government department alone but rather requires a whole of society approach.

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Framework for a New National Strategy

As identification of human trafficking grows, we are seeing in Canada an alarming uncovering of the extent of this crime. Some of our most vulnerable communities are targeted, be that our youth, temporary foreign workers, those with active addictions and mental wellness concerns, those in the care of the government, and our Indigenous populations. We also see those who come from stable families and communities lured and recruited, often with a promise to meet core needs that are not being met by healthy means. Although some have the courage to come forward and report to criminal investigative bodies, we see many more who utilize our programs and initiatives, yet do not report publicly, which lends credence to the extent of this hidden form of abuse. The impact to public safety is severe- the advances of online exploitation have caused our children and youth to be at risk from the safety of their own bedroom. Human trafficking has changed over the years, and our action plans must be willing to adapt and be highly progressive ahead of the curve.

Unfortunately, the systemic realities in many communities across the country have led to patterns of exploitation (which can lead to human trafficking) to be normalised. The Salvation Army has witnessed this in relation to the impacts of colonization on our Indigenous peoples which has led to often lower standards of living (e.g. subpar housing, access to food, healthcare and education). As a result, this creates environments where people become extremely vulnerable to exploitation/human trafficking, and are often exposed to intergenerational trauma and hardship as a direct result of colonization. In other communities, racism remains a daily reality for many and as a result can also create environments where individuals become vulnerable to exploitative practices employed by traffickers. We have also seen a specific demand for purchasers of sexual services to have access to Indigenous women and girls. Particularly work camps spread throughout Northern and Interior regions of Canada create inherent vulnerabilities- large groups of unoccupied workers who create a demand from neighboring Indigenous reserves. These are just a couple of examples of the systemic realities that exist and create situations where exploitation and then trafficking can exist. These and many other systemic barriers will need to be addressed at their root causes in order to combat trafficking.

Systemic issues related to human trafficking could be addressed by a new national strategy by:

- adopting a trauma informed, and also trauma sensitive lens (which means our strategies are not just aware of trauma, but actually make accommodations for those who have experienced this kind of abuse). This goes hand in hand with a de-colonizing praxis. Our practice of support of Indigenous communities to come alongside their work, their projects, and their initiatives, asking how we can help versus posing our initiatives from the outside.
- recognizing that often persons are exploited due to a lack of a core need or needs being met. Part of the solution is to meet the needs of our vulnerable populations and communities in healthy ways, be that the intangibles such as love and belonging, or the tangibles such as housing, detox, harm reduction, immigration support, and liaising with these services to ease accessing etc.

- including specific steps to address the demand from Canadians for sexual services and cheap labour/goods.
- developing equal distribution strategies of resources and funding across all provinces and regions, not just urban centres to encourage the development of resilient communities able to withstand and respond against efforts of traffickers
- recognizing that the interests of public safety involve prevention, intervention, and rehabilitation efforts for those affected, from law enforcement, financial, and non-governmental services.
- developing and setting standards for practice of care so those affected are treated with respect, dignity, opportunities for self-autonomy, and varying forms of healing
 - Including introducing intersectional feminist perspectives where appropriate,
- developing protocols for working with victims to ensure greater consistency in services including:
 - focusing on assistance options that are person centred and trauma informed
 - developing a system of safe houses, safe spaces, stabilizing supports and harm reduction initiatives and programs across the country for wrap around or seamless interface between initiatives for physical support for exiting
- engaging the Department of Justice, Health Canada, Status of Women, and other Federal government bodies to cross collaborate, develop joint project options, and have shared vision. We encourage this action plan to inform the strategic steps of the other governmental departments that also includes interfacing with all affected provincial government departments as well.
- recognizing that mental wellness, addiction, and the opioid/meth and overdose crisis is significantly affecting our population, and contributes to both the involvement and the challenges to exit for those being trafficked.
- ensuring that there is equal focus on both exploitation (which is usually the pre-cursor of human trafficking), and human trafficking, for purposes of sex, labour, and organ removal.
- including and addressing ethical supply chains for goods and services and Canadian purchasing habits as key factors that the general public can contribute to
- providing space for survivor voices to be included, while ensuring that ethical storytelling practices are utilized

The Salvation Army supports the continued use of the 4-Ps approach, however, also strongly encourages the addition of two additional Ps: Policy and Participation. We submit that in order to adequately address some of the systemic issues identified above, the changes need to take place not only on the ground but also throughout the entire system and adequately reflected in all policies.

Enhanced Collaboration

The Salvation Army recognizes the benefits of systems of prevention and response that is coordinated and collaborative. There is no one solution to end human trafficking in Canada or

one way to support/assist victims and therefore we submit to strongly encourage collaboration, coordination and cooperation among all partners.

