

# Human Trafficking in Canada

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# Executive Summary

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Project SECLUSION was prepared for the Immigration and Passport Branch as a national overview of human trafficking activities in an effort to identify the extent of organized crime involvement, transnational associations, source countries, as well as issues and challenges faced by law enforcement. This report also serves as a preliminary baseline of human trafficking activities affecting Canada in both the transnational and domestic perspectives.

Issues identified in this assessment were resultant of a thorough analysis of investigations with human trafficking elements which occurred between 2005 and 2009. In order to establish consistency, the analysis was framed by the definition of human trafficking as set by the Criminal Code (CC) and the Immigration and Refugee Protection Act (IRPA).

## Key Findings

- Recent convictions of human trafficking have mostly involved individuals found guilty of trafficking citizens and/or permanent residents of Canada for the purpose of sexual exploitation.
- Human trafficking for the purpose of sexual exploitation has been mostly associated to organized prostitution. Specifically, human trafficking has been found to occur discreetly behind prostitution fronts, like escort agencies and residential brothels, and is extremely difficult for law enforcement to detect without proactive investigations.
- Many human trafficking suspects have been linked to other organized criminal activities, such as conspiracy to commit murder, credit card fraud, mortgage fraud, immigration fraud, and organized prostitution, in Canada or abroad.
- Organized crime networks with Eastern European links have been involved in the organized entry of women from former Soviet States into Canada for employment in escort services in the Greater Toronto area and possibly in massage and escort services in the Montreal area. These groups have demonstrated transnational capabilities and significant associations with convicted human traffickers in the Czech Republic, Germany, Belarus, and Israel.
- Subjects with suspected involvement in human trafficking mostly operate with associates of similar ethnicity and have ethnic ties to source countries of their migrant workers.
- Information indicates that agents operate in source countries in Europe to facilitate the recruitment and transport segments of the trafficking process. These individuals arrange local employment advertisements and initial contact, facilitate travel documents, and coach the women on deceptive travel into Canada.
- Canada's visa-exemption policies have been exploited by criminal groups to facilitate the entry of foreign nationals for illegal employment in the sex trade. Investigations have identified the exploitation of Israeli, Estonian, Latvian, and Korean passports for this purpose.
- Criminal networks suspected of trafficking Eastern European nationals for the sex industry likely have access to high quality fraudulent identification and travel documents, allowing migrants to travel undetected across multiple borders.



- Human trafficking has been identified in discreet bawdy houses staffed solely by Asian migrants or persons of Asian descent.
- Prostitution rings have been found to operate multiple bawdy houses within a city. Some sex workers have been observed to travel inter-provincially between Canadian cities and possibly to the U.S, to engage in prostitution.
- Major Canadian cities with an established network of Asian organized crime are destinations for migrant sex workers from Asia.
- The recruitment process of Asian migrants for the sex trade does not necessarily begin overseas. Most foreign nationals that were found working in Asian bawdy houses stated that they had answered employment ads for sex work after they arrived in Canada.
- Some of the individuals who were convicted of domestic human trafficking were found to be affiliated to street gangs known to law enforcement for their pimping culture. Nevertheless, it is unknown if human trafficking is an organized gang activity or motivated independently by financial gain.
- Domestic human trafficking victims have mostly been recruited through the Internet or by an acquaintance. The victims were groomed, manipulated, and coerced to enter the sex trade.
- Some victims of domestic human trafficking have been underage girls exploited through prostitution in exotic dance clubs and/or escort services. Some traffickers provided fraudulent identification for their victims to feign legitimate age.
- Control tactics employed by traffickers to retain victims in exploitative situations include isolation from their social network, forcible confinement, withholding identification documents, imposing strict rules, limitation of movement, as well as threats and violence.
- African nationals who were identified as victims of human trafficking were trafficked for sexual exploitation outside of and before arriving in Canada. Some of these identified victims may have been brought to Canada by their traffickers with the intention to further exploit them.
- Significant human trafficking indicators were identified in some cases involving foreign national domestic helpers who were smuggled into Canada by their employers. These live-in domestic helpers were controlled, threatened, underpaid, and forced to work by their employers.
- The RCMP has not identified organized crime involvement in *human trafficking* for labour exploitation. Cases of labour exploitation with the most human trafficking indicators involved individuals or family units taking advantage and exploiting foreign workers for personal gain.

## Strategic Considerations

- Within each sector of prostitution where human trafficking was identified, suspects were observed to have similar methods of operation. Intelligence suggests that some groups within a sector may likely be associated; however their level of cooperation is currently unknown.
- A majority of Asian national sex workers found in bawdy houses had entered Canada with visitor or student visas, some of whom were found to have overstayed their visas. Those found not to be victims of human trafficking were therefore engaged in illegal employment and subsequently deported.
- Many migrant workers interviewed in human trafficking investigations admitted to some fear for family members in their home country if they did not comply with their employers. Some believed that their employers may have influence to inflict harm on family overseas, while others, particularly those engaged in sex work, were afraid that their employers would disclose to their families that they were prostituting in Canada.
- Technological advances allowed individuals or criminal networks involved in human trafficking for sexual exploitation to recruit and advertise victims, particularly underage girls, remotely via the Internet.
- Traffickers are suspected of exploiting illicit drug dependencies as a way to recruit and control sex trade workers. While this may not equate “sex trafficking”, illicit drug addictions may increase a sex trade worker’s vulnerability.
- Regulations are lacking to ensure fair business practices and legitimacy of third party companies that lease or recruit foreign workers on behalf of Canadian employers. Some of these businesses were found to have manipulated the federal Temporary Foreign Worker Program through misrepresentation and fraud for financial gain.



# Introduction

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Human trafficking has been globally observed as a growing sector of organized crime. Like the trafficking of illicit drugs and the illegal arms trade, the sale and exploitation of human beings has become an international concern. At any given time, a country can be a source, destination or transit country, or all three. Social, political and/or economic strife are all possible factors for human trafficking and initial motivation for a victim may simply be the “desire for a better life”. The uneven advancement of global economy has led to wide disparity between social and/or economic groups and the disruption of traditional livelihoods, pushing more workers abroad than ever before. Migrant workers have been found to be generally more susceptible to being trafficked or having to endure exploitative conditions. Countries with a high unemployment rate are also among the common source countries of trafficked victims. According to the United Nations, approximately 121 countries have adopted anti-trafficking legislation in the last decade as a global response to combat human trafficking. In recent years, human trafficking has become an enforcement initiative among police agencies in some countries around the world; however, statistics and evidence-based facts are scarce. (U)

It is one of the strategic objective of the RCMP Immigration and Passport (I & P) Program to combat and disrupt organized migrant smuggling and human trafficking. The Program mandate is the criminal enforcement of the Immigration and Refugee Protection Act, the Citizenship Act, and Criminal Code violations related to Citizenship offences, Canada Passport offences, frauds, forgeries and conspiracies.

The Program consists of six regional sections across Canada, and one policy centre located in RCMP Headquarters in Ottawa. In 2005, the Human Trafficking National Coordination Centre (HTNCC) was created within the I & P Branch at Headquarters. The strategic objective of the HTNCC is to provide a central point for law enforcement in their efforts to combat and disrupt criminal organizations involved in human trafficking activities. Main priorities include the development of tools, protocols and guidelines; the coordination of national awareness and training, and the development and maintenance of international and national partnerships. HTNCC also aims to coordinate intelligence and facilitate the dissemination of information relating to human trafficking. (U)

The objectives of this assessment are to identify organized crime involvement, transnational associations, source countries, and trends in human trafficking activity involving foreign nationals as well as domestic victims. In addition to serving as an intelligence baseline, this assessment will include a brief tactical analysis of organized crime groups with suspected involvement in human trafficking; as well as discussions of issues, challenges, and intelligence gaps that affect enforcement efforts in the disruption of human trafficking activities in Canada. As such, this document aims to provide strategic guidance for enforcement efforts in support of the RCMP Immigration and Passport Program. (U)



## Methodology

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The findings of this assessment were derived from several law enforcement sources, including a review of past and current human trafficking investigations and investigations with relevant exploitative elements that were reported to law enforcement between 2005 and 2009, including cases that were eventually unfounded for trafficking. Intelligence databases were also explored using key term queries such as human trafficking, sexual exploitation, bawdy house, forced prostitution and forced labour.

During this process, interviews were conducted with I & P members across the country, investigators and analysts from RCMP Border Integrity and Criminal Intelligence units as well as several municipal, regional and provincial law enforcement agencies (*Appendix A*).

Ultimately, over 700 files were collected and reviewed, with approximately 275 files retained for analysis. Data collected was subsequently applied against the definition of human trafficking as per Canadian legislature (IRPA and CC) in an effort to illustrate a unique Canadian perspective.



**Section 118 of IRPA states that,**

118. (1) No person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion.

**Definition of “organize”**

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

**Section 279.01-04 of the Criminal Code states that,**

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

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

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

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

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

279.04 Exploitation. For the purposes of sections 279.01 to 279.03, a person exploits another person if they (1) cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service; or (2) cause them, by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed.

## Limitations

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A number of limitations affected the formulation of this assessment. First, this document aims to provide an overview of human trafficking in a unique Canadian context and the analysis was framed by Canadian legislation and experiences of Canadian law enforcement. Most data retained for analysis was gathered from law enforcement files that contained elements of human trafficking even if the cases did not result in charges or convictions of human trafficking. For analysis of domestic trafficking, only cases where human trafficking charges had been laid or if a conviction had been secured were retained.

Another limitation was the few number of human trafficking cases reported to law enforcement. In addition, not all cases that contained human trafficking elements resulted in successful charges or convictions. For these reasons, this assessment did not attempt to generate statistics on human trafficking, including the number of victims and/or the offenders involved. The profiles on the subjects and organizations of interest included in this report were compiled from limited sources and may not be a complete representation of these operations. Nevertheless, these profiles were included for general identification purposes.

