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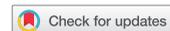
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Disrupting Human Trafficking in Canada: A Case Study in the Gaps of Meeting the UN Trafficking Protocols

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ABSTRACT

The signing of the 2002 United Nations' Trafficking Protocol marked a major global shift in efforts to combat human trafficking. Based on its four pillars (4Ps) (i.e. prevention, protection, prosecution, & partnership), all signatory member States were expected (legally binding) to model their response strategies around the 4Ps, which also align with the United Nations' Sustainable Development Goals number 5 (i.e. gender equality) and 8 (i.e. decent work and economic growth). As a signatory member of the Trafficking Protocol and rated as a Tier 1 country, Canada is presented as a case study of how, despite the considerable resources and initiatives being directed to combatting human trafficking, there remain notable gaps and limitations in the country's efforts to combat human trafficking. Drawing on a wide range of examples and available data, it is suggested that Canada's effort resembles a "quilted patchwork." The article concludes with several recommendations on how Canada can address the various limitations and close the gaps across the respective pillars.

KEYWORDS

Human trafficking Canada; empowerment; policy; response gaps; 4Ps; national strategy

'The more I learn, the more I realize I don't know'. This is one of the memorable and commonly paraphrased quotes from Albert Einstein (1879–1955) (RelicsWorld, n.d.). This paradox applies well to our efforts to understand and combat trafficking in persons (TIP).¹ TIP, modern-day slavery, or simply human trafficking, dates to ancient times, and since the abolishment of slavery circa the mid-late 1800s,² we have seen numerous efforts to eradicate/disrupt the growing tide and diversity of human trafficking. As Gallagher and Surtees (2012, p. 4) describe the process, we have created an "anti-trafficking industry." Yet, the more time and effort we have spent trying to eradicate TIP, the more we see that our efforts are not producing the results anticipated.

Ever since 2000, when the United Nations' *Convention against Transnational Organized Crime* (commonly referred to as the Palermo Protocol³ or simply the Trafficking Protocol) was conceptualized – but did not come into force until December 25, 2003– Canada began to bear witness to an ever-growing number of regional, national, and international efforts to "combat" the problem.⁴

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¹This article is an expansion of an earlier article by the lead author "Combatting human trafficking in Canada: How do we measure up" (2019) *Justice Report*, 34(3), 16–20.

²Denmark banned slavery in 1792 while Canada did so on August 1, 1834, with the Slavery Abolition Act. The last country to abolish slavery was Mauritania in 1981; however, they did not make trafficking a crime until 2007.

³Palermo, Italy was the location where the Convention was established. Officially, it is known as the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children." Initially the Trafficking Protocol included what are referred to as the 3 Ps – prosecution, protection, and prevention. In 2004, a fourth P was introduced – participation. Although Logan (2015) argues that partnership "has been at the heart of anti-trafficking since its inception" (p. 21).

⁴Quotations are placed around the term "combat" because it reflects a pejorative and emotional response to the injustice of human trafficking and (potentially) undermines the fundamental human rights issues that underpin incidents of human trafficking and the need to use evidence-informed information/data to eliminate the crime. The persistent use of the phrase "combatting" human trafficking is seen as a gap/narrow approach to trying to eradicate this grievous crime.

As recently as 2022, it is estimated that between 20 to 30 million people (primarily women and girls) are victims of some form of human trafficking (e.g., sexual exploitation, unfree labor,⁵ organ trafficking, and trafficking for forced criminal activity). Depending on which source one refers to, TIP is the second or third most profitable crime worldwide (International Labor Organization [ILO], 2014a; Interpol . . . , 2022; Economic crimes, 2023).⁶ The International Labor Organization estimates that TIP generates \$200 US billion in illegal profits yearly (International Labor Organization, 2014b).

As reflected in this Special Issue and numerous other sources,⁷ since the ratification of the Trafficking Protocol, a plethora of research has been published trying to understand and determine how best to address the multi-faceted factors such as economic, political, social, and human rights that challenge our efforts to combat TIP (see, e.g., Roots, 2022). Although there is no reliable data on the extent of human resources and financial contribution to addressing the problem, we would appear to be losing the battle on balance.⁸ For example, in the introduction to the September 2014 issue of *Anti-trafficking Review*, the authors noted, “Governments, the United Nations and private foundations are pouring millions of dollars into work to stop human trafficking, yet very little of this reaches trafficked people themselves” (Dottridge, 2014, p. 6). The article states, “there is also a concerning lack of transparency among governments, international organizations and civil society regarding funding for anti-trafficking and how it is spent” (Dottridge, 2014, p. 5). Today, there remains a notable gap in available information and data on anti-trafficking funding (see Aronowitz, 2010; Moore, 2015). The data is sporadic, unreliable, and difficult to access, highlighting a need for increased transparency and concerted efforts to standardize instruments and harmonize data collection. As the International Organization on Migration [IOM] (2015) noted, a lack of reliable data and exploited persons not self-identifying “remains one of the main obstacles in effectively preventing and combating trafficking in human beings as well as protecting and assisting victims.”⁹ This is reflected in the fact that according to various sources (e.g., see the annual TIP Reports), the number of people involved in TIP has been officially increasing almost every year since the Protocol came into effect. Similarly, perpetrators’ prosecution rates globally remain abysmally low – less than one percent (MacNamara, 2021). Despite the collective national and international efforts, there appear to be notable procedural and practical gaps in Canada’s efforts to disrupt TIP.

This article is a “case study” of a Tier 1 country,¹⁰ Canada, and examines some of the gaps within its efforts to disrupt human trafficking following the four primary pillars of the United Nations for combatting human trafficking (i.e., prevention, protection, prosecution, & partnership) and the additional pillar of “empowerment” added in September 2019. The objective of the additional pillar is to enhance support and services to victims affected by human trafficking. Although well intended, the objective is a reactive initiative. The additional pillar would be a far

⁵Although less commonly used term, Choudry and Smith (2016) use the term in the title of their book on immigrants and immigrant workers in Canada.