Coordination and collaboration could be enhanced among partners (federal, provincial, territorial, municipal, Indigenous peoples and government, private and business sector and non-government stakeholders) by:

- further exploration and use of international systems used against organized crime
- working to ensure all parties have awareness of all available resources (whether they be provided by governments, NGOs or other stakeholders)
- further develop and enhance the network between provincial victim service agencies in relation to available services and resources
- develop system of training (including regular refreshers) around the indicators of human trafficking and the laws and protocols for managing these cases for those who may come into contact with victims of trafficking (e.g. law enforcement, social workers, medical personnel, frontline social services personnel, etc.)
- make funding available for scholarships to ensure greater numbers of law enforcement officers can take the Human Trafficking Investigators Course in Ottawa
- provide funding opportunities and resources that reach across larger regions and through interagency partnership, including law enforcement and non-governmental organizations.

Victim Protection

Unfortunately, every day across Canada vulnerable individuals are being exploited, victimized and trafficked. This is a reality that we are all too familiar with. That said, we submit that as a national strategy is developed it is important to focus on language so as to ensure that its effectiveness is felt as widely as possible. As such, we submit that rather than using language such as “victim protection” that this section be focused on protection/support for vulnerable groups or trafficked/exploited persons. We believe that this better reflects the desire to ensure that not only are individuals directly impacted by trafficking/exploitation able to receive protection but that it also encourages greater focus around prevention.

In our experience, some of the shared characteristics of successful interventions with high risk groups include:

- a focus on first stage programming, to ensure that survivors can access care immediately without a base level of stabilization needing to be established first
- an understanding that exiting exploitive circumstances takes time, and often requires multiple exiting attempts
- programming provided that utilizes a trauma sensitive lens that is willing to accommodate traumatic impacts and make exceptions to adapt programming to suit individual needs
- ensure the national human trafficking hotline has an element of emotional and psychological support for those that call, not just resource referrals

- longer term funding opportunities for initiatives and projects that facilitate meaningful relationship with survivors, and a challenge to develop standards of professionalism for agencies to utilize appropriate boundaries of care in direct service programs.
- encourage the sharing of initiatives that are working by inviting those who administer them to submit short fillable questionnaires and publish the results widely
- further develop networks between provincial victim service agencies for supporting those victimized by human trafficking
- short and long term recovery support for those victimized that recognize the combined effects of trauma and long term exploitation specific to human trafficking, including residential programs and supportive living.
- create a standardized system to support survivors to travel to assistance and help without ID, and Victim Quick Response Programs such as Ontario's to ensure survivors can access care when out of province
- ensure testimonial aids are a right for victims of trafficking and exploitation to utilize when participating in criminal justice
- provide gradual exiting options, including those that engage harm reduction as a step towards exiting
- to provide a framework of restitution for survivors of exploitation to recover lost wages and criminal compensation
- to ensure survivor led agencies follow applicable standards in ethical practice and have appropriate accountability and supervision
- raise up a standard of ethical storytelling to ensure the public's need for stories does not encourage re-exploitation of survivors
- providing and engaging civil justice, such as Employment Standards, WorkSafe, and Human Rights Tribunals, as options for survivors to utilize

Data Collection

Data collection has been an international area of concern, as there is often varying definitions of what human trafficking and exploitation is, and the clandestine nature of the crime means only those who come forward or are identified provide measurement opportunities. We encourage data collection in a broad variety, including access to health services, temporary foreign worker programs, youth in care, shelter and housing, access to criminal and civil justice, those presenting with physical and mental disabilities, new refugees to Canada, and those with addictions and mental wellness concerns. We encourage the fine balance of further seeking a culture that encourages the reporting of exploitation while still protecting the identity of the person(s) victimized. Secrecy and uncertainty continues to impede the data, and we encourage a protective approach particularly for those who are affected by trafficking.

Other suggestions:

- utilize a broad base of data sources such as doctors, nurses, paramedics who identify high system usage, social assistance, housing (rooming houses, landlords where cash is paid), shelters and drop-in centres, discussions with experiential person's focus groups in the high system usage areas.
- current data collection tools could be improved by providing alternative means for marginalized populations to access questionnaires, such as through measures: online, over the telephone, in-person interviews, paper copies, apps
- data collection should be anonymous, or have the option to be, and marketing should be discreet, yet visible (e.g. posters or flyers at drop-in centres, support groups, treatment centres, hospitals, etc.)
- For survivors who participate, honoring their time as consultants and offering an appropriate form of compensation
- ensuring use of missing persons data from local and federal law enforcement if not already
- we encourage the collection of data regarding exiting, but also rehabilitation. There is little to no work looking at what it means to recover from human trafficking and re-integrate back into community. Those who are unable to successfully exit are at a high likelihood of re-victimization. Researching the road to recovery provides a key in protecting the interests of long term public safety.