Furthermore, the widely different sectors within the topic of human trafficking were discussed separately, namely the exploitation in the sex trade and in the rest of the labour force. Within the sex trade, the exploitation of Eastern European, Asian and African women was independently assessed in order to provide more comprehensive overviews of each and also to reflect the significant divergences that influence the criminal activity, such as the victim's culture, modus operandi, and areas of exploitation.

This document is not intended to be a guide on how to investigate human trafficking or the treatment of its victims. This report does not examine the social, economical, and political factors that contribute to human trafficking in Canada or globally. As well, this assessment does not intend to focus on, or describe in detail the legal aspects surrounding prostitution or the enforcement of prostitution-related offences.

# Overview of Human Trafficking in Canada

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Human trafficking involves any person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person for the purpose of exploiting them or facilitating their exploitation. Victims of human trafficking may be exploited for the purpose of sexual exploitation, forced labour or organ trafficking. However, information gathered thus far does not substantiate organ trafficking on Canadian soil. Trafficked victims usually cannot, or perceive that they cannot, leave their circumstances. While human trafficking is commonly believed to involve the exploitation of foreign nationals, it is crucial to note that **anyone** can be trafficked.

Human trafficking in Canada is often referred to as,

- **International human trafficking**, which involves someone who, in the process of being trafficked, crosses an international border, regardless of the victim's immigration status. It is irrelevant if the victim had crossed the border legally or illegally.

Or,

- **Domestic human trafficking** is the phenomenon in which all stages of trafficking occur within Canada regardless of the victim's legal status. Vulnerable, economically challenged and socially dislocated sectors of the Canadian population represent a potential pool of domestic trafficking victims.

Both types of human trafficking are a grave violation of human rights. The distinction between international and domestic human trafficking is made by Canadian law enforcement primarily for the purpose of determining the application of the appropriate criminal charges. While the Criminal Code legislation is applicable to both international and domestic human trafficking, IRPA section 118 is only applicable when persons are trafficked across a border into Canada.

Human smuggling is often misinterpreted as human trafficking, as both may involve the movement of people across a border; however, they are vastly different offences. Human smuggling can be defined as the facilitation of the illegal entry of migrants into a country for financial or material benefit, which is typically a business transaction that ends upon arrival. Migrants who had initially agreed to be smuggled may become trafficked should they continue to be exploited after they have arrived at their destination.

Migration patterns, legal or illegal, are determined by the unique political, social, and geographical situations of the source and destination country. As such, it should be expected that human trafficking in Canada may vary from the international experience. In the last few years, support groups and law enforcement alike have demonstrated an increasing interest in bringing the issue of human trafficking to the forefront to give it the humanitarian attention and criminal justice that it deserves. Relevant government agencies have made initial assessments and are still trying to grasp the scope of this issue, but the extent of human trafficking and the number of victims in Canada is still virtually unknown due to the clandestine nature of the trade. The reluctance of victims to come forward and the general misunderstanding and disagreement of the term "human trafficking" are factors that contribute to the lack of accurate statistical

information. In 2007, an RCMP report found that current estimates of human trafficking in Canada were vastly diverging, intermixed with numbers of smuggled persons, and largely unreliable. Also, rather than speculating on numbers and causes, law enforcement should aim to target their efforts toward criminal enterprises behind human trafficking.

Despite these issues, Canadian law enforcement have identified and investigated potential cases of human trafficking in Canada. In June 2002, key provisions of the Immigration and Refugee Protection Act (IRPA) were enacted to prosecute persons in violation of trafficking and/or smuggling offences. The first charge under Section 118 (Trafficking in Persons) was laid in 2005. The case did not reach a human trafficking conviction but prostitution-related charges were obtained. In November 2005, the passing of Bill C-49 resulted in the addition of Sections 279.01 to 279.04 to the Criminal Code. These sections allow human trafficking charges to be laid across multiple jurisdictions and have since been put to the test before the courts. In 2007, Peel Regional Police laid the first-ever charge under Section 279.01 in April, with the second charge following closely behind in December. In May 2008, the accused of the latter pled guilty and became the first conviction for human trafficking in Canada. Similar charges have since followed and an increasing number of prosecutions are expected in the near future. Convictions so far have resulted from guilty pleas and not judicial pronouncements.

With legislation recently in place as well as growing awareness and training, Canadian law enforcement is making an increasing effort to identify human trafficking as defined by the Criminal Code and IRPA. A prevalent problem, however, is that the widespread understanding of human trafficking is often clouded by stereotype, bias, and sensational media reports. While an increased awareness among Canadians is evident, the wide ranging information, and in some cases, misinformation, may cause confusion with respect to human trafficking as defined in our criminal laws. Human trafficking must also be assessed on a case-by-case basis, as circumstances surrounding the crime are difficult to quantify and exploitation is equally complex to “measure”.





# Human Trafficking for Sexual Exploitation

## Prostitution in Canada

Police investigations have shown that victims of human trafficking are primarily found in some avenue of the sex trade in Canada. The identification of victims among sex workers has proven to be a challenge to law enforcement, but improvement was noted in recent years in prosecuting those who exploit others through forced prostitution. In most human trafficking investigations that resulted in charges, prostitution-related charges were also laid against the accused, in addition to section 279.01 charges under the Criminal Code. Prostitution-related offences as outlined in the Criminal Code are presented in *Appendix B*.

There are different sectors of the sex trade within which some workers may be victims of human trafficking. Street prostitution is the most overt form of prostitution; however, pressures from law enforcement efforts in some regions have driven organized prostitution to less obvious establishments such as exotic dance clubs, escort agencies, massage parlours, and even residential brothels. These less obvious establishments, with the exception of residential brothels, may operate as legitimate businesses and are difficult for police to enforce as sex services are mostly conducted in discreet. Most businesses offering these types of adult services are acknowledged as fronts for prostitution.

Some adult services are regulated by licensing by-laws within municipal jurisdiction, but the process does not particularly target or control prostitution or public morality. Licensing is determined by compliance with business conditions like hours of operation, advertising, certification and has often been criticized for its effectiveness in protecting sex trade workers.

### Types of Services

**Escort agencies** have generally been reported by law enforcement as synonymous to out-call prostitution; however agencies are “law abiding” as long as they adhere to municipal regulations<sup>1</sup> and prostitution is not carried out on their business premises. Intelligence has shown that some escort agencies use “freelance workers” and solely offer “dispatch services” by directing service providers to clients for a “referral fee”. Other escort agencies have the same workers under their employment much like a traditional business. Some pimps are also known to send their sex workers to work in escort agencies.

Escort services are boldly advertised in classified ads, community newspapers, and Internet websites with suggestive language and explicit photographs, and a phone call dispatches an escort to convene with a client at a private home or hotel room. Such interaction is virtually invisible and the discreetness of escort services serves as a major customer incentive. Because services are arranged and take place in private spaces, it is extremely difficult for law enforcement to prosecute abusive employers or protect sex workers from exploitation.

<sup>1</sup> For example, Bylaw 12452 in the City of Edmonton requires an escort agency or an escort to be licensed before engaging in escort services.

Escort services have become so popular with patrons that some internet message boards and websites are dedicated to the discussion and review of escorts, as well as the usage of specific slang terminology and acronyms among users.

**Massage parlours** that offer illicit services have been found to operate with valid business licenses, offering services like “acupuncture” or “aromatherapy” and performed by licensed masseuses. Most illicit massage parlours operated under a similar *modus operandi*. The house usually charges clients a base price for massage services, while sex services are offered at the discretion of the service providers. Payments are made separately, allowing owner-operators to deflect prostitution as a mere agreement between the masseuse and the client and not condoned by the business. Some parlour operators avoid discussing sexual services with clients at the onset and may even deny that they are offered on the premises.

Mostly disruptive investigations, such as raids, have been conducted in the enforcement of massage parlours to target prostitution, and to some degree, human trafficking. Owner-operators have been found to be well-versed in loopholes of municipal by-laws and licensing that regulates therapeutic establishments. (i.e., investigations have revealed that some sex workers had fraudulently obtained massage certification). Besides business by-laws, massage parlours are also subject to criminal code charges related to prostitution and keeping a common bawdy-house.

**Residential brothels** are found across Canadian cities and were identified as an increasing trend. Locations range from large family homes in affluent neighbourhoods to smaller condominium units in city centres. In particular, “micro-brothels”, which refer to small scaled brothels, were found to operate in condominium units in Toronto, Vancouver, and more recently in Gatineau. The traffic of high density condominiums provides discreetness for the operator as well as the clientele, which makes it difficult for law enforcement to locate and even more difficult to determine if the workers are being exploited. Other advantages in operating smaller brothels are the manageability of two to three women working at a time, and the mobility of the business allows operators to change locations regularly to avoid detection.

Police investigations have revealed that most residential brothels operate in a similar manner. Operators often advertise the services in community publications, ethnic newspapers and/or online classified. Ads usually do not indicate outright that sex is offered for money, but the services are implied either through explicit photographs, slang terminology and acronyms. A contact number is given in lieu of an address, as clients are encouraged to contact by phone first, which serves as a “screening” of clients and also allows the business to retain discreetness. When contact is made, a “dispatcher” will direct the client to an address and instructions are given on how to gain entry. By only advertising a phone number, an operator can minimize business disruption when locations are changed regularly. Investigations have found that the same operator may run more than one unit and workers rotate between multiple units.

**Exotic dance clubs**,<sup>2</sup> or strip clubs, have been associated with human trafficking of foreign nationals in Canada since the late 1990s, when the number of migrant dancers from Eastern Europe increased dramatically. The shortage of exotic dancers in the Canadian labour market during that time brought a special immigration process which allowed employers to source exotic dancers from other countries through the exotic

<sup>2</sup> An exotic dance club or strip club is a nightclub or other establishment featuring striptease performances (Canadian Oxford Dictionary, 2004).

dancer visa.<sup>3</sup> Police investigations confirmed that some of the dancers working in a strip club offer sexual services in exchange for money. There are exotic dance establishments that will not condone the offer of extra sexual services on the premises; however, some managers may “turn a blind eye” to illicit activities taking place in the club.