⁶The 2014 ILO report indicated that HT was the second or third most profitable crime worldwide.

⁷Since 2000 there are now several dedicated journals whose primary focus is human trafficking – *Journal of Human Trafficking*, *Anti-Trafficking Review*, *Journal of Global Slavery*, *Journal of Slavery and Data Preservation*, among others.

⁸Under a new initiative in 2020, the Canadian National Strategy has invested over \$75 CDN million in federal measures to combat human trafficking over 6 years, which includes a 2018 investment of \$14.51 million for the Canadian Human Trafficking Hotline, with \$2.89 million ongoing, as well as a 2019 investment of \$57.22 million over five years and \$10.28 million ongoing. There is no reliable data as to how much is being spent/invested at a provincial or local level. This lack of detail and transparency compound efforts to combat/disrupt human trafficking of any form effectively and efficiently.

⁹Although not directly related to expenditures to combating human trafficking, a growing number of countries have or are introducing transparency legislation to combat forced labor trafficking (see, generally, Aakvik, 2018, 2018; Greer, 2018). In addition, such organization as ICMPD (International Center for Migration Policy) and the International Organization for Migration (IOM) work to help “ensure the orderly and humane management of migration.” Drawing on the models and initiatives by the ICMPD and the IOM, in 2010 the European Commission also introduced the MONTRASEC project model. Vermeulen and Paterson (2010) suggest it is a promising project/model for improving the quality and reliability of trafficking data. The Office of Trafficking in Persons has also been engaged in related initiatives for several years but there still is no uniform and standardized model being used.

¹⁰According to the 2023 “Trafficking in Persons Report” available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/>. A Tier 1 country includes countries whose governments fully meet the TVPA’s minimum standards for the elimination of trafficking.

more successful and sustainable plan if it empowered vulnerable populations before experiencing exploitation.¹¹

First, however, we offer a brief historical overview of TIP in Canada.

TIP: A Historical Overview of the Canadian Situation

Given the positive perception that Canada worldwide¹² tends to hold, it may come as a surprise to some that TIP in Canada dates to the early 1600s when the French colonists facilitated the transportation of enslaved people into what is now known as Quebec (eastern Canada) (for further details see McRae & McCullough, 2023). The transportation of enslaved people, primarily for domestic work and forced labor lasted until 1834, when slavery was officially abolished. The first enslaved people in what was formerly known as Upper Canada (now Quebec) were from the Pawnee Nation (i.e., the Central Plain Indian tribe). The Pawnee lived in what is now the central United States, but the people of New France also bought and sold enslaved Black people (McRae & McCullough, 2023).¹³ In fact, at the peak of the Canadian slave trade in 1793, there were an estimated 4,200 enslaved persons in New France; some 64% were Indigenous, and the others were mostly Blacks (N. L. Henry, 2018). During this period, most enslaved people were used for forced labor to support the country's economic growth.

As the momentum toward abolition evolved, many Canadian enslavers adopted the practice of indentureship. Under this system, enslavers would pay their formerly enslaved workers to continue working at wages well below what the fair market would have demanded. This practice of exploitation continued until the passing of the *Slavery Abolition Act* of 1834. Though disputably not as prevalent in Canada, the practice of indentured workers is still very much alive in other parts of the world (see Choi-Fitzpatrick, 2017; Dow, 2021).¹⁴

As was the scenario in many other countries, the issue of slavery essentially faded from the public eye in Canada after its abolition.¹⁵ However, the recruitment, transportation, and exploitation of primarily women and girls for sexual exploitation continue as a clandestine activity today, as seen in the current state of human trafficking (see Conroy, 2022) and commercial sex¹⁶ (Rotenberg, 2016) in Canada. Although not all commercial sex workers are victims of trafficking, various sources suggest that in many incidents (approx. 60%), they are trafficked and forced into prostitution. Abcarian (2016), among others, describes these forms of forced prostitution as a “modern-day slave auction.”

Finally, after the United Nations ratified the Palermo Protocol in 2000, Canada and many other countries suddenly appeared to recall that “modern-day slavery” had morphed into an economically underground enterprise. Gradually, various academics and organizations began to turn their attention toward TIP and demonstrate that domestic and international trafficking in persons is very much an issue in Canada (see Perrin, 2006, 2011).¹⁷

¹¹This can be done through funding and resources for mental health issues, trauma prevention education, easing financial disparities, lowering the severely inflated cost of postsecondary education, action toward reconciliation and healing with Indigenous communities and, of course, gender equality.

¹²The United Nations' Human Rights Index website offers a rich searchable data base on a range of human rights issues globally (see UNIVERSAL HUMAN RIGHTS INDEX – Human Rights Recommendations (ohchr.org).

¹³Saint John, the capital of the province of New Brunswick (eastern Canada) was incorporated by the Royal Charter in 1785. Its first mayor Gabriel G. Ludlow was not only a slave owner, but he introduced several restrictions, placed specifically on the growing Black community (N. Henry, 2021).

¹⁴According to the ILO (2023), in 2021 some 27.6 M (55.6% of 49.6 M enslaved persons) of all enslaved persons were being trafficked for the purpose of forced labor.

¹⁵However, the issue of racism and discriminatory practices toward Blacks continued well after slavery was abolished and even after the passing the *Racial Discrimination Act* in 1944.