Labour Trafficking

The Salvation Army notes that there is some concern that we as a country are not fully aware of the prevalence of labour trafficking taking place in Canada. There are often misconceptions that it is solely an issue related to immigration, whereas our experience has seen that it is wider, those not new to Canada also fall victim to labour trafficking which is as severe as sexual exploitation. ,

In our anti-trafficking specific programming, we see that the demand for temporary foreign workers to come to Canada to fill jobs that Canadians do not want to do has increased the likelihood of vulnerability for those workers. Inconsistent approaches to utilizing the Immigration and Refugee Protection Act have resulted in low usage of this criminal mechanism. Labour exploited persons are often willing to report but face law enforcement bodies unwilling to foray into the complications of *Criminal Code* section 279 or *Immigration and Refugee Protection Act* section 118, leaving them without adequate access to justice. Additionally, little training is provided for immigration bodies to administer VTIP-TRP's, which results in rejections and removals of individuals from our country in need of protection. Lastly, we see most efforts and programs developed which are unable to work with foreign nationals and those who have been exploited for labour, as their focus is primarily sex trafficking.

We submit that the following strategies be considered to address labour trafficking;

- all programming developed for survivors is inclusive of both labour and sexually exploited persons to access where appropriate ensuring improved access to aid
- awareness strategies put in place to ensure that this issue is raised to the attention of law enforcement and service providers
- Ensuring all peace officers are trained to use both the Criminal Code and Immigration and Refugee Protection Act to assist labour exploited persons, and regions develop clarity on whose responsibility it is (Provincial Police, Municipal Police, RCMP, CBSA, etc.)
- engage Provincial Employment Standards and Employment and Social Development Canada to play a larger role in ensuring worker safety for those coming on the Temporary Foreign Worker Programs. Other legislation such as the Manitoba Worker Recruitment and Protection Act can be perhaps implemented more broadly.
- Mandate training at IRCC to ensure proper review of VTIP-TRP's, and increase the time limit of these permits from 180 days to 360. We also suggest removing the fees from these applications.
- Expand medical coverage for VTIP-TRP recipients, as the current healthcare provided is insufficient
- Provide access to free legal representation for labour exploited persons
- Review the Temporary Foreign Worker Programs and provide protections to ensure vulnerable populations are protected while in our country. This includes random inspections of worksites, education on employment rights provided to every worker, and mandatory check-ins with governing bodies for the workers. Other legislation such as the Manitoba Worker Recruitment and Protection Act can be perhaps implemented more broadly.
- Encouraging the use of and development of tools, such as the Slavery Footprint, to engage the public on ethical purchasing and supply chains

Law Enforcement and Prosecutions

The Salvation Army recognises that law enforcement and the Canadian legal system is a complex process, and can play an important role in the prevention and intervention of human trafficking. We have unfortunately witnessed the impact of said complexity and inflexibility of the system can have on survivors of trafficking.

Some of the reasons for unsuccessful human trafficking prosecutions involve:

- Safety concerns for survivors, both in recovery and in the court system. Many survivors are required to leave the province, which uproots their support systems and long term recovery plans. Appearing in court often means that the gallery is filled with dangerous associates and/or community members, which serves to discourage those coming forward.
- Survivors experiencing serious mental wellness and addictions concerns, which impedes their access and ability to comprehend the process, and often leads to inconsistent statements.

- The burden of proof laying primarily on victim testimony
- Limited legal representation for the survivors themselves to access. Survivors are often subject to severe cross examination, and have limited understanding or defence of their own rights as the system is geared towards societal justice, not individual justice.
- The Criminal Justice system providing limited protection from third party record requests such as counselors and recovery centres. This is deeply unnerving for a survivor and can de-rail trust and recovery, as it puts precious information back in the hands of traffickers.
- The lack of a rape shield equivalent law for human trafficking. Survivors are often battered and severely exposed in the process of cross examination, and repeatedly asked degrading and demeaning questions about sex work, sexual acts, rape, and discrimination.
- As mentioned above, the lack of rights for a survivor to a testimonial aid, such as CCTV. This means that you are facing your perpetrator(s) face to face, and often leads to serious relapses post court.
- A lack of policy for victims of trafficking who have been trained, coerced, and forced to victimize others, therefore resulting in human trafficking charges towards victims themselves.
- VTIP-TRP's are in theory not tied to law enforcement involvement, but in practicality, they are not being issued unless law enforcement is actively investigating.
- Lack of training for law enforcement to support survivors of trafficking, and to effectively investigate Criminal Code and Immigration and Refugee Protection charges.
- Survivors who have recently exiting and struggling with hope for the future, often in cycles of failure, substance abuse, and self-harm/suicidality.
- Limited requests criminal restitution for the survivor to recover lost wages for
- Inconsistent application of the Bill C-36 amendment to the *Criminal Code* in addressing purchasing