Targeting the exotic dance industry to disrupt human trafficking in Canada has been a topic of controversial debate between anti-trafficking organizations and migrant and exotic dancer advocacy groups. Many women choose to come to Canada to engage in exotic dancing as a legitimate profession and imposing restrictions on the foreign workers is seen as unfair. Views on exotic dancing vary between honest employment for foreign workers to humiliation, sexual exploitation and abuse. Recent human trafficking cases involving Canadian victims have exposed the underside of the exotic dance industry.<sup>4</sup> These cases will be further discussed in the “Trafficking within Canada” section of this assessment.

## Human Trafficking of Eastern European Women

Between 2005 and 2009, several organized crime groups were identified by law enforcement for suspected involvement in human trafficking activities in Canada. Investigations have confirmed that these groups were involved in the organized entry of Eastern European<sup>5</sup> women for employment in escort services in Montreal and Toronto. Most of these individuals were linked to organized prostitution, with some identified as legitimate escort agency operators, while others, particularly in the Montreal area, were linked to massage parlour operations. Current knowledge on the recruitment and facilitation of Eastern European women for sexual exploitation in Canada has mostly been anecdotal, disclosed by migrant escorts who were willing to speak to the police. It was noted by Canadian investigators that while the women who were interviewed were able to provide information pertaining to a trafficking network, substantial portions are still unknown.

Globally, police agencies in Germany, Austria, Czech Republic, Belarus, and Israel have identified Canadian associations to transnational prostitution rings based in these countries.<sup>6</sup> These trafficking rings were found to be supplying women for prostitution in Czech Republic, Germany, Israel, the United Kingdom, and Canada. The extent of their involvement in transnational human trafficking activities in Canada has not yet been determined. The criminal sophistication of the subjects of interest and the cooperation among the entities involved are currently unknown.

The use of fraudulent or altered travel documents to facilitate the entry of Eastern European women was consistently reported in human trafficking investigations. The access to quality fraudulent travel documents may indicate the expanse and sophistication of criminal networks.

3 “The controversial visa program, which dated back to 1998 (until December 2004), let about 660 foreign-born exotic dancers into the country last year alone, most of them from Eastern Europe. All they had to do was to provide a letter offering them a job in the industry and prove they were qualified to dance.” ([www.cbcnews.ca](http://www.cbcnews.ca), 2004)

4 As of November 2009, there have been 5 human trafficking convictions under the Criminal Code.

5 Eastern European countries referred include Ukraine, Moldova, Belarus, Estonia, Latvia, Romania, Czech Republic, and Hungary.

6 The interpretation of human trafficking are subject to each country’s legislation of the crime but some countries had indicated to Canadian authorities that organizing the export of sex workers, regardless if the workers have knowledge or consent to the work, is deemed criminal.

Travel visa exemption policies imposed by the Canadian government were also noted to influence facilitation patterns used by organized crime groups to smuggle Eastern European women destined for the sex trade in Canada. In early 2008, following the lifting of the visa requirement for Latvian citizens in October 2007, information revealed a scheme involving the intended usage of fraudulent Latvian passports for the transport of migrant sex workers into Canada.

Investigations have found that women may have been recruited either knowing that they would be engaged in the sex trade or wholly deceived during recruitment. However, most women were subjected to threats and coercion after they began employment. Some escorts reported that their true passports had been confiscated by their employers and they were obligated to repay the cost of their travel from Europe before they could be released. Additionally, interviews conducted with the workers recruited by groups of interest revealed that similar control tactics were used.

Human trafficking investigations primarily rely on victims testimonies in order to proceed. It can only be speculated that victims had already provided information to Canadian authorities to the best of their ability, but it is also possible that victims may have disclosed with discretion for a variety of reasons. Most witnesses expressed fear for themselves or their loved ones back home for speaking against their employers, while others may have been dependent solely on their employers and had no other means of support.

Human trafficking investigations have mostly relied on public complaints, foreign intelligence, or prostituted-related police occurrences. While police have found reliable indications to support human trafficking offences, the lack of reliable witnesses to testify against suspects have greatly impeded enforcement efforts. Most witnesses have been reluctant to come forward to speak against their employers. To date, there have been no human trafficking charges laid against individuals involved in the exploitation of Eastern European women in Canada.

## **Key Findings**

### **Potential Victims:**

- Human trafficking investigations have identified female migrants from Romania, Ukraine and Moldova. The women were aged between 21 and 38 years.
- Migrant Eastern European women recruited for sex work in Canada were mostly found to be employed in the escort agency sector. Some were believed to be recruited for prostitution in massage parlours.

### **Recruitment:**

- Most of the recruitment was done through advertisements on Internet websites or local newspapers in Eastern European countries and Israel. The women were offered sex work in Toronto with inflated claims of earnings from \$10,000 and up per month and misleading work terms.
- Intelligence indicated victims were sometimes recruited overseas by either male or female agents of the trafficking network.
- Investigations indicate that agents operate in source countries to facilitate the recruitment and transport segments of the trafficking process. These individuals arrange local employment advertisements and initial contact, facilitate travel documents, and coach the women on deceptive travel into Canada.

### **Transport:**

- Prostitution rings facilitated the travel of Eastern European women into Canada using fraudulent or altered passports of visa exempted countries.

### **Exploitation and Control:**

- Escorts who came forward to law enforcement in human trafficking investigations have all stated that they felt deceived in terms of employment and felt excessively controlled. Suspect operators employed similar control tactics, though not necessarily physical violence, to ensure compliance from the escorts. Some women revealed that their passports had been withheld, or in some extremes, had been forced into the sex trade.
- Escort agencies with Eastern European links have been found to employ “enforcers” to receive the women upon their arrival in Canada and coerce them to comply with exploitative work terms.
- Escorts indicated to police that they felt misled about earnings and work terms like hours and living arrangements. Despite earning \$240-300 per hour through the provision of sex services, escorts disclosed they were left with only a portion of the earnings.
- Most women interviewed during investigations indicated that when they realized the job did not meet their expectations, they were prevented from leaving their employer or from going home. Each worker was imposed a similar set of work terms and understood that noncompliance would result in some harm to herself or relatives back home.

### **Profitability:**

- Actual profitability associated to the exploitation of Eastern European women is unclear as the costs for recruitment and transportation are unknown to law enforcement. Based on witness reports, an escort who services four clients, six days a week may generate an average of \$6000 for the agency.

### **Geographic Scope:**

- Escort agency operators in Canada have significant links with international criminal networks involved in organized prostitution and/or human trafficking in countries such as Czech Republic, Belarus, Austria and Israel.
- Most Canadian-based subjects and groups of interest have some ethnic association with source countries of foreign escorts.
- Eastern European women have mostly been located in the sex trade in Montreal and Toronto.



## Human Trafficking of Asian Women

Exploitation occurring in bawdy houses operated by criminal organizations with Asian associations has been an increasing concern to law enforcement in recent years. These prostitution venues are found in large urban centres across Canada, especially cities with a sizable Asian population.<sup>7</sup> Disruptive investigations have located bawdy houses staffed by women of Asian ethnicity that may or may not have legal status in Canada. The brothels, which are operated under discreet fronts like residences or massage parlours, in addition to cultural and language barriers instigated by a mainly Asian staff, are difficult for police to detect and enforce. To date, very few investigations were able to successfully identify victims of human trafficking involving bawdy houses operated by Asian organized crime. However, these types of cases were exemplified by investigations conducted by police in British Columbia and Alberta.

In 2004, the Vancouver Police investigation of NG Wai Chi, Michael, a Canadian citizen, resulted in the first case where human trafficking charges were ever laid under IRPA. Two Chinese national women were deceptively recruited by NG from China with nonexistent employment opportunities, and then smuggled into Canada with fraudulent travel documents and a marriage of convenience. Upon arrival, the two women, who were relatives and were recruited to come to Canada approximately one year apart, were forced to perform sex acts in a massage parlour owned by NG.

In 2008, NG was sentenced to a 15 month jail term for falsifying immigration documents, human smuggling, procuring sexual intercourse and running a common bawdy house. NG was later acquitted of the human trafficking charges. The Crown later appealed after which, NG was sentenced to an additional 12 months. The case also put the scale of human trafficking investigations into perspective for law enforcement. Police officers were challenged with the first-ever complexities of a human trafficking investigation, extensive victim management, and prosecution process. Officers navigated through multiple roadblocks from obtaining immigration status, health care, and housing for the women, to maintaining their cooperation and emotional health.

Following the NG case, the possibility of other victims in similar sex trade venues became a sensational concern. In 2006, a series of investigations were jointly executed by multiple RCMP units to examine the illicit “body rub” massage parlours, spas and “health clubs” operating as fronts for bawdy houses in British Columbia’s Lower Mainland. The objective of the multi-jurisdictional operations was to determine whether foreign nationals had been trafficked into Canada for the purpose of sexual exploitation massage parlours located in Burnaby, Chilliwack, Richmond, and Coquitlam. Massage parlour employees were allegedly pressured by management to engage in sex acts with clients.

In late 2007, the investigation led to a coordinated raid of suspected bawdy houses executed in the Lower Mainland municipalities with the arrest of several business operators. In anticipation that some workers may be trafficked victims, human trafficking specialists and social services were in attendance to assist and provide immediate support to law enforcement. The investigation resulted in the review or suspension of business licenses and examination of by-law violations, but was insufficient to proceed with criminal prosecution. Sex workers were uncooperative and investigators believed them to be working in prostitution voluntarily for financial gain. Ultimately, there were no indications that workers were trafficked to work against their will.