¹⁶New legislation was introduced in 2014 making it a criminal offense to purchase sexual services from any person. The legislation (Bill C-36) made prostitution illegal in Canada for the first time. Prior to 2014, prostitution (i.e., a transaction that involves both the purchase and sale of sexual services) was a legal activity, even though most prostitution-related activities were illegal (Rotenberg, 2016).

¹⁷It is interesting to note that of the dedicated journals that focus on human trafficking, they have all emerged since 2002. The first volume of the *Journal of Human Trafficking* was published in April of 2015.

How Does Canada Measure Up in Its Efforts to Combat TIP?

In 2006, the then-Calgary-based nonprofit organization “The Future Group” prepared a report evaluating the success of eight different countries¹⁸ and their response to combatting human trafficking (Perrin et al., 2016). The United States received the highest score (B+), while Canada scored the lowest of the eight countries. It was the only country to receive an “F” grade. Although much has changed since 2006, we are reminded of the quote often credited to the French novelist and journalist Jean-Baptiste Alphonse Karr (1806–1890), who said, “the more things change, the more they stay the same.” While the statement may be pessimistic, the state of TIP in Canada remains lackluster and resembles a patchwork quilt even after Canada ratified the Protocol in May 2002, and various steps have been taken to address the problem.¹⁹

Investigation and Prosecution

Between 2010 and 2020, a Statistics Canada report noted that the number of police-reported incidents of human trafficking increased from approximately 30-odd incidents in 2010 to just over 500 reported incidents in 2020,²⁰ for a total of 2,977 reported incidents (Conroy, 2022). Furthermore, the 2022 annual report on HT notes that between 2015 and 2020, the number of reported cases of HT fluctuated and even declined from 546 to 515 cases between 2019 and 2020 (Global Report . . . , 2023). However, it is widely acknowledged that the “dark figure” of human trafficking cases is unknown.²¹ However, virtually every report/study on estimations notes that the actual number of cases is much larger (e.g., Aronowitz, 2010; Laczko, 2002).²² Of those cases reported to the police, stays and guilty pleas are disproportionately higher than for most other serious crimes (Conroy, 2022). When compared to over 50% of all violent crimes resulting in a guilty verdict, these results raise serious questions about the effectiveness of the justice system as well as about the challenges and limitations of the current legislation in Canada (see Kaye, 2017; Perrin, 2006; Roots, 2022).²³ The disparity also speaks to one of the significant gaps in Canada’s efforts to disrupt and effectively combat TIP.²⁴ Using Cohen and Felson’s (1979) routine activity theory (RAT), the low prosecution rates while the supply of prospective victims remains high and appears to be growing (i.e., suitable targets), there is a lack of detection, apprehension, and prosecution of the perpetrators (i.e., absence of a capable guardian), and the demand (i.e., motivated offender) remains unaddressed. In her recent book, which examines the Canadian criminal justice system’s response to human trafficking, Roots (2022) discusses how, despite the plethora of legislative initiatives that have been introduced to better address human trafficking, the legal system still resembles a quilted patchwork approach (see De Shalit et al., 2021; Millar & O’Doherty, 2020).²⁵

And although efforts have been underway to address this gap in Canada’s efforts to combat TIP effectively, it remains a significant problem. Neither the Canadian National Action Plan to Combat

¹⁸The countries included Australia, Canada, Germany, Italy, Norway, Sweden, and the United States.

¹⁹Canada was among the first cohort of countries to sign the Trafficking Protocol. Sweden ratified the Protocol in 2004, the United States in 2005, and the United Kingdom in 2006. Nepal only ratified the Trafficking Protocol in 2022.

²⁰A six-fold increase.

²¹According to a 2019 Northeastern University study, law enforcement only identifies 2.5% to 6% of trafficking victims (Farrell et al., 2019).

²²This fact is also acknowledged in several of the articles in the Special Issue.

²³In her doctoral thesis on human trafficking in Canada, Roots (2018) noted that there “is to date only three empirical Canadian studies that examine frontline anti-trafficking policing and prosecution efforts with a focus on migrant worker justice (Millar et al., 2015), on international trafficking cases (Ferguson, 2012) and on Indigenous communities (Kaye, 2017), as well as a handful of European (Lester et al., 2017; Meshkovska et al., 2016) and American studies (Farrell et al., 2015, 2016).”

²⁴Drawing on the 2023 TIP Report, it shows that while the number of convictions between 2016 and 2022 increased (14,939 to 15,159), the conviction rate declined (from 9,702 to 5,577). All this despite more legislation being introduced to assist law enforcement and the justice system with prosecutions (Trafficking in Persons Report, 2023).

²⁵For example, there are police precincts in Canada who have openly expressed that they refuse to enforce the federal 2014 PCEPA (Protection of Communities and Exploitation of Persons Act) due primarily to the legal ambiguity of the meaning of exploitation (see *R. v. D-Souza* 2016ONSC 2749.)

Human Trafficking nor Public Safety Canada directly references TIP as an economic crime (Wheaton et al., 2010). However, a recent report shows that sex traffickers are using hundreds of potentially illicit massage parlours across Canada (and the United States) to launder their illicit profits (Paez, 2023). According to James Cohen, the Executive Director at Transparency International Canada, the absence of a national beneficial ownership registry will allow the “money from crimes that damage our society like human trafficking, the fentanyl trade, and wildlife trafficking” to keep flowing” (Paez, 2023). This later point was reflected in a legal decision in which Justice Baltman refused the Crown’s request to introduce an expert widely recognized (at the time) as one of Canada’s leading experts on human trafficking. Justice Baltman claimed the expert was biased in his research and only served to further conflate the judicial system’s efforts in how the system responds to sex sellers and victims of trafficking by conflating the two (Kaye, 2017; Roots, 2018). For example, sex-worker organizations have consistently impeded efforts to combat HT in Canada.²⁶

