

BC's Office to Combat Trafficking in Persons

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I am delighted to have this opportunity to introduce the BC's government's Office to Combat Trafficking in Persons. This Office opened in 2007 and is the first service of its kind in the country.

This presentation will highlight some of BC's prior involvement in cases of human trafficking and outline the steps Canada has taken work leading up to the decision to launch this unique Office. We will look at the global, national and local context of human trafficking. I will present OCTIP's service delivery model and we will look at some of the key international conventions that govern our work.

Office to Combat Trafficking in Persons (OCTIP)

- Opened July 2007 in Victoria, BC
- Reports to Ministry of Public Safety and Solicitor General
- Joint funding from Ministry of Children and Family Development



In 2005 the Human Trafficking Response Initiative was created by two ministries. The results of the HT initiative lead to a decision to dedicate resources for an Office and staff to begin building a permanent response to trafficking situations in the province – the OFFICE TO COMBAT TRAFFICKING IN PERSONS opened July 2007 in Victoria.

The Office has two locations today - Victoria and Vancouver with a permanent staff of 6: Executive Director; Director of Policy and Stakeholder Relations; 3 Policy and Research Analysts; an Office Manager and additional temporary staff/students including 1 from another government office; and two students. There is also a part time contractor assisting us with our resource library and on-line database of materials.

Role of OCTIP

**Coordination of
BC's strategy to
address human
trafficking**



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Role of OCTIP: Collaboration

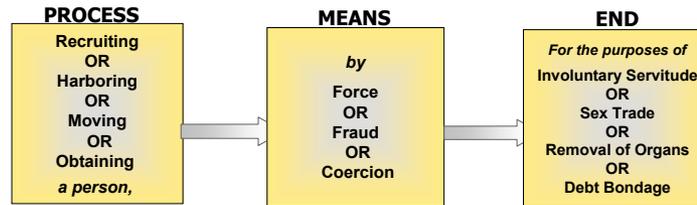
- Community Organizations
- Law Enforcement
- Municipal Government
- Provincial Ministries
- Federal Departments
- Academic Institutions



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What is Human Trafficking?

Three Elements of Trafficking*



*Adapted from the Freedom Network Training Institute



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Definition of Exploitation

Palermo Protocol

Exploitation shall include, at a minimum:

- the exploitation of the prostitution of others or other forms of **sexual exploitation**
- **forced labour** or services,
- **slavery** or practices similar to slavery
- **servitude**
- the **removal of organs**



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The fact that a person has consented is irrelevant once it is established that they were deceived, threatened or forced.

The main feature of trafficking is that people are exploited.

The critical point to remember is not that people are moved across provincial, national or international borders but that the people are compelled to provide their labour or services; this is the critical element central to the crime of trafficking in persons.

Exploitation Expanded

- Illegal Adoption
- Forced Marriage
- Drug/Money Smuggling
- Child Soldiers
- Debt Bondage



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Smuggling or Trafficking?

Smuggling: Once at their destination, smuggled persons are free to do as they please.

Trafficking: Once at their destination, trafficked persons are exploited.



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All smuggling is illegal. Once a person is smuggled into a country they are free to go, so long as they were able to pay the fee to their smuggler.

It is important to recognize that first and foremost, trafficked persons have had a crime committed against them, rather than looking at the trafficked person as the criminal, as is often the case in smuggling.

Trafficking does not always happen through illegal entry. Trafficked persons can come into Canada legitimately using visitors, tourist, live-in-care-giver visas.

The main difference is that once they arrive to Canada they are exploited against their will or beyond the circumstances they had expected.

Major distinction: elements of FORCE, COERCION, DECEPTION and EXPLOITATION

Trafficked Persons

Why People Are Vulnerable to Human Traffickers*

- **Poverty**
- **Immigration laws/policies**
 - Demand for migrant work that immigration system cannot meet
 - Marriage as a way to obtain legal status
 - Dependence on third parties for information about migration
- **Discrimination:** ethnic, religious, gender, age

*Freedom Network Training Institute



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This is the challenge for all those addressing the issue of human trafficking - from border officials, to police officers, to counsellors and transition house staff, social workers, nurses etc. etc.