<sup>7</sup> Particularly in Montreal, Calgary, Edmonton, Ottawa, Toronto, and Vancouver. A large Asian population does not necessarily indicate an Asian clientele, but that Asian organized crime exists in the city to support the operation.

In 2008, the RCMP in British Columbia investigated an organization for possibly using trafficked women in a bawdy house operation in various Lower Mainland municipalities. The subjects were suspected of transporting sex workers from Hong Kong and facilitating their entry into Canada. Financial records recovered from the investigation indicated the involvement of recruiting agents working overseas. Investigators believed that the operation had the capacity of running up to 15 women in the bawdy houses.

Tactics that were employed by suspects to avoid detection from police were consistent with intelligence from past investigations on bawdy house operations: locations of brothels were periodically changed and a “dispatcher” was used to direct clients to discreet residential addresses which served as service outlets. Advertisements were posted in ethnic newspapers and an Internet classifieds website to solicit clients.

In March 2009, the investigation led to the location of seven adult female Hong Kong (China SAR) nationals engaged in prostitution on visitor’s status. The extent of which the women were forced into the sex trade was difficult to assess. Some of the females were aware from the onset that they would be engaged in the sex trade, while others were unsure of their obligations prior to their departure from Hong Kong. Findings indicated that the subject exercised control over his workers, including the withholding of some of the women’s passports, and extensive record keeping of each worker’s output.

Despite some elements of human trafficking, a reliable witness testimony was critical to substantiate the charges. Repeated police attempts to gain cooperation from the victims to speak about their experience were unsuccessful. One witness would only admit off-record that she was recruited to work as an esthetician but was later coerced into prostitution. Investigators noted that all the females were under pressure to repay large personal debts, which may have prompted them to engage or remain in the sex trade. Without victim cooperation, the investigation resulted in prostitution-related charges.

In the past several years, Edmonton Police Service (EPS) investigations into prostitution led to a number of takedowns of bawdy houses operated by Asian organized crime, with an incident resulting in human trafficking charges in September 2009. Recent findings had been consistent with intelligence indicating that Asian organized crime networks are suspected of running organized prostitution rings in to Vancouver, Edmonton, Calgary, Ottawa and Toronto. Some subjects have also shown associations with drug and money laundering activities.

In September 2009, the investigation led EPS to locate victims forced into prostitution after being lured with legitimate employment prospects from other parts of Canada. The victims were of Asian ethnicity but had permanent status or Canadian citizenship. Among other charges related to prostitution and unlawful confinement, two bawdy house facilitators were charged for human trafficking under the Criminal Code. This file is further discussed in the “Domestic Trafficking” section of this assessment.

A common frustration observed by law enforcement across Canada is the lack of cooperation among sex workers found in Asian massage parlours and residential brothels. Many refuse to acknowledge that they work in the sex trade and some offer contradictory statements and fabricated stories. Police often question the reliability of the information that some of the workers are willing to offer. This will be further discussed in the “Issues and Challenges” section of this assessment.

## **Key Findings**

### **Potential Victims:**

- Women of Asian ethnicity, who may be recruited within Canada or abroad, have been trafficked to work in bawdy houses operated by Asian organized crime groups. The women may not necessarily be foreign nationals, but also Canadian citizens or permanent residents.
- Women of Asian ethnicity found to be working in bawdy houses were aged between 20 and 46. Those who were foreign nationals had come from Korea, China, Hong Kong (SAR), Taiwan, or Malaysia.
- Factors such as personal financial challenges and the inability to speak Canada's official languages, English and French, made some women more vulnerable to be trafficked into Asian bawdy houses.

### **Recruitment:**

- Some sex workers admitted to being initially recruited for legitimate employment but were rather coerced to work in the sex trade once they arrived in Canada.
- Only owner-operators of bawdy houses have been identified to have personally traveled overseas to recruit or escort victims from source countries into Canada.
- Sex workers indicated they had answered ads in local ethnic newspapers that led them to prostitution work, while some stated they learned of it through "friends".
- Criminal organizations involved in the facilitation of recruitment and organized entry of sex workers from Asian countries into Canada have not been identified.

### **Transport:**

- Most migrant sex workers have entered Canada with visitor visas. In many investigations, sex workers indicated that they had come to Canada voluntarily, with some allegedly paying a fee to obtain a visitor or student visa.
- Some sex workers are believed to work until the expiry of their visas and then voluntarily leave the country, while others have been found to overstay their visas for up to several years.

### **Exploitation and Control:**

- Owner operators employ tactics to insulate themselves from the prostitution aspects of their business.
- Massage parlour and/or brothel owners usually operate more than one location simultaneously and rotate their workers between locations.
- Asian cultural values, such as honor and duty to provide for the family, are often exploited by operators as a mean of control over their workers. Some suspects have reportedly threatened to disclose to the family of a victim that she is a prostitute.
- Investigations have found indications that bawdy house operators may withhold the travel documents of Asian national employees to ensure their compliance.
- Some of the identified bawdy house operators and associates are known or suspected to be engaged in other criminal activities.

**Profitability:**

- Clients reportedly pay between \$80 to \$200 per visit, depending on the time spent and type of service. Reports of a sex worker's earnings have varied, from the worker only keeping \$20 plus tips, to the operator taking a flat rate of \$50 per customer. In one case, a sex worker stated that she charged \$160 per customer, of which she kept \$100, and she serviced approximately two or three persons a day. Findings also suggest that sex workers in massage parlours are allowed to keep most of the money derived from the "extra" sexual services they provide, with approximately 25% of the profit going to house.
- An investigation found that workers may be servicing up to six clients per day. The women allegedly paid the owner \$50 per client they received and kept the rest of the fee, plus tip, earning them up to \$500-600 a day. At these prices, each worker brought in \$300 a day, allowing the operator to earn almost \$2100 a day from the seven women recovered from the investigation.
- Financial gains had often been cited by sex workers of Asian ethnicity as incentive to engage in prostitution in Canada. Many have disclosed their need to repay personal debts accrued from gambling activities or failed business ventures, while some cite the need to support family in their home country.

**Geographic Scope:**

- Investigations have indicated that some Asian national sex workers travel between Canadian cities and possibly to the U.S. to engage in prostitution.
- The overseas associates of Asian bawdy house operators, who may be involved in recruitment and facilitation in source countries, have not yet been identified.
- Sex workers may travel between Montreal, Toronto, Ottawa, Calgary, Edmonton, and Vancouver, to work in bawdy houses. It is unknown whether the workers travel voluntarily to other locations or whether they are sent by their employers on a rotation between cities to maintain the demand for fresh faces.
- Asian crime groups involved in organized prostitution have been identified to associate intra-provincially; however, their level of cooperation is unknown.



## Human Trafficking of African Women

Claims of human trafficking involving African nationals were reported by the RCMP in Montreal, Calgary and Toronto. These isolated complaints are believed to be reliable; however, most of the exploitation took place overseas and out of jurisdiction. It is believed that some women were also brought into Canada for further sexual exploitation, but they have since escaped their traffickers and deemed no longer at risk of being further victimized by them.

Only one case has suggested organized crime involvement in the trafficking of an African national. However, the identity of the members of the alleged criminal organization remains unknown at this time.

## Exploitation of Foreign Exotic Dancers

Exotic dance establishments in urban areas have long been suspected of forcing trafficked women, in particularly of Eastern European origin, to dance and prostitute. Concerns of human trafficking among exotic dancers are not entirely unduly. Investigations conducted in the late 1990s have found strong indications that women were recruited from Eastern European countries for non-sexual work but were later forced to dance in strip clubs and even provide sexual services. Anecdotal stories have since begun to surface as former dancers recount experiences of being deceived into the sex trade in Canada. Investigations at the time found circumstances that were consistent with human trafficking, however proper legislation was not yet in place to address such exploitation. At the time, clubs in Toronto and Windsor were suspected of employing trafficked women.

An investigation revealed that most foreign dancers employed by exotic dance clubs originated from countries in the former Yugoslavia or Soviet Union. Sexual favours or drugs were offered for a price in some establishments, but police failed to locate evidence to support the presence of trafficked women. On one occasion, a dancer admitted that her passport was taken from her when she initially arrived from Romania to ensure that she repaid the debt incurred from travel expenses. Authorities acknowledged that although most foreign national exotic dancers come to Canada with a legitimate work visa, they may still be vulnerable to exploitation due to factors such as possible language barriers, discrimination, isolation, unfamiliarity with Canadian employment standards and legislation, or unwarranted threats against their immigration status.

Past police investigations confirmed that clubs in the areas of Montreal,<sup>8</sup> Niagara, and Toronto offered sex services. However, public complaints pertaining to human trafficking reported in the last few years were mostly unfounded. The content of some complaints rarely led to a criminal investigation due to the dated nature of the information or insufficient leads. Police in the Montreal area received trafficking allegations ranging from underage girls recruited from a local shelter to foreign nationals being sponsored to come to Canada to work as prostitutes in exotic dance clubs, but investigators were unable to corroborate these claims. Findings so far indicate that the exploitation of foreign nationals within such clubs is a possibility, but may not be a prominent issue in the vicinity of Montreal.

Similarly in the Atlantic region, allegations that foreign nationals were being trafficked in exotic dance clubs in the Greater Moncton area and Halifax have been unfounded. Though foreign workers were indeed located in the clubs, investigations determined that these subjects were engaged voluntarily as exotic dancers.

<sup>8</sup> Both Municipal police and RCMP



Recent human trafficking allegations originating from foreign exotic dancers in Ontario were mostly related to general feelings of being misled by overseas recruiters, unsatisfactory work conditions and some degree of coercion. The investigation found that the women were somewhat taken advantage of, but more on contractual terms than exploitation. The women were not forced to perform any other sex acts and were able to send money home to Romania.