The prosecution trend and rate in Canada represent a severe disparity in Canada’s effort to combat TIP. It is also disconcerting when official statistics show that most victims are women and girls under the age of 25 (Conroy & Sutton, 2023). Although the low prosecution rates are not unique to Canada (e.g., see the 2023 TIP Report), the phenomenon highlights that the Canadian criminal justice system is not fulfilling its mandate (see Oxman-Martinez et al., 2005; Roots, 2023). Additionally, although there is very little data on the prosecution rates for perpetrators of human trafficking, the abysmal prosecution rates reflect a significant limitation in the cost-effectiveness and cost-efficiency of the Canadian criminal justice system’s efforts to prosecute perpetrators of human trafficking.²⁷ This is especially concerning given that despite much of the official rhetoric of being more victim-centered (phrased as “empowerment” in the National Strategy), most efforts to combat human trafficking in Canada still prioritize the law enforcement-prosecutorial approach (see National Strategy . . . , 2019; and footnote 10 above).

A final example of the challenges Canada’s legal system faces in trying to prosecute/combat is that after nearly three years, Bill S-224 (a private member’s Bill – first introduced in November 2021) to amend the Canadian Criminal Code (i.e., sections 279.01 to 279.03) to “specify what constitutes exploitation for the purpose of establishing whether a person has committed the offence of trafficking in persons”, is still in review (as of August, 2023), and the various briefs ($N=20$ plus ten private witness submissions) that have been submitted to Parliament show no uniformity in their assessment of whether the Bill would help or hinder victims of sexual exploitation even though if accepted the Bill could potentially assist the Crown in prosecuting the perpetrators by reducing the burden of proof (i.e., evidence) provided by the victim (Bill S-224, 2023). For example, the Brief submitted by the Ontario Native Women’s Association (ONWA) noted that while the proposed legislation would improve Indigenous women’s safety and access to justice in Ontario and Canada, the Association feels that the Bill would create “further barriers to access to justice and will not address the systemic factors that render Indigenous women in Canada at greater risk of trafficking and sexual exploitation.” But, in contrast, the Brief submitted by the Ontario-based NGO “Defend Dignity” argued that the Bill would “work to assist victimized individuals in their pursuit of justice . . . by removing the burden to prove that fear was involved in the abuse . . . (and that) Canada should remove the fear element to better align with the international definition of trafficking” (Bill S-224, 2023). The Bill “died” on July 14, 2023. The fact that the Bill was not passed, despite its numerous briefs and readings, reflects yet

²⁶Notably, in Appendix C of the National Strategy it says: “the Government of Canada also met with representatives of sex-worker organizations in Ottawa to hear their views on the importance of not conflating human trafficking with consensual adult sex work and the challenges faced with current approaches to law enforcement” and mention of the federal legislation, PCEPA, is notably absent (National Strategy, 2019). More broadly speaking the term “sex worker” is a controversial term among various Canadian scholars so when not directly quoting other research we use the term “sex seller(s)” to ensure we aren’t providing any weight to the “sex work is work” narrative.

²⁷The overall rate of guilty pleas in Canada declined from around 60% in 2007/2008 to approximately 53% in 2016/2017 (Milandinovic, 2019) and Conroy (2022) reports that “over half (54%) of human trafficking incidents were not cleared, meaning police have not identified an accused person. This was much less common among violent incidents generally (35%).”

another gap in Canada's effort to prosecute HT cases, as it could not build consensus around an amendment that aligned with the spirit of the Un Protocol.

Nevertheless, prosecution remains one of the four key pillars of the Palermo Protocol, and little has been done to address the abysmal prosecution rates (see, e.g., Ferguson, 2012). So, while prosecution is one of the main pillars of the UN Protocol, the fact that the database for domestic laws on anti-human trafficking laws has not been updated compounds not only Canada's efforts to prosecute traffickers but also that of the global community because there has been no effort to establish a fuller legal definition of the crime. Furthermore, there has been an absence or gap in reviewing laws and legal procedures governing modern-day slavery, including forced labor trafficking (see Schwartz & Allain, 2020).²⁸ For example, White (2020b) notes that the "last systematic attempt to gather domestic laws on slavery was published over 50 years ago, in 1966." To this point, to date, there have been fewer than a dozen empirical Canadian studies that examine frontline anti-trafficking policing and prosecution efforts with a focus on migrant worker justice (e.g., Ferguson, 2012; Kaye, 2017; Millar et al., 2015).

Protection

Despite some of the ongoing criticism surrounding the fairness with which Canadian public institutions such as commissions and tribunals conduct their proceedings, Canadians like to view themselves as champions of the protection of the fundamental rights of others (see Eliadis, 2014).²⁹ As a signatory member of the 2000 UN Trafficking Protocol, Canada is expected to uphold Articles 6 to 8 concerning protecting victims. In 2006, the former Canadian-based Future Group reported that "trafficking victims are not provided with any government-funded medical, psychological or counselling support in Canada" (p. 14) and further observed that any possible support was only available through private NGOs. For example, ACT (Action Coalition on Human Trafficking) Alberta is a provincial NGO that offers support in non-emergency situations to victims, otherwise referring victims of trafficking to 911, Crime Stoppers, or the Canadian National Hotline at 1-833-900-1010.³⁰ Similarly, in British Columbia (west coast of Canada), there is no proactive attempt to find victims of trafficking. As Brock (2017) notes, victims are typically only found if they escape or report their situation to authorities. A temporary residence permit (TRP) can access the services mentioned above. However, given the demographic profile of many trafficked victims in Canada, it is unlikely that many of them have a TRP and/or would know how to access any such services.³¹ This represents another significant gap in the services and protection of trafficking victims who are not rescued but may require support in policy and practice. This issue was highlighted in a recent case involving the rescue of 64 Mexican farm workers who had been trafficked for the purpose of forced labor (Rodrigues, 2023). The gap in service was acknowledged by Mr. Syed Hussan, Executive Director of the Migrant Workers Alliance of Canada, who, commented that, "what we often see in situations like this is that police come in, do a big splash, call it human trafficking . . . and within a few weeks, workers are being deported" (Nasser,

²⁸Based on their research, Schwartz & Allain (2020) and his team found that in 94 countries, a person cannot be prosecuted for enslaving another human being.