Who are trafficked persons and more importantly how do we properly identify them? We are chasing ghosts due to the clandestine nature of human trafficking

Proper training, skill development and, above all, collaboration across the key sectors are crucial elements in proper identification, protection and prevention of human trafficking.

These efforts must include persons who are Canadian citizens, trafficked inside Canada. There is limited recognition and/or understanding of the issue of domestic trafficking. Often times, the issue of domestic trafficking for the purpose of sexual exploitation and its understanding is overshadowed by the highly politicised debate around prostitution. Nevertheless, there is a need for increased awareness that women and children, particularly Aboriginal women and children, are being trafficked within Canada, often across provincial boundaries.

Who Are Traffickers?*

- Neighbors, friends, village chiefs, returnees
- Labor subcontractors
- Agricultural operations
- Owners of small or medium-sized businesses
- Families (including diplomats and “mom & pop” businesses)
- Organized crime
- Females as well as males

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Important to challenge the stereotypes of who traffickers are

Universal Declaration of Human Rights

- Article 1 of the Universal Declaration declares:
 - *All human Beings are born free and equal in dignity and rights*
- Article 4 clearly states that:
 - *No one shall be held in slavery or servitude*



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Perhaps the most fundamental guiding instrument is the Universal Declaration of Human Rights.

Article 1 declares that *All human Beings are born free and equal in dignity and rights*

Article 4 clearly states that: *No one shall be held in slavery or servitude*

On December 10, 1944, this document was ratified by Canada and 44 other nations. On December 10, 2008 we celebrated the 60th anniversary of this important Declaration.

International Instruments

The Palermo Protocol

The Protocol to ***Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children***, was adopted by the United Nations in Palermo, Italy in 2000, supplementing the *Convention against Transnational Organized Crime*



Canada
ratified the
Protocol in
2002



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As with all global anti- trafficking work, the guiding document is the UN Palermo Protocol which mandates that ratifying countries focus their anti-trafficking activities on prevention through training and awareness raising, protection through law enforcement and service provision, and prosecution through federal legislation.

The United Nations adopted the Protocol in 2000 - Canada signed and ratified this Protocol in 2002 (May 13, 2002) and it came into effect in September 2003.

The UN Protocol provides the framework for the work of the Office to Combat Trafficking in Persons. The full title is the ***Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children Supplementing the UN Convention Against Transnational Organized Crime*** – which is primarily a criminal convention.



UN Framework: The 3 Ps

1. **Prevention** of trafficking in persons
2. **Protection** of victims of trafficking
3. **Prosecution** of offenders






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There is a 4th P – Partnerships

The very fact that the Palermo Protocol is a protocol to a crime-fighting convention begins to tell the story of the approach that has been taken. While this is a very important step, human rights experts have characterized the human rights approach of the Protocol to be present, but weak. This is because any rights that it appears to accord to trafficked persons are couched in permissive rather than obligatory language, e.g. “States shall consider. . . .” or “in appropriate cases”, or “to the extent possible”.

Other Conventions bolster the human rights approach that must be taken to trafficked persons. . .

Convention on the Elimination of Discrimination against Women - 1979 – obliges State parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women

Convention on the Rights of the Child – 1989 – engages States to protect children against all forms of exploitation including economic exploitation, sexual exploitation and violence

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, child prostitution and child pornography – 2000 - defines what constitutes the sale of children

Canada has signed and ratified all of these.

But - **International Convention on the Protection of the Rights of all Migrant workers and members of their families – 1990** – has not been ratified by Canada.

Human Trafficking in BC



1999 Boats from China:
600 people
134 children



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During the summer and fall of 1999 4 boats from Fujian Province in China containing close to 600 individuals including 134 children and youth under 18 years traveling without parents or guardians. The youngest members of this event traveling alone were 11 years of age.

One of BC's first exposures to the world of people moving on a large scale. .

Partnerships rapidly developed between immigration, border officials, law enforcement, government departments and community agencies to meet the complex and diverse needs of those men, women and children on board.