Recent investigations were unable to substantiate the trafficking of foreign nationals in exotic dance clubs. An increasing trend, however, is the trafficking of Canadian women in these clubs. Investigations have shown that exotic dance clubs are used to exploit Canadian citizens who are moved inter-provincially for the purpose of prostitution. This issue is discussed more in depth in the following section of this report.

## Domestic Human Trafficking for Sexual Exploitation

While human trafficking is often associated with foreign victims crossing international borders, recent convictions may indicate that domestic trafficking is as likely to occur in Canada. Domestic trafficking transpires within national borders and does not necessarily require the physical movement of a victim inter-provincially or even between cities. In fact, the recruitment, control and exploitation of a victim may well occur within the same city. Even when victims are identified as foreign nationals, they may still be victims of domestic trafficking if they migrated to Canada voluntarily and were recruited only after they arrived.

An analysis of the domestic human trafficking charges and convictions in Canada has found that young females are being trafficked into the sex trade for exponential profit by criminals acting in the capacity of pimps. The discreetness of the sex trade, combined with the vulnerability of trafficked victims, makes domestic trafficking a low-risk, high-profit enterprise for opportunists and organized crime groups.

As of November 15th, 2009, 33 individuals were charged under section 279.01 of the Criminal Code, five of which were convicted of this offence. Charges were dropped against two of the accused in September 2009 due to a victim's absence in Court. Three other accused were acquitted of the human trafficking charges laid against them; however two of them were found guilty in November 2009 of other serious charges including aggravated sexual assault, assault with a weapon, kidnapping and forcible confinement.

### Key Findings

#### Potential Victims:

- The majority of the victims of domestic human trafficking were female Canadian citizens aged between 14 and 25 years at the time of exploitation. While most of these victims were recruited from the Peel Region in Ontario, the victims originated from the provinces of Nova Scotia, Ontario, Manitoba and Quebec.
- The majority of the victims who were identified as Canadian citizens had consented to enter the sex trade, but became trafficked when they were prevented to leave when conditions and circumstances changed.
- At least 11 of the victims were under the age of eighteen at the time of the offence. Traffickers had exploited these underage girls and many supplied them with fake identification cards to gain "legitimate" employment in exotic dance clubs.

- Some victims were already involved in the sex trade, however they were recruited and consequently trafficked by pimps.
- Recent domestic human trafficking charges in Edmonton may indicate an emerging trend of the recruitment and exploitation of new Canadian citizens or legitimate migrants from the Asian community in Canada.<sup>9</sup> Additional intelligence indicates that legal migrants of Asian ethnicity in other areas of Canada have also been recruited and exploited into the sex trade.

#### Recruitment:

- A majority of the victims were initially recruited by an acquaintance or someone they met on the Internet. The trafficker then proceeded to establish a relationship with the victims, groom and manipulate them in order to facilitate their introduction to the sex trade industry. However, some of the victims were abducted or forcibly confined rather than recruited by traffickers.

*Since May 2009, Craigslist in the United States opted to replace its “erotic services” advertisement section with a new “adult services” category to prohibit the advertisement of prostitution and pornography. These substitutions were established after Craigslist was scrutinized following the murder of a 25 year old masseuse who had advertised her services on Craigslist in the U.S. The website was also asked to remove photographs from its adult services section.*

*As a preventative measure, Craigslist employees were tasked to manually review each advertisement published within the adult services section to identify advertisements which violate the company’s policy. These new measures implemented by Craigslist in the United States could set a precedent for other sites including Canadian online classified websites to help prevent the exploitation of women for the purpose of sexual exploitation (Open Source).*

- Internet classifieds websites were used to advertise sex services provided by the trafficked victims. Intelligence suggest that besides being used for solicitation, such online classifieds sites, as well as social networking sites, were also used to falsely recruit girls or women to work in the sex trade.

#### Exploitation/control:

- While some trafficked victims may have initially consented to work in the sex industry, their victimization occurred when the conditions associated with their involvement changed such that they were compelled to provide their services through threats, intimidation and violence.
- Traffickers often manipulated their victims to believe that they were in an exclusive romantic relationship as a way to maintain their loyalty and obedience.
- Most identified victims were moved away from their home community by their traffickers to facilitate isolation. Restrictions were imposed on their freedom of movement and several victims found themselves forcibly confined.

<sup>9</sup> The victims were permanent residents and a Canadian resident who had originated from Fiji and Hong Kong. However they were recruited into Edmonton from locations in Canada.

- Traffickers often withheld identification documents including social insurance numbers, credit cards, bank cards and driver's licenses, and forced the victims to turn over all their money to ensure compliance.
  - Common rules were observed to be imposed by some traffickers:
  - No talking to black males as they may attempt to recruit the victim;
  - The victims earnings had to be turned over to the trafficker;
  - A pre-determined price was set for sexual services;
  - Some victims had to communicate with their traffickers every 3-4 hours and provide an update on the amount of money they had earned;
- Numerous victims were subjected to death threats, physical abuse and brutal assault while under the control of their trafficker. At least 18 individuals charged or convicted of human trafficking were also charged with physical and/or sexual assault.
- Victims of domestic trafficking were forced to prostitute in massage parlours, escort services, but mostly in exotic dance clubs.

#### **Profitability:**

- Several traffickers provided the victims with a price list to follow when engaging in acts of prostitution. The pre-determined prices ranged from \$50 to \$500 for various sexual services. Some traffickers demanded a quota ranging between \$500 and \$1000 a night, regardless of the sexual acts the victims engaged in.
- Most victims were not financially compensated for their work. Earnings were handed over to support the traffickers' extravagant lifestyles, from property to luxury cars, at the expense of the victims.

#### **Geographic Scope:**

- Investigations found that traffickers transported their victims inter-provincially to work in different exotic dance clubs and also to isolate the victims from their home community.
- Law enforcement noted that Canadian women involved in cross-border prostitution have traveled from Canada to the U.S. Information suggests that some of the individuals who are suspected of organizing prostitutes to work in various U.S. cities may have gang affiliations.

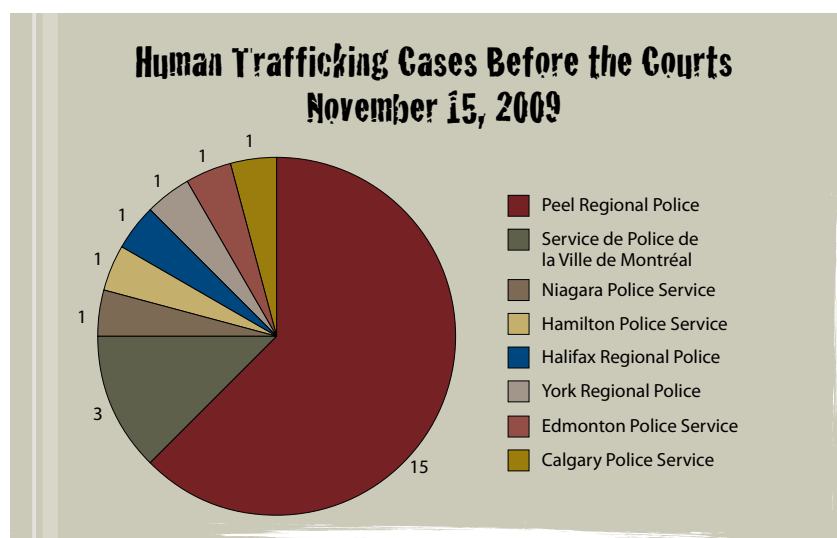
#### ***Gang Involvement in Domestic Human Trafficking***

As of November 15<sup>th</sup>, 2009, 13 of the individuals charged or convicted of human trafficking were linked or are suspected of being linked by association or membership to known street gangs in Canada. To date, charges were dropped against two of the accused in September 2009 and three other accused were acquitted of the human trafficking charges laid against them.

#### ***Cases before the Courts***

As of November 15<sup>th</sup>, 2009, 22 cases across the country in which offenders were charged with human trafficking are currently before the courts. These cases originated from Nova Scotia, Ontario, Quebec and Alberta. Chart 1 illustrates law enforcement agencies involved in these human trafficking cases.

Chart 1



In total, 28 offenders are facing charges for exploiting 27 victims, at least seven of which were underage at the time of the offence.

### *Nova Scotia, Ontario, Quebec*

All human trafficking cases before the courts in Nova Scotia, Ontario and Quebec exhibit similar criminal elements. Victims were lured into the sex trade, with most being coerced to prostitute themselves in exotic dance clubs, some into escort services or both. While most females consented to enter the sex trade, and were subsequently forced to provide sexual services, other were force to provide sexual services from the outset.

Extreme control tactics were employed by traffickers to manipulate victims. Intimidation and brutal violence were used to maintain submission, especially after victims expressed their wish to quit sex work. Most victims were physically assaulted and were in constant fear of being beaten. All victims complained that they had no freedom of movement, with their traffickers requiring them to report their every move. In one case, traffickers withheld the identification of the victim to ensure her compliance.

As of November 15th, 2009, most of the domestic human trafficking charges originated in the province of Ontario, with 17 files currently before the courts. Since 2007, investigations were conducted by the Peel Regional Police, Niagara Regional Police, Hamilton Police Service, Halton Police Service and York Regional Police.

Eighteen offenders exploited 22 female victims in the sex trade, six of which were under the age of eighteen at the time of the offence. While most of the victims were recruited from the Peel Region, some of the victims originated from Nova Scotia, Manitoba, Quebec, and other regions within Ontario.

In Montreal, three of the Service de Police de la Ville de Montréal's (SPVM) four human trafficking files remain before the court at this time. Six males were charged with human trafficking offences along with additional prostitution-related charges. Three victims were identified, one of which was under the age of eighteen at the time of the offence.

***Alberta***

In September 2009, the Edmonton Police Service laid the first human trafficking charges under the Criminal Code against two individuals in Western Canada. The circumstances of the case were consistent with those identified in bawdy houses operated by Asian organized crime. The three victims, all of whom were of Asian ethnicity, were permanent residents and a Canadian citizen who were deceptively recruited to travel to Edmonton from other parts of Canada.