²⁹John Peters Humphrey (1905–1995), a Canadian jurist who served for 20 years (1946–1966) as the Director of the United Nations Division of Human Rights, drafting, and championing the Universal Declaration of Human Rights.

³⁰The Hotline offers 24/7 service in more than 200 languages, yet the Centre's website is only available in English and French. Given the relative percentage of trafficked victims who may have limited English or French language skills, the Hotline may not be accessible to such victims. To date, no research has tried to document the relative effectiveness of the Hotline, let alone for certain vulnerable groups-individuals. Furthermore, unlike most toll-free lines in Canada which include 800 or 888 in their prefix, the prefix for the Hotline is 833 and the number 900–1010 may not be intuitive or easy to remember. There is no evidence as to how the number was assigned to the Hotline. Again, while commendable, this is considered another gap in the service and efforts to combat TIP in Canada. There is no evidence that any discussion about using three (even 4) digit number like 911, 311, etc. as emergency numbers for survivors of human trafficking would be a more effective option than an 11-digit number. By contrast, the province of Alberta offers 911 as a call number for someone in immediate danger and 211 for general resources and support.

³¹For further details see <https://www.publicsafety.gc.ca/cnt/cntrng-crm/hmn-trffckng/spprt-vctms-srvvrs-en.aspx>. However, in 2007, if someone was rescued from trafficking, they can be granted a TRP under the auspices of Immigration, Refugees and Citizenship Canada.

2023). Hussan further observed, “This is a systemic issue. . . . Many migrants are facing these issues because they don’t have permanent residence rights” (Nasser, 2023). In addition, there are currently no legal provisions where frontline workers have a “duty to report” suspected cases of adults being trafficked. Although there are legal provisions for frontline workers to report suspected cases of trafficking involving children, the requirements do not apply to adults, let alone at-risk populations (Winterdyk et al., *in press*).

Although somewhat dated, according to the human trafficking link of the British Columbia government (which is no longer active), there were over 40 Canadian organizations and agencies addressing human trafficking in some capacity (Human trafficking . . . , 2014). Most organizations are NGOs, and their services vary considerably (Winterdyk & Hincks, 2023a). In 2021 Winterdyk and Hincks attempted to update the list as part of a national project. Even though a few additional services were identified, the range or discrepancy in services available varied. As noted earlier, the discrepancy in services is particularly noted in the overall national inconsistency in the enforcement of Protection of Communities and Exploited Persons Act (PCEPA) and the varied push for decriminalization. This is seen as another significant gap in ensuring the needs of survivors of human trafficking are being met.³²

Even though the Canadian Centre to End Human Trafficking (based in the province of Ontario) exists, there is no national coordination center in the sense that all agencies and organizations use or list their hotline. Furthermore, there is no clear evidence that the Center’s directory, beyond listing services (almost exclusively for victims of sexual violence and exploitation), plays an active role in combatting human trafficking. This is even though the Center uses an application process when applying to be included in the directory.³³ However, some provincial NGOs³⁴ engage (to varying extents) in interagency collaboration. They sometimes include federal agencies such as the Royal Canadian Mounted Police (RCMP), the Canada Border Service Agency, Immigration and Citizenship Canada, and the Canadian Council for Refugees. Again, while commendable, the siloing of regional efforts to combat human trafficking is seen as a significant limitation in Canada’s efforts to be effective and efficient in its efforts to disrupt a crime that knows no regional or provincial, let alone (inter) national borders.

Since 2006, some notable initiatives have been implemented to combat TIP in Canada. In 2012, through its Victim Fund, the federal government allocated \$4 M over eight years to support NGOs in their efforts to support victims of trafficking (primarily focused on victims of sexual exploitation). Then, in 2016, the federal government allocated \$16.7 CDN million in funding over four years to create Family Information Liaison Units nationwide. Some funds are intended to support victims from marginalized areas and Indigenous women and girls, yet there was no transparent allocation of funds to support victims of forced labor, the LGBTQ2S+ or other at-risk populations in Canada.

Also, in 2016, a consortium of Ontario partners pooled \$72 M to invest over four years to support the creation of a Provincial Anti-human Trafficking Coordination Office housed under the provincial Ministry of Children, Community and Social Services. The Office’s first Director was Ms. Jennifer Richardson, who has lived experience as a survivor of human trafficking and worked for over two decades combatting human trafficking in the province of Manitoba before assuming the role (Ontario Names . . . , 2016). The office offers a wide range of services for youth, women, girls, and marginalized groups, but none of the listed service programs (over 40) are (specifically) dedicated to supporting survivors of forced labor or addressing the issue of demand for service. It is the most concerted effort in Canada to combat human trafficking within any province or territory. In 2017, the Ontario government, through its Anti-Human Trafficking Community Supports and Indigenous-led

³²In 2023 the Alberta NGO ACT started conducting the first study on sexual exploitation and forced labor with the objective of developing standardized guidelines for front line workers in both areas of human trafficking. The projects are scheduled to be completed in Spring 2024 (see, generally, <https://www.actalberta.org/what-we-do/research-community-action>).

³³See <https://www.canadianhumantraffickinghotline.ca/referral-directory/>

³⁴For example, NIMC (Not In My City in Alberta) and the Ontario anti-human trafficking strategy led by the Ministry of Children, Community and Social Services.