This led to the Migrant Services Program in Ministry of Children and Family Development being created to assist unaccompanied minors coming to BC from other countries.

This Program serves x number of children per year.

Ng Case

- 1st human trafficking case in Canada



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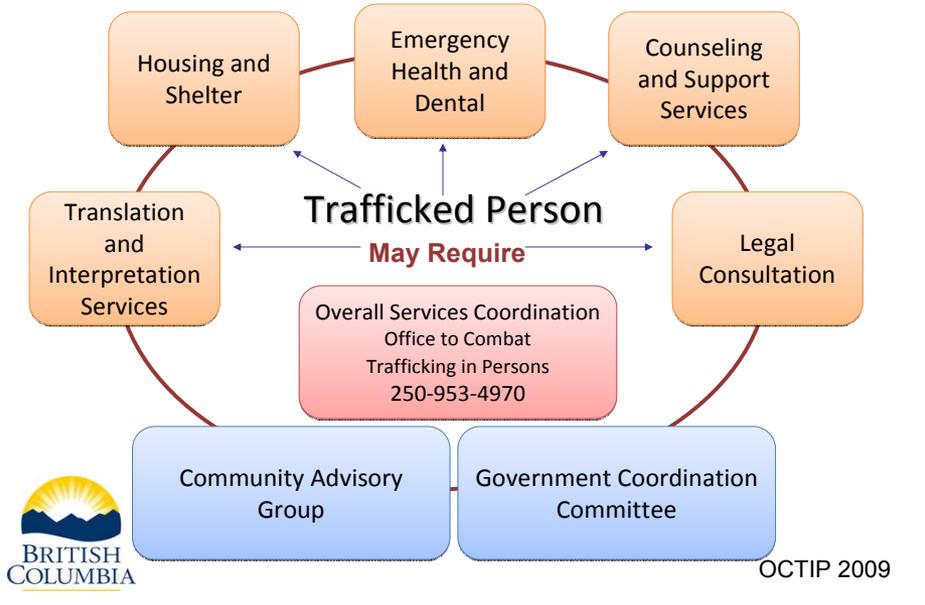
NG Case:

- Arrested in 2005
- 2 Chinese women – one Ng married to; Ng met first one in 2001 and told her she could earn much more money in Canada for the same work; Ng was a Canadian citizen but recruited in China building trust by showing respect and visiting her parents
- Brought to Canada under false identity and false pretense of working in Ngs restaurant as a waitress –
- When she got to Canada her passport was taken from her for safe keeping and she was told the restaurant had closed
- instead put to work in massage parlour on downtown eastside – she was told she had to earn money as a sex worker; at first she refused, but ultimately she did work as a sex worker
- Another woman was also recruited from China and married to another accomplice – when she arrived in Canada was told her husband had left Canada to pursue studies – she too eventually began to work as a sex worker
- Police alerted in 2004 when Mr. Ng allegedly assaulted and threatened the lives of both Ms. W and Ms. T.; women stayed at shelter in surrey
- requested to return to China but did come back to testify; NG convicted, but not on human trafficking offences
- Ms. W. and Ms. T were found not credible on human trafficking charges so conviction was not sustained; does this sound familiar? Domestic violence victims?

Korean Women:

- 2006; 6 women found by RCMP border integrity unit huddled in bushes near Osoyoos
- following ads on internet for waitressing jobs in LA – expecting to pay \$3, 000 - 5,000 upon arrival : DEBT BONDAGE
- No visa required to come to Canada for Koreans; US requires a VISA so transit trafficking was taking place between Canada and BC

OCTIP Service Model: a Human Rights Approach



Walk thru boxes as they appear

Prosecution



Prosecution

Prosecution: 2 pieces of federal legislation

2002: Immigration and Refugee Protection Act

2005: Criminal Code Section 279.01-.04




BRITISH COLUMBIA

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In 2002, new laws came into effect to address both migrant smuggling and human trafficking (sections 117 to 123 of the Immigration and Refugee Protection Act). These sections apply when people have been transported across an international border.