The victims were confined within the massage parlour where they were made to provide sex services to clients. The victims' identification was confiscated and the traffickers threatened to tell one victim's family that she was a prostitute if she did not comply.

***Criminal Code Convictions***

Since 2007, five individuals were found guilty for human trafficking under Section 279.01 of the Criminal Code, as well as other prostitution-related offences. Within these five cases, a total of 11 female victims were identified, four of which were under the age of eighteen at the time of the offence.

The offenders received sentences ranging from two to seven years of incarceration. The most significant sentence was handed to Laura EMERSON (f) for her role in the trafficking of three females, including an underage girl, for sexual exploitation. EMERSON faced several charges including three counts of human trafficking (s. 279.01) for which she was sentenced to a total of 41 of years, to be served concurrently equaling seven years served in a federal institution.

***Peel Regional Police***

To date, Peel Regional Police remains the leading police force in human trafficking convictions and charges, including the first ever charge and conviction for human trafficking under the Criminal Code.

***First Human Trafficking Conviction***

Peel Regional Police sealed the first Canadian human trafficking conviction in May 2008 after laying charges in 2007 against Imani NAKPANGI (m) (1982-11-28), an individual who recruited and lured two underage females into prostitution.

The accused solicited clients with erotic advertisements and pictures of the victims published on Internet websites, transported the victims to hotels to engage in sex acts, and took control of all earnings, amounting to an estimated \$400,000 over a two year period for one victim, and approximately two months for the other.

NAKPANGI manipulated the girls to believe they were in a romantic relationship with him, and then used threats, intimidation and physical violence to control the girls. When one victim communicated her desire to cease prostitution, NAKPANGI imposed a \$100,000 exit fee on the victim.

NAKPANGI received a three year sentence for human trafficking and two years for living off the avails of juvenile prostitution to be served consecutively.

***Second Conviction***

In April 2007, Peel Regional Police laid the first human trafficking charge under the criminal code against Jacques LEONARD-ST. VIL (m), for luring of a 20 year-old woman into prostitution after establishing a relationship with her.



LEONARD-ST. VIL, posing as a music producer, had initially been charming to the victim and her family, but within a few weeks of moving from Montreal to Toronto with her “boyfriend”, the victim was dancing and providing sexual services to clients in exotic dance clubs. The victim was coerced to hand over all her earnings, approximately \$60,000 over a three month period, under the pretense that the money was going toward a joint business endeavor.

When the victim wanted to stop working at the club, LEONARD-ST. VIL proceeded to threaten, assault and further control the victim. Shortly after, the victim eventually fled, and LEONARD-ST. VIL was charged with several Criminal Code offences including human trafficking, assault with a weapon, procuring a person to become a prostitute, exercise control of a prostitute, and living off the avails of prostitution. LEONARD-ST. VIL was sentenced to incarceration of three years and three years of probation for human trafficking and living off the avails of prostitution.

### ***Third Conviction***

Peel Regional Police’s third conviction was secured in April 2009 after an individual, Vytautas VILUTIS (m) pleaded guilty to human trafficking, receiving material benefit and assault for which he was sentenced to two years less a day.

VILUTIS targeted a young vulnerable woman who suffered from family issues, sexual abuse, and drug addiction. The victim was a teenage runaway who had prostituted herself in order to survive. The victim was recruited from an exotic dance club in the Greater Toronto Area where she was dancing, and her trafficker vouched that she could earn more money if she was advertised online. From the onset, VILUTIS took advantage of the victim’s insecurities and proceeded to develop a relationship with the victim. Under the pretense of saving money for a home together, VILUTIS coerced the victim to give him all her earnings.

VILUTIS exerted control over several aspects of the victim’s life. The victim had to adhere to a set of rules, which included restriction on her movement. The accused also initiated a “fine system” for breaking rules whereby the victim was penalized for smoking in the room (\$100 fine) and sleeping (\$500) for instance. The victim was subjected to threats and physical assault by her trafficker in an attempt to maintain control over her.

### ***Gatineau Police Service***

The Gatineau Police Service sealed their first human trafficking conviction in April 2009, the strongest sentence ever handed to an individual found guilty of a human trafficking offence to date. Laura EMERSON had forced three young women, two of whom were underage at the time of the offence, into prostitution. Some of the victims were lured in the vicinity of a women’s homeless shelter in the National Capital Region.

The victims were confined inside a Gatineau area condominium furnished only with a mattress and forced to prostitute. The victims were also transported to hotels and homes to service clients. The victims were subjected to physical abuse and threats and surrendered all their earnings. EMERSON further exploited the victims’ drug and alcohol dependencies to ensure their compliance.

***Service de Police de la Ville de Montréal***

The Service de Police de la Ville de Montréal's first human trafficking conviction was secured in 2009 after Michael Mark LENNOX (m) (1975-07-31) pleaded guilty to trafficking an underage female.

After meeting LENNOX at a downtown Montreal nightclub, the victim was seduced and later brought to Toronto. LENNOX eventually forced her into prostitution and took control of all her earnings. As the victim initially did not have the necessary identification documents for employment in an exotic dance club, she was made to prostitute on the street, and then as an escort and exotic dancer. The victim was also subjected to threats and intimidation when she wished to leave the sex trade.

LENNOX was sentenced to two years in custody for human trafficking and for procuring a person to become a prostitute.



## Canada as a Source Country

Intelligence suggests that Canadian women from Niagara, Montreal, Calgary and Vancouver are being transported to the United States for prostitution in strip clubs and escort agencies. Sex workers have been documented being driven to cities in the U.S., via private vehicles by individuals operating as pimps. Destinations have most commonly been reported as Fort Lauderdale and Miami, Florida, New York and Las Vegas, Nevada. It is unknown if there is a specific network delivering girls to predetermined locations in the U.S., but law enforcement believe that some known criminal groups are involved in the trade. It is believed that these females were initially consenting sex workers but some may be excessively controlled by their pimps and it is unknown at this time if they have the freedom to leave their situation. To date, information available is believed to be reliable but significant intelligence gaps still exist.

Additionally, at least two individuals charged and/or convicted of human trafficking in Canada thus far are known to have coerced their victims to work in the sex trade in U.S. cities including New York, Boston, San Francisco, Los Angeles and Miami. (A)



## Canada as a Transit Country: Human Smuggling into the U.S.

Canada was identified as a transit country for trafficking victims destined for the U.S. Border intercepts and investigations have found that illegal migrants traveled to Canada from overseas with intention of onward travel to the U.S. Most information relating to the subsequent exploitation of illegal migrants was identified by U.S. authorities after these migrants were apprehended in the U.S. According to U.S. investigations in the late 1990s, illegal migrants were transported by boat from China where they were offloaded in British Columbia, then subsequently smuggled into the U.S. by land. Later interviews revealed that migrants had agreed to pay up to \$50,000 for the journey and since most did not have money to pay upfront, many agreed to repay the debt through anticipated employment after they arrive. U.S. investigations confirmed that some of these individuals ended up working in prostitution and illegal labour.

Since the late 1990's, various investigations conducted by the RCMP have examined the smuggling of illegal migrants from Canada into the U.S. Investigations around that time identified organized networks involved in the smuggling of Chinese nationals with connections between Toronto, Vancouver and the U.S. Since then, Ontario and British Columbia were identified as gateways mainly used by organized crime groups to smuggle Asian nationals into the U.S.

The different visa requirements for entry into Canada and the U.S. may induce migrants to legally enter Canada with visa-exempt status and then seek to illegally enter the U.S. Illegal migrants that are apprehended while transiting into the U.S. are rarely found by Canadian authorities to be trafficked. It is difficult to identify victims of human trafficking when migrants are in transit, without evidence that those individuals are at risk of being exploited. As well, those being smuggled may not be aware that they will be exploited once at their destination. Even though some migrants expect to engage in illegal employment when they arrive at their destination, it is likely that they do not anticipate to be exploited. Only strong intelligence from U.S. investigations can confirm that migrants who transited through Canada were actually trafficked at their destination.

Other smuggling scenarios reported by law enforcement as potential human trafficking files have mostly found subjects that were minors, lone females who were "out-of-place" and in a position to be vulnerable to harm by the smugglers, or groups of foreign national females between the age of 19 to 30. Some files resulted in other charges under IRPA but were unfounded for Section 118. Among suspected human trafficking incidents, migrants who arrived alone in Canada were found to have come with the intention of re-settling in Canada and had paid to be smuggled into the country.

Some cases that were identified to be suspicious had appeared to be isolated smuggling incidents that did not indicate the involvement of organized crime. Incidents involved female subjects who originated from Nigeria, Liberia, Sri Lanka, and Peru. Law enforcement had found their circumstances suspicious and was concerned that they were brought into Canada for exploitative reasons or servitude; however interviews conducted with the females failed to provide indicators about their facilitators. Of these cases, two of the migrants were known to have submitted a refugee claim. One refugee claimant disclosed in her interview with CIC that she had come to Canada to begin a new life after working as a prostitute in the Philippines. The description of her experience in Manila strongly indicated human trafficking conditions, including confinement and withholding of her documents. However, she was not considered to have been trafficked into Canada.

## Organized Human Smuggling and Human Trafficking of Korean Nationals

In a series of investigations in Canada, U.S., and Korea, subjects based in Canada were found to be engaged in various capacities, from brokers, drivers, to guides for illegal migrants who ended up being trafficked into the sex trade in the U.S. In addition to recruiting and transporting Korean nationals into Canada, Korean smuggling networks based in Canada were found to have “brokered” their female Korean national migrants to brothel owners in the U.S. prior to the arrival of the migrants. The Canadian component of the scheme involved several core individuals as main facilitators, supported by occasional persons hired as drivers or guides who escorted the migrants, making crossings on foot between border points of entry. Investigations had led the RCMP to believe that the networks had considered the coordination of their operations to run on a national scale; however, the extent of their cooperation was not fully known.