We suggest the following tangible solutions:

- A national focus and priority issued to all law enforcement to address and investigate human trafficking and exploitation cases, and pursue diversion/alternative measures or charges against purchasers where appropriate.
- Investment in specialized units not just in the urbanized cities, including support for officers in northern and interior regions to access specialized training
- Scholarships for law enforcement to access routine specialized courses
- The development of a rape shield law and protection provision equivalents to be utilized in cases of human trafficking, to ensure that inappropriate questioning is not used to shame victims who come forward
- Free independent legal support and representation for all trafficked persons
- Making access to testimonial aids a right for every survivor who comes forward
- Restitution processes in every province for identified victims to access restitution for lost wages

- VTIP-TRP's issued without the contingent of law enforcement involvement and including clear adhered to criteria for eligibility
- Law enforcement approaches that are inclusive of trauma impacts, including not taking statements immediately, and training regarding questioning and KGB statements utilized to limit impact on survivors in court
- A more widely utilized provision of alternative measures/diversion for victims of trafficking who victimize others, similar to child soldier provisions in other countries similar to Manitoba Justice Prosecutions

Industry/Tech Solutions

As human trafficking is an increasingly online facilitated crime, we see multiple opportunities for industry and technology to play a role:

- Industries can develop strategies and provide accommodations/exceptions to help counter human trafficking by offering services at discounted or pro-bono rates (medical, mental health, counseling, clothing, housing, employment, educational training), or use their platform and influence to campaign for workers' rights and what labour exploitation can look like, adding policies and practices about sexual exploitation, provide training at orientation and ongoing regarding sexual exploitation and or sexual harassment, inclusive of identification and action steps.
- Encourage social media platforms to take action in regards to prevention. Youth who are engaged in anti-human trafficking efforts are much less likely to be exploited themselves.
- Challenge all banks to adopt projects such as BMO to address money laundering and human trafficking related transactions
- Challenge developers of youth based apps to put boundaries in place to prevent youth from experiencing exploitation
- Provide easy access points for businesses to leverage corporate responsibility efforts to end human trafficking in Canada, with a focus on hope and transformation versus scare tactic sensationalism
- Develop standards and education for ethical supply chains and purchasing of goods and services
- Utilize chat bot programming, similar to the US, to reach out to those purchasing or seeking to purchase online, as a means of deterring, or those who are potentially being exploited
- Support and encourage a culture where Canada is unanimously incensed by the exploitation of all its peoples and will not tolerate such in any form.

Conclusion

The Salvation Army recognizes the efforts Canada has made to establish a foundation for ending human trafficking. Whilst progress has been made across the country, the number of

occurrences continues to grow and the number of prosecutions remains low. We strongly encourage the development of the next phase of this national strategy to end human trafficking. Without a consistent, coordinated and cooperative whole of society approach individuals, families, and communities will continue to be exploited by human traffickers.

In addition to the suggestions above, we wish to conclude with the following final thoughts:

- Recognize that those who benefit from the exploitation/human trafficking of others are from the widest spectrum of those themselves exploited to those considered the pillars of society, from family members to organized crime. Ensuring systems of accountability and creating that culture of whistleblowing on exploitation along with addressing poverty and its roots will assist in moving forward to end human trafficking. This is not a “them” problem, it is an “us” problem, and should be treated as such.
- we understand that the demand is widespread and in some ways we are all a part of the demand by making unethical or unformed purchases of goods and services. We can all change this.

Much more investment is required at all levels of government to identify and assist all people victimized and hold all perpetrators to account. A truly comprehensive response must include all levels and departments of government, as well as communities, not simply as supporters of a national strategy, but as key stakeholders and implementers of the plan.

We at the Salvation Army are committed to changing the script of the story to where exploitation and particularly human trafficking is no longer any part of someone’s journey. From our emergency shelters and addiction programs, detox facilities, to correctional and justice services, emergency disaster relief, our faith communities and our human trafficking specific programs, we see this issue and will not stand by. We are willing to roll up our sleeves, provide safe spaces and places, appropriate and excellent approaches, and give appropriate spaces for survivors to take back their lives, and their voice. Human trafficking is a grave issue, but we see hope- hope for transformation. A society that buys and sells its own people is a broken one. It’s time to change the script of the story from one of pain and suffering to one of healing and reconciliation. We commit our support to joining this national action plan, and look forward to further partnership together.

Should you require any additional information with regards to this submission please do not hesitate to contact The Salvation Army at larissa@deborahsgate.ca.