Initiatives Funds, allocated \$7 M to help human trafficking survivors find housing in Ontario (How 7M will help . . . , 2017). Nevertheless, as admirable as the Centre to End Human Trafficking and Provincial Coordination Office is, they work at cross-purposes as they both offer similar services and compete for similar funding.

Finally, in 2022, the provincial government of Alberta earmarked \$20.8 to be distributed over four years to implement the nine-point action plan from a task force on human trafficking (Drinkwater, 2022).³⁵ Part of the funds will be used to establish an office to combat trafficking and a center of excellence for research and data collection. Included in the 9-point action plan was a call to increase efforts to educate and create awareness around the plight of human trafficking, lobby the federal government to strengthen penalties against human traffickers by bringing Bill C-452 into force, and to name and shame traffickers by publishing the names of businesses found to have knowingly facilitated human trafficking. However, as of December 2023, only two action plan points have been completed, and the remaining were still described as “work underway.”³⁶ Also notably absent from the nine-point action plan is any mention of PCEPA, Canada’s federal law.

Despite these efforts, the various national and provincial efforts still do not provide the protective measures that address the unique needs of trafficking victims across the spectrum of victims (e.g., sexual exploitation, forced labor, organ trafficking, domestic servitude, etc.). For example, Indigenous women and girls remain one of the most targeted and over-represented groups trafficked (Kaye, 2017; Schwientek, 2023) despite the various initiatives designed to protect this vulnerable group. Furthermore, as noted in the 2018 TIP Report, Canada has failed to provide any comprehensive data on the type of services victims are provided, and/or which are available nationwide or – with the rare regional exception – any information on the type and nature of emergency housing explicitly allocated for trafficking victims of any type. Finally, to date, there are still no mechanisms in place to protect victims of trafficking during an investigation. For example, no (direct) reference to such initiatives is in the 2023 TIP Report or the UN’s Global Report in 2023. However, in 2023, the Alberta organization ACT (Action Coalition on Human Trafficking), with federal funding assistance, started two research projects in which they will develop guidelines to assist frontline workers. One of the projects focuses on victims of sexual exploitation, and the other on victims/survivors of forced labor exploitation (ACT, 2023).³⁷

Prevention

This section focuses on the pillar of preventing trafficking in Canada. As posted on the website “Canadian National Strategy To Combat Human Trafficking 2019–2024” (2019), Canada’s approach has been guided by the United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. As noted earlier, the national strategy has been organized around the four broad pillars (4Ps) used by the United Nations, and in 2019 introduced a fifth pillar – empowerment.

The national strategy is supported by an investment of \$75 million Canadian over six years, and in 2019, an additional infusion of “\$57.22 million over five years, and \$10.28 million ongoing, to implement an enhanced suite of initiatives that will strengthen Canada’s response and fill critical gaps” (National Strategy..., 2019, p. 6). Specifically, the national strategy refers to enhancing the “need for increased supports and services to protect and rehabilitate victims and survivors and the promotion of culturally-sensitive approaches” (i.e., protection); to increase awareness so as to “better understand the signs of this crime that can occur in their communities and improve the ability of government officials and frontline staff in key sectors to identify, detect and protect victims and

³⁵In March 2023, the budget was increased to \$22.8 million but at the time any progress on the initiative “was unclear” (Black, 2023).

³⁶For a complete description of the 9-point action plan and the status of the Task Force’s mandate see <https://www.alberta.ca/human-trafficking-action-plan.aspx>

³⁷The lead author is Team Lead of the research phase of the two projects.

survivors” (National Strategy . . . , 2019, p. 7). In addition, the National Strategy claimed that these actions will increase intelligence and data collection capacity, stimulate the private sector and with international partners, and boost law enforcement, among other initiatives that will “strengthen Canada’s response and fill critical gaps” (National Strategy . . . , 2019, p. 5). Furthermore, the National Strategy expressed the need to “advance gender equality and provide support to marginalized and vulnerable groups, including Indigenous women and girls” (i.e., protection). Ironically, none of the main priorities listed prevention as an essential priority of the National Strategy, but the website defines prevention as “Increasing awareness and building capacity to prevent human trafficking in Canada and abroad.” However, the only prevention initiative mentioned is a program in Ontario Peace, Actualization, Community, and Transformation (PACT),³⁸ which received funding from Public Service Canada (PSC) in 2015 – before the National Strategy was even introduced. The description notes that PACT received PSC funding to “increase awareness among youth of human trafficking.” The PACT Project Northern Outreach reached 705 Anishinabek community members from North Shore and Manitoulin Island (National Strategy . . . , 2019).

Despite the description on their website, there appears to be a notable gap in implementing and actualizing prevention efforts under the national strategy. While a praiseworthy initiative, the PACT project only reached a remote area of the province and a small number of community members. Yet, it is noted that the National Strategy does include four essential prevention-oriented activities. They include:

- (1) **Establishing a national case-management standard** for organizations (i.e., community service groups and victim services) with a special focus on vulnerable groups, such as Indigenous women and girls, at-risk youth, and migrants to ensure victims have access to services that address their specific needs and assist them in their recovery and healing.
- (2) **Developing multi-sectoral training tools** that are culturally relevant and gender-responsive for frontline service providers and targeted groups from various sectors (i.e., hospitality, transportation) to increase awareness of the indicators and signs of human trafficking and enable employees to effectively identify victims.
- (3) **Enhancing capacity under the Victims of Trafficking in Persons program** to better detect suspected human trafficking cases through the immigration system.
- (4) **Assessing existing immigration processes** to evaluate the different impacts of gender-based violence throughout the immigration enforcement continuum to ensure that sufficient protection is in place for victims in contact with border officials (National Strategy . . . , 2019).