According to U.S. investigations, massage parlour operators and other illicit business owners paid a fee to the Canada-based smugglers for the delivery of illegal workers from abroad. The female migrants were required to work as prostitutes to repay their smuggling debt which was “transferred” from the smuggler to the employer.

U.S. agencies found that some women were assaulted or threatened with death, some had their smuggling fees increased once they were in the U.S., and all had to work in massage parlours or in brothels until their debts were repaid. Information suggests that some certainly were aware they would have to repay their smuggling fees through prostitution, but the extent of their agreement is unknown. It is possible that some of the workers knew they would engage in sex work, but some of them were deceived with jobs at hair salons or restaurants. Some women had their passports confiscated; some were threatened and most had nowhere to go if they were to escape. In any case, the migrants’ initial consent to engage in the sex trade is ultimately irrelevant, as control and exploitation at any point of their engagement may constitute as trafficking.

In 2006, the two-year multi-state investigations by U.S. law enforcement resulted in raids on spas and massage parlours swept across Dallas, Los Angeles and San Francisco, which led to indictments of numerous business owners in the sex trafficking ring. One massage parlour operator was sentenced to a 120 month prison term and a fine of \$460,000 after she pled guilty to a series of offences, including trafficking-related charges of conspiracy to hold or harbor aliens for the purposes of prostitution and harboring illegal aliens for commercial advantage and private financial gain. Canadian smugglers were believed to have contributed to the recruitment and transportation of the female migrants who ended up in the U.S.

The observation of Korean nationals transiting through Canada for onward illegal travels to the U.S may be on a decline. In November 2008, then-President George W. Bush welcomed the Republic of South Korea into the U.S. visa waiver program. With this new policy, Korean nationals no longer need to obtain a visa before travel into the U.S. For persons wishing to travel to the U.S., or the organizations that smuggle persons into the U.S., travelers can do so directly without making illicit entries from Canada across the land border.

## Organized Human Smuggling of Chinese Nationals with Suspicious Human Trafficking Elements

In more recent years, Canadian law enforcement identified the trend of migrants from People's Republic of China (PRC) utilizing fraudulent Korean passports to enter Canada on visa-exempt status. Chinese nationals were intercepted using photo-substituted or stolen Korean passports at Canadian borders possibly with the intention of traveling onwards to the U.S., or to remain in Canada. It was also observed that many Chinese migrants also entered refugee claims upon arrival. Most of these smuggling incidents resulted in relative IRPA charges, but none were founded for human trafficking.





# Human Trafficking of Foreign Nationals for Forced Labour

Industrialized economies, like Canada's, are increasingly importing foreign workers to fill their labour market. According to figures put forth by Citizenship and Immigration Canada in 2008, the average number of Temporary Foreign Workers entering most provinces has been on the rise since 2004.<sup>10</sup> The most significant increases were experienced by Prince Edward Island at 330%, Alberta at 270% and Saskatchewan at 180%.<sup>11</sup> This influx has generated widespread concern for the safety and welfare of foreign workers in Canada. Government agencies are recognizing that new migrants, as they may not be fully aware of their rights in Canada, can be particularly susceptible to exploitative work conditions.

Approximately ten percent of occupations are federally regulated, in which employers must adhere to standards administered by the Canada Labour Code.<sup>12</sup> The remaining occupation sectors are provincially or territorially regulated where employment standards are administered by provincial and territorial governments.<sup>13</sup>

The majority of forced labour allegations involved questionable third party involvement in the hiring of legally obtained foreign workers and the minority of cases alleged IRPA infractions by workers themselves and the exploitation of migrant workers by employers. The RCMP collaborates with other government agencies to strive for appropriate investigation of the allegations. When criminal elements of human trafficking are ruled out, cases with immigration issues relating to foreign workers, such as expired work permits, are recommended to CBSA and/or CIC for their actions. Cases that involve employers in violation of employment standards or questionable business practices are referred to Service Canada or the appropriate provincial agency for investigation.

Not all persons who work under exploitative conditions are victims of human trafficking. Some workers accept inferior work conditions because they perceive no alternative or the conditions are better in Canada than in their home country. This is particularly true of illegal migrant workers who cannot accept legitimate jobs, so they are more likely to tolerate substandard work environments and low pay. While such persons are vulnerable to exploitation or abuse, they are not necessarily compelled to work.

As the investigation of forced labour cases is still a relatively new concept to law enforcement, general protocol and cooperation among government agencies in handling such cases is still in development. Agencies have acknowledged that guidelines and changes to current programs need to be implemented to ensure the safety and fair working conditions for temporary foreign workers.

<sup>10</sup> With the exception of Newfoundland and Labrador which had a slight decrease.

<sup>11</sup> Numbers are based on CIC's "Facts and Figures 2008: Total entries of temporary foreign workers by province or territory and urban area, 2004-2008." Averages were taken by calculating the percentage increase of the two years of 2004 and 2008 only.

<sup>12</sup> Canada Labour Code applies only to federally regulated employers, such as radio, postal service, banking, and crown corporations.

<sup>13</sup> Employment standards are usually provincially administered and refer to minimum standards of employment for employers and employees in a workplace.

## Key Findings

### *Human Trafficking for Labour*

- Allegations of human trafficking for labour have surfaced across the country, with a higher number of cases in Alberta, but to a lesser degree than sex trafficking allegations. Labour-related investigations have involved migrants from the Philippines, India, Poland, China, Ethiopia, and Mexico.
- Human trafficking investigations have identified migrants who were illegally transported and subsequently exploited by their employers as domestic helpers. Law enforcement found that these domestic workers were ultimately trafficked into Canada, receiving between \$0 and \$600 per month for their work.
- Human trafficking complaints in Canada were linked to foreign workers brought into the country to staff industries from food processing, resources, technology, as well as the service industry, including food retail chains and restaurants. So far, an “industry specific” trend has not been identified.
- The RCMP has not identified the involvement of known organized crime groups in human trafficking for labour. So far, investigations have found that most cases involve individuals or family units who are taking advantage of foreign nationals for personal gain.
- Many unfounded forced labour complaints from public or anonymous sources seem to have originated from the misconception that foreign workers are often exploited by their employers.
- Complaints filed by foreign workers have commonly involved elements of deception, financial exploitation, harassment and threats of deportation by an employer or third party agency.
- Most labour-related complaints indicated that some degree of deception was involved in the process by which the foreign workers were organized to come into Canada.

### *Third Party Agency Exploitation*

- Third party agencies have been manipulating the Temporary Foreign Worker program to exploit foreign workers in Canada. Third party agencies may act in the capacity of a placement agency or labour leasing company. These third party agencies were found to subject workers to financial exploitation and harassment, as well as deceive and misinform potential foreign workers and employers through misrepresentation.
- Investigations found that Canadian recruiters in Montreal, Toronto, and Calgary had lured foreign nationals with bogus job opportunities under the Live-in Caregiver Program. The recruits were left jobless, defrauded for the service fees paid to these recruiters and bound to a work visa that was issued to a nonexistent job.
- Canadian employers who hire labour leasing or placement agencies to supply foreign workers to their business are as likely to be victims of misrepresentation by these third parties as foreign workers. Many complaints of exploitation were filed by the employers themselves against the third party broker or agency that arranged for the foreign workers.
- The legitimacy and business practices of third party recruiting/placement agencies appear to be unregulated. The third party position of these agencies makes it more difficult to regulate and monitor employment relationships under labour law.

- Third party agencies are often not examined by the proper legal framework despite their attribution to the exploitation of foreign workers in Canada.
- Labour leasing and recruiting agencies that were investigated for questionable business practices are believed to continue operations untested after criminal allegations were deemed unfounded. Some of these agencies are believed to continue to defraud and deceive clients who are ignorant of the policies of the Temporary Foreign Worker Program.

## Migrant Domestic Helpers

Among migrant workers in Canada, domestic helpers were identified to be at risk for exploitation by their employers. Three unrelated cases exhibited similar patterns of exploitation. The victims had all come from poor economic backgrounds and likely perceived employment in Canada as an opportunity. The employers recruited the women from overseas and arranged their entry into Canada using visitor visas. Upon arrival the women were forced to work long hours for very little or no pay. Their employers exercised extreme control over them, utilizing threats, isolation, and high supervision to ensure compliance. The workers' reliance on their employers made them easy to control.

So far, the exploitation of domestic workers does not suggest organized criminal involvement. Cases known to police were independent and unrelated, but suspects were found to have been motivated by the same opportunistic incentive.

## Temporary Foreign Worker Program

The RCMP has investigated complaints of labour exploitation involving foreign nationals working in Canada. While some were found to be in Canada illegally, most had traveled to Canada as a legitimate foreign worker under the Temporary Foreign Worker Program. To understand the complications involved in these investigations, it is necessary to have some understanding of the program itself and the roles of the government agencies involved.

The Temporary Foreign Worker Program is a federal government initiative designed to meet temporary labour needs in Canada and is jointly managed by Human Resources and Skills Development Canada (HRSDC) and CIC. Service Canada is the government agency that assesses an employer's eligibility to hire foreign workers by conducting a Labour Market Opinion (LMO).<sup>14</sup> An LMO is an assessment to ensure that every effort has been made to fill a position with a Canadian citizen or permanent resident and that the hiring of a foreign worker will not affect employment opportunities for Canadians or permanent residents. The assessment also ascertains that the employer meets Canadian standards regarding wage rates and working standards. Once a positive LMO has been obtained, the employer can proceed to hire workers outside of Canada. Prospective foreign workers are required to present copies of a positive LMO and a job offer and/or employment contract in order to apply for a work permit either at a visa office abroad, a port of entry, or from within Canada. Visa and Border Services retain the right to make the final determination in regards to the admissibility of the worker at the port of entry. The cost of travel from the home country to Canada is designated as the employer's expense.