Under section 118 of the Immigration and Refugee Protection Act, it is an offence to use deception, coercion, abduction, fraud, force or threats of force to transport someone across the border. It is also an offence to receive, hold or transport people who have been recruited in this way, once they arrive in Canada.

Penalties for these offences can be up to \$1Million in fines or life in prison or both.

It is also an offence to have or use national identity documents, such as a visa or passport, for the purpose of human trafficking or migrant smuggling. Penalties for this offence can be up to 14 years in prison.

In 2005 Canada added provisions to the Criminal Code that specifically prohibit trafficking in persons. There are three offences:

1. Trafficking in Persons: Section 279.01

It is a crime to recruit, transport, transfer, receive, hold or hide a person, or exercise control, direction or influence over a person's movements for the purpose of exploiting them or helping to exploit them. It carries a maximum sentence of life in prison where it involves kidnapping, aggravated assault or sexual assault, or leads to the victim's death or 14 years in all other cases.

2. Material Benefit: Section 279.02

Anyone who benefits materially from human trafficking can be charged with an offence. This applies to those who may not directly engage in trafficking but who profit from it. It also may apply to buyers of services from a trafficked person if they know the person is being exploited. This offence is punishable by 10 years imprisonment.

3. Withholding or destroying identity documents: Section 279.03

It is a crime to withhold or destroy a person's travel or identification documents, such as a passport, or visa, for the purpose of trafficking, or helping to traffic, that person. This offence is punishable by 5 years imprisonment.

There are many additional offences in the Criminal Code that can be used to prosecute people involved in human trafficking such as sexual assault, fraud, forgery, forcible confinement, extortion, abduction, assault, and organized crime activity.

(Note: this information is contained in the People's Law School publication – Human Trafficking in Canada)

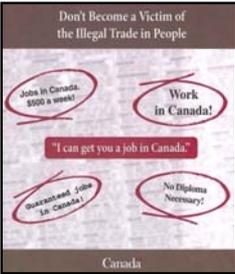
Prevention

Prevention



Intergovernmental Working Group on Trafficking in Persons (IWGTIP)

RCMP Human Trafficking National Coordination Centre



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IWGTIP

- Focal point for federal anti-trafficking efforts
- Centre of expertise
- Development of government policy, information exchange
- Facilitate national and international cooperation
- Pamphlet in 2003: multiple languages in Canadian missions abroad.

RCMP Human Trafficking Coordination Centre

- Leadership and awareness to law enforcement
- Developed awareness materials geared towards educating law officers and the general public

Protection



Protection

Temporary Resident Permit (TRP)

- In 2006, Citizenship and Immigration Canada introduced a new Temporary Resident Permit for potentially trafficked persons
- In 2007 the TRPs were amended from 120 days to 180 days.



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The TRP is a guideline only. . Not enshrined in law.

TRP's in Canada since 2006

51 cases referred to CIC

- 17 TRP's have been issued in Canada
- No TRPs issued in BC to date



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Citizenship and Immigration Canada data: Information obtained by Ben Perrin, UBC Law Professor through a Freedom of Information request

4 primary source countries according to research by Ben Perrin, UBC Law Professor: China, Romania, Philippines, Moldova

17 TRPs issued as of September 2008

- Minors have been granted a TRP in Canada
- Dealt with both labour and sex exploitation

Allows the trafficked person to apply for a work permit.

Allows the trafficked person to receive coverage thru the Interim Federal Health Program; some psychological and medical services related to their particular situation may be considered urgent and essential – counselling will be covered.

Allows the trafficked person to receive provincial income assistance – same status as a refugee claimant in this regard

2010 Olympics

- Calgary-based Future Group research into Hallmark Events:

*“Faster, Higher, Stronger: Preventing
Preventing Human Trafficking at the 2010
Olympics”*

- Goal: An exploitation-free Winter Games



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The Future Group's 25-page report entitled "*Faster, Higher, Stronger: Preventing Human Trafficking at the 2010 Olympics*" was issued in November 2007.