As of July 2023, there is no evidence that any of the four prevention activities is receiving any (significant) funding (see Depatie-Pelletier et al., 2022).³⁹ But in 2022, the Federal Government did earmark “\$22.4 million for organizations working to prevent and address human trafficking and support at-risk populations and survivors” (Government of Canada, 2020). The call for proposals resulted in 63 organizations receiving funding for related initiatives.

Partnership

In recent years, various initiatives across the country have demonstrated an attempt at national and regional levels to promote partnerships to combat human trafficking. For example, in 2012, the federal government launched the National Action Plan to Combat Human Trafficking (the “Action Plan”) to help bridge the gaps in the existing response mechanisms as well as improve awareness of the plight of TIP in Canada (and internationally). Yet, as of 2024, Canada still does not have any reliable statistics on victims of trafficking, be it for sexual exploitation or forced labor trafficking, or any of the emerging forms of trafficking (e.g., organ,

³⁸See <https://www.pact-ottawa.org/>

³⁹The article appears in the Special Issue “Vulnerability and the Legal Protection of Migrants: A Critical Look at the Canadian Context” and includes several other articles that address the plight vulnerable workers and a lack of prevention and protection measures.

domestic servitude, forced or unwanted arranged marriages, etc.) (Millar et al., 2015). Despite its clandestine nature and the hidden economies in which trafficked victims are forced to work, it has long been noted that accurate statistics on the extent and nature of the problem are elusive (see Aronowitz, 2010). And while some (less than 5% of the 175 states that have undertaken legally binding obligations to criminalize human trafficking) countries still do not have trafficking legislation (e.g., China, Madagascar, Iran, Belarus, etc.) (White, 2020b), Canada is not among them. In Canada, there are six offenses in the Criminal Code which specifically pertain to human trafficking (sections 279.01 thru 279.03(2)). In terms of “partnership,” Canada is a signatory member to several key international treaties that oblige the government to take steps to combat human trafficking, but they are not binding.⁴⁰

In 2016, as mentioned earlier, the province of Ontario launched a collaborative initiative to combat TIP. The effort involved bringing together a host of provincial NGOs to help better address the complexity of human trafficking and the diverse needs of its victims/survivors. In the same year, the Ontario government launched an awareness campaign on domestic sex-trafficking of Indigenous people, while the government’s Statue of Women Canada launched several campaigns to address issues such as gender-based violence (see *It’s Not Just: . . .*, 2022). Although no source was provided, one of the members of the Ontario Human Trafficking Led Joint Force Strategy recently commented that “individuals who come from extremely vulnerable populations are more likely to be trafficked, and it is estimated that approximately 50% of the trafficked women and girls in Canada are Indigenous” (Russell, 2023). However, these and several other schemes work mainly in isolation and focus almost exclusively on sexual exploitation and none of the “newer” forms of trafficking, such as forced labor and trafficking of minority and marginalized groups. The last points were reflected in the 2018 TIP Report while addressing the partnership issue in Canada. The report noted that “the range, quality, and timely delivery of trafficking-specific services varied nationwide” (Trafficking in Persons Report, 2018, p. 130).

The most recent partnership effort to emerge in Canada was spearheaded by the Canadian chapter of the Rotary Action Group Against Slavery (RAGAS).⁴¹ Partnering with organizations such as International Justice Mission (IJM) Canada, The Mekong Club, Rotary Canada and #NotInMyCity, and Shell Canada, a two-day conference (April 2–3, 2023) was held at the Canadian Human Rights Museum in Winnipeg, Manitoba. The conference included a host of local, national, and international experts and several survivors as keynote speakers. The title of the conference was *Beyond Zero: The Canadian Declaration against Human Trafficking*. The conference’s objective was to have the Canadian government become the first “government in the world to pledge zero tolerance toward human trafficking and forced labor slavery” (Beyond Zero . . . , 2023). Although another commendable initiative, one might question the value of declaring that it is not a statement of the law nor legally binding (see Wood, 2024). Should the declaration succeed, it will be challenging to secure national support and may set unrealistic expectations (see, for example, the Universal Declaration on Human Rights of 1948⁴² or the more recent Great Barrington Declaration; also see Wood in this Special Issue).⁴³ Nevertheless, the seven-page declaration aims to have Canada be “the first government in the world to pledge zero tolerance toward human trafficking and forced labor slavery.” However, the concept of “zero tolerance” against speeding, drug abuse, bullying in schools, gang violence, or any other crime/vice is simplistic and uni-directional and fails to (fully) appreciate the complexity of

⁴⁰The four main international treaties to which Canada is a signatory member of include 1) UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, 2) The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography, 3) ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, and 4) Rome Statute of the International Criminal Court.

⁴¹For more details on the work that RAGAS engages in see <https://ragas.online/> RAGAS includes such partners as UPS, The Salvation Army, Delta Airlines, Mekong Club, and others.

⁴²See Fraser (2008) for a detailed analysis of the promise and limitation of the Declaration.

⁴³The Great Barrington Declaration was an initiative introduced and signed by the citizens of Great Barrington, Massachusetts and supposed to be based on scientific-evidence to combat COVID-19. White (2020a) describes five main flaws with the declaration which can be applied to the “Beyond Zero” declaration which based on a partnership.

human trafficking and its related factors and issues. This complexity is underscored by the varying levels of enforcement across the nation. The significant differences in the enforcement of this area of law were noted in the government's official review of PCEPA, published in 2022, as potentially concerning (Standing Committee . . . , 2022, p. 45).

In addition, the declaration risks creating false hope and false expectation that the victims of human trafficking will receive any better support and services than they already are – which, as discussed in the article, is not the case (see Winterdyk & Hincks, 2023a).⁴⁴ Again, while well-meaning, the intention demonstrates a broader gap in Canada's ability to build meaningful partnerships to combat human trafficking.

Summary and Conclusion

This article used Canada as a case study to show that despite being ranked a Tier 1 country in the annual Trafficking in Persons Report for several years, there are still notable gaps in its efforts to combat human trafficking and its efforts to align with Sustainable Development Goals 5 and 8. Using the four pillars of the United Nations protocol and the fifth initiative (i.e., empowerment) introduced by the National Strategy to Combat Human Trafficking, an assessment of Canada's performance across the five pillars was presented. However, given the gravity of the social, economic, and human rights, and the harm/trauma that many victims of trafficking experience, Canada (as with most countries globally) does what it can to eradicate the damage of human trafficking. To this end, since being one of the first countries to sign the Palermo Protocol in 2002, Canada has undertaken a wide range of initiatives, invested considerable sums of money, and saw the establishment of numerous local, regional, and federal projects and programs to combat/disrupt human trafficking. Yet, as discussed in this article, notable gaps and limitations remain. This is most clear in the fact that despite the efforts made, the blight of TIP is growing. Conviction rates remain low and many organizations continue to operate as silos and are underfunded. In addition, data collection is not consistent or reliable, and yet initiatives and declarations which reflect the disconnect between evidence-based science and policy or legislative reform, are being proposed. Though necessary, it must be understood that a focus on survivor care will not disrupt the crime of trafficking. Despite one of Canada's main pillars being "prevention," there remains a significant disconnect around the public understanding of trafficking, which is directly connected to victims' lack of identification and self-identification. Canada's efforts reflect a patchwork quilt where efforts between the provinces and territories are still not coordinated; competing organizations are replicating efforts within the provinces/territories and with those of the federal government.⁴⁵ Concerning prevention efforts, they rely primarily on creating more awareness that, given the rising numbers, are ineffective.

Again, it is noted that since 2002, Canada has made a concerted effort to combat human trafficking on several levels, but the return on investment (i.e., cost-benefit analysis) has not produced the results that would be anticipated. For the country to narrow or close this gap, it will likely require a paradigm shift. First, to build sustainable capacity to disrupt human trafficking, organizations and agencies should consider a 5thP – Participation. While partnerships represent an opportunity to involve different perspectives and skill sets to combat trafficking and support its victims, forming partnerships is not enough. Participation require active and equitable participation of all partners. Just as researchers and decision-makers are increasingly listening to the voices of survivors, so must all partners participate in informing whatever response is being advocated. This includes holding the government

⁴⁴Although beyond the scope of this article, there are several notable gaps in the Declaration which suggest further consultation may be appropriate. For example, under "We know that in Canada" it is stated that "Perpetrators use various forms of social media as human trafficking recruiting tools . . ." There is a complete absence of acknowledging the growing role of augmented intelligence and other technologies which are rapidly becoming more normative in the recruiting process of prospective victims and there is mention of how to improve prosecution rates.

⁴⁵For example, when preparing this article, there were several Bills before the government to amend the current legislation to address the gaps in TIP legislation.

of Canada accountable for their still unfulfilled commitment to establish a national survivor-led advisory committee, which is critical to ensuring that survivors are not being re-exploited but also setting the tone/requirements for all NGOs and organizations across the nation. The lack of follow-through disenfranchises survivors and sets a negative tone for all other partnering NGOs regarding the necessity of survivor-led involvement. All survivor involvement must include fair compensation.

Secondly, it is recommended that the paradigm shift also involves more significant attention to the issue of addressing demand concerning trafficking. Most of the efforts in Canada focus on victim support and related “supply” issues, which are primarily reactive. As witnessed in other regions of the world, giving greater attention to the issue of demand is a primary prevention and proactive way to combat/disrupt TIP.⁴⁶ Until we can stop the demand, there will continue to be an endless “product” supply. In the preamble to PCEPA it says that “it is important to continue to denounce and prohibit the purchase of sexual services because it creates a demand for prostitution,” and although some attention is being given to the demand issue in Canada (see, e.g., Van der Watt, 2023; Winterdyk & Hincks, 2023b), the gap remains quite cavernous.⁴⁷ To effectively address the demand issue, action needs to turn away from the victims and toward the sex buyers. This includes shifting the focus from preventing the exploitation of vulnerable populations to changing the pervasive belief that purchasing human beings for sexual servitude is acceptable. This paradigm shift removes the onus from the victims needing to self-identify as a victim of trafficking or from law enforcement to discern the proper level of agency the victim does (or does not) possess. The result is a foundational understanding that all human beings are equally deserving of dignity and freedom from exploitation and the objectification of humans, and the commodification of sexual activity is socially harmful.

Finally, the pillar of empowerment is crucial but misdirected. People are not trafficked because they do not understand that exploitation is harmful – they are trafficked because they are in need. Whether those needs are basic, like safety, food or shelter, or more complex, like belonging or self-actualization, the offer presented by the trafficker and/or buyer suggests they can fulfill that need. Let’s look to empower all populations with the ability and access to resources to fulfill their needs so that they are no longer vulnerable to the false promises of traffickers and the risks of harm from selling sexual services.

The plight of TIP is not likely to be eliminated in the near or immediate future, but if we are prepared to examine the gaps objectively and critically in our current efforts and embrace the need for an informed approach that is grounded in evidence and theory, then we might begin to truly impact this scourge which has been a blight on humanity for far too long.

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⁴⁶Refer to Article 9(5) of the Trafficking Protocol that mandates that signatories strengthen legislative and other measures such as “educational, social or cultural measures” that seek to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”

⁴⁷For example, there is no reference to addressing the issue of demand in the newly proposed Zero Tolerance Declaration.

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