The Report makes recommendations in preparation for the 2010 Olympics" and outlines measures taken by host countries of recent international events.

At the Athens Olympics, where prevention efforts were poor, researchers found a 95% *increase* in the number of human trafficking victims identified by the Greek Ministry of Public Safety in 2004.

In other words, the number of known human trafficking victims almost *doubled* in the year of the Athens Olympics. The Report concludes: "While numerous factors come into play, a certain correlation between the Olympics and an increase in human trafficking cannot be discounted" (pg. 4 Ex. Summary)

-OCTIP Strategic Plan Goal

-PIVOT Legal Society and Sex Industry Worker Safety Action Group research on best practices re: promoting safety of sex workers and trafficked persons in the lead up to the Games

Where?

- Networks are in all major cities and small towns in BC and across Canada
- Geographic city triangles across provinces: Saskatoon-Edmonton-Calgary Saskatoon-Regina-Winnipeg Vancouver-Edmonton-Calgary
- Oil rigs and mining up in North.



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Trafficking Indicators

In Canada:

- no ID or other travel documents (confiscated?)
- movement restricted
- shows signs of being controlled or abused
- does not have control over their money
- owes money and is honour bound to pay



it off

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Strategies of Traffickers

- **Schools:** Traffickers entice girls, as young as grades four to seven, on school playgrounds or on the way to school by promising gifts, a good life, or getting them addicted to drugs.
- **Boyfriends:** They pose as boyfriends and seduce girls by buying them expensive gifts and playing mind games (jewellery, tribal tattoos, expensive hoodies, cell phones etc).
- **Girls as recruiters:** Girls are forced to recruit other girls- have to agree to do it due to fear, to meet survival needs. Recruiters take their share of earnings from girls they have recruited-move up in chain to get off the streets



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Strategies of Traffickers

- **Internet:** Use the glamour and seduction of big city with lies of a good job
- **Hitch Hiking:** poverty, lack of recreation/activities on reserves, poor public transportation force girls to hitch hike (Highway of Tears)



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**500 Aboriginal women and girls
have gone missing over the last
30 years.**

Amnesty International, 2004



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Implications for Social Work Practice

- Macrolevel Interventions (Policy making, advocating for legislative changes)
- Mezzolevel Interventions (Community awareness, education, training, research)
- Microlevel Interventions (Direct social work practice with trafficked persons and/or families to address their unique needs)



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Given the complexity of human trafficking and the various needs of the trafficked person, social work practice has a role to play in combating and protecting trafficked persons.

Both international and domestic trafficking needs to be addressed. As social workers we have a strong commitment to social justice and advocacy for vulnerable groups, and therefore, intervention can be made on a variety of levels.

From an ecological perspective, interventions can occur at the

Macro level: social work can be engaged in the formation of various national, international policies. as well as engaging in advocacy for both the human trafficking issue and the root causes of human trafficking which include poverty, gender inequality and the demand for sex.

Mezzo level: social work can participate in public awareness, education within the community for instance, educating young people about trafficking as well as conduct research that will inform social work practice in this area

Micro level: direct social work practice with the trafficked persons and their families when being reunited with family. Individual intervention will depend on the needs of each person and their situation. Furthermore, issues of race, culture, age and gender must also be considered when working with trafficked persons.

Note: Janice to comment on this slide.

Impacts of Trafficking

- Psychological trauma (PTSD and Complex PTSD) and other mental health issues
- Sex-related health problems
- Drug and alcohol addiction
- Feelings of low self-esteem, guilt, shame and lack of trust towards others
- Early deaths resulting from poor working conditions, exposure to violence or serious health problems.



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Note: Janice to comment on this slide

These findings are based upon the Department of Justice Canada (2005) study conducted to explore the needs and characteristics of trafficked victims both internationally and domestically.

Emphasize the WHO Guidelines for Interviewing Trafficked Women – copy for each student has been provided.

Needs of Trafficked Person*

- Safety
- Housing
- Health
- Legal assistance
- Access to benefits
- Interpretation
- Vocational
- Employment
- Information
- Transportation
- Adjustment of culture, society

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Thank you

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