<sup>14</sup> According to CIC, LMO exemptions may include religious workers, academics, students, exchange program participants, entrepreneurs, intra-company transferees, and workers covered under international agreements. However the worker must still apply for a valid work permit.

Most provincial governments have their own incentive programs to attract skilled labour into the province. The Provincial Nominee Program is an immigration program through which a province nominates skilled workers and their families for permanent resident status based on job offers in the province. It can also expedite the processing of an application for permanent residence. This program is specifically designed to attract labour-market-immigrants into the province. Eligible individuals and their spouses/children can apply for permanency as a Provincial Nominee.

### Third Party Agencies

Third party agencies acting in the capacity of a recruiter, a placement agency, or a “labour leasing” agency, were identified as a significant factor in the exploitation of foreign workers in Canada. Placement agencies and headhunting recruiters are not new concepts, but the increased demand for foreign workers across a variety of industries have started the trend of sourcing labour from outside of Canada. While an employer can hire foreign workers independently, many prefer to going through a third party to handle the complexities of recruiting from another country (i.e. different application processes depending on the source country). It is likely that such an agency will have representation in Canada as well as the country from which foreign workers are recruited.

Based on cases reported to law enforcement, a third party labour leasing company, or a “labour broker”, can be hired by a Canadian business to supply it with workers. Some of these agencies specialize in the recruitment of foreign labour workers, local workers, or both. Due to the lack of regulations in this sector, different agencies may engage in varying capacities within the employment process.

A labour leasing company may readily supply foreign workers to a business, meaning that the labour leasing company will apply for LMOs directly and is responsible for the recruitment of workers, necessary training, and payroll. The labour leasing company and the work site establish a contract; the business pays the labour leasing company, who in turn pays the workers. The RCMP has investigated complaints regarding labour leasing companies that lured workers with “guaranteed work visas” and high pay, and those that were found to charge workers for overseas recruitment, excessively skim workers’ wages, and poorly accommodate workers. These files were usually later recommended to Service Canada or the appropriate provincial agency after human trafficking was unfounded.

A similar third party involvement is a recruiting or placement agency, which provides only recruitment service for an employer. After a candidate is chosen, the recruiting agency arranges for visas or any other necessary documents. The relationship ceases once the worker begins to work, and the employer pays the worker directly thereafter. Third party recruiters are not allowed to charge foreign workers for job placement services. Some Canadian employers who have used such services were concerned to discover that a hefty “service fee” had been imposed on their foreign workers by the agency that arranged for their employment. In several of these cases, investigations concluded that the third party admitted to a “misunderstanding” and a mishandling of funds. In one such case, the agency refunded appropriate monies and the business owner had no interest in pressing charges.

Generally, Canadian employers were found to have made efforts to ensure the living and working conditions of their foreign workers were adequate. Fraud and other exploitative actions, like hefty fees and threats of dismissal, taken by third party agencies against workers were mostly found to have taken place without the employer’s knowledge. In an effort to keep workers quiet, agencies often advised foreign workers

that complaining or causing problems would jeopardize their work contracts in Canada. Criminal charges were usually unfounded for these cases.

Most issues with foreign workers and third party agencies were observed in the province of Alberta. In Alberta, employment agencies are legislated under the Fair Trading Act and must be licensed under the Alberta Employment Agency Business Licensing Regulations. As with most provinces in Canada, Alberta has seen an increase in temporary foreign workers in the last few years. According to CIC, 10,550 workers were documented to have entered the province as a foreign worker in 2004. By 2008, these numbers increased to 39,073; or an increase of 270%. CIC and CBSA have referred cases of labour exploitation in the Calgary and Edmonton areas to the RCMP. Most of these cases were raised through complaints from members of the public, Canadian employers or the workers themselves. Disputes stemmed from agencies charging temporary foreign workers fees for placement services and advising temporary foreign workers with misleading employment terms and immigration prospects.

### ***Third Party Agency — Contract disputes***

Third party agencies were reported to law enforcement regarding questionable business practices like wage disputes and wage garnishing. It would almost appear that the workers' earnings can marginally cover the debt from the recruiting service, room and board, with very little left after the deductions. Some workers cited that they were threatened with deportation or threatened for their safety by their facilitators, but these claims were not substantiated. These complaints were mostly determined to be civil issues or employment contract disputes. Files that were void of organized crime or human trafficking indications were outside of the mandate of RCMP I & P units and such files were referred to the appropriate provincial and federal government agencies for their investigation.

A predominant number of reported contract disputes involved Filipino-based companies with Canadian representatives or subsidiaries which acted in the capacity of labour leasing or labour recruitment. Foreign workers originating from the Philippines complained of financial exploitation and intentional unfair business practices by labour leasing employers, which paid workers directly. In addition to paying for their own airfare, workers documented "miscalculations" that led to erratic but significant reductions from the upfront cost of the recruitment, unexplained hidden costs, and inconsistent procedures. Third party agencies have also been alleged to misfile permit applications to manipulate the application process. One complaint alleged that Filipino workers brought into Canada as live-in caregivers were actually brokered out to a hotel chain as housekeeping staff. In these cases, investigators were unable to locate elements of human trafficking under the Criminal Code, such as coercion, control, or danger to their safety. CBSA and HRSDC were usually referred to investigate other IRPA infractions and legitimacy of the agency.

Investigators found that employers were mostly supportive of their foreign workers and cooperative with police. Most workers were adamant that they had no complaints against their place of work, and in fact were treated well, with some Canadian businesses owners making complaints on their behalf.

### **Other Labour Related Violations**

Employers suspected of direct mistreatment (non-third party) of legal foreign workers and unfounded for human trafficking were referred to relevant agencies for further investigation. Workers may have been taken advantage of, usually in the form of financial exploitation and long hours, but complaints rarely met elements of human trafficking



as defined in the Criminal Code and IRPA. Such non-criminal cases were usually examined for infractions with the Canada Labour Code or Employment Standards. In one incident, a popular coffee franchise outlet was found not to be compensating their foreign workers for shift differential and subject to charges in violation of Employment Standards. In the North West region, investigators collaborated with or recommended such files to Service Canada/Service Alberta to further look into appropriate charges. An Edmonton group known as the Temporary Foreign Worker Advocate offers charity legal representation to foreign workers in fair employment complaints against employers who may be in violation of Employment Standards.

## **Live-in Caregiver Program Fraud**

According to CIC, “live-in caregivers are individuals who are qualified to provide care for children, elderly persons or person with disabilities in private homes without supervision. Live-in caregivers must live in the private home where they work in Canada. Both the employer and the employee must follow several steps to meet the requirements of the Live-In Caregiver Program. If requirements are met, live-in caregivers are eligible to apply to become a permanent resident in Canada”.

Live-in caregivers were identified as potential victims of misrepresentation by third parties that falsely promote nonexistent jobs or pose as recruiting agencies. Filipino live-in caregivers recruited from Asia and the Middle East were found to arrived in Canada only to find that jobs initially promised to them by the placement agency were unavailable. After having paid thousands of dollars for legitimate placements, these skilled workers found themselves without a job or means to live. Due to the fact that work visas are only valid for the exact job for which it was issued, the foreign workers were also in violation of their immigration status as they were illegitimately employed or unemployed. The workers were certainly recruited under false means but the case was unfounded for other elements of human trafficking under the Criminal Code.

Law enforcement findings indicate that falsely recruited live-in caregivers may end up “working under the table” while trying to find suitable work; some end up returning home and others remain in Canada with no means to leave without earning money through a job. They become virtually trapped as a result of such schemes. While these “nanny fraud” cases may not meet elements of human trafficking, law enforcement may opt to investigate these files on grounds of fraud and misrepresentation.

## **Illegal Workers**

To date, labour exploitation complaints involving illegal foreign workers were unfounded for human trafficking elements. Illegal workers who have come forward to allege exploitation by their employers have done so as they have become disgruntled over their work arrangement. Most of these cases involved migrants who knowingly came to Canada with the intention of acquiring illegitimate work; however, the workers’ initial consent to illegal work is irrelevant in the determination of human trafficking.

CBSA has been the main investigative agency for files involving illegal foreign workers. In one investigation, Mexican nationals were brought to Canada to work as leased workers in construction or cleaning companies. The workers had knowingly applied for illegal employment, and were coached by the facilitators to enter Canada as students or visitors. The workers understood they were required to repay the cost of bringing them into the country; however, when they questioned the deductions made to their pay, threats were made against their safety and that of their families. The file was referred to the RCMP for human trafficking consideration, but police determined that there was not enough evidence to proceed with a human trafficking charge.



## Human Trafficking for the Removal of Organs

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To date, only two complaints pertaining to human trafficking for the purpose of organ removal were investigated by the RCMP. Circumstances surrounding the allegations that were forwarded to law enforcement were suspicious but were later unfounded for human trafficking elements.

## Human Trafficking-Related Offences

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Many factors may be associated to the unreliable quantification of human trafficking. Besides being an under-reported crime and clandestine in nature, statistics do not include cases that did not result in human trafficking charges or convictions.

In most cases, offenders charged with human trafficking face additional charges, often prostitution-related, including living off the avails of prostitution, procuring a person to become a prostitute, as well as other charges such as assault. Human trafficking charges are also sometimes omitted as other associated charges are believed to have greater odds of a successful prosecution.

Even cases that contain strong elements of human trafficking may alternatively be pursued under other offences for various reasons including the difficulty in “measuring” exploitation, proving fear, or due to an overlapping with other less complex criminal offences such as kidnapping or assault, which may be easier to prove in court. The pursuit of related offences in human trafficking cases may also be the result of investigators or prosecutors’ lack of awareness. In the past, some human trafficking charges were also dropped or not pursued in favour of other trafficking-related charges which were believed to result in stiffer penalties.

Human trafficking is a unique crime that must be considered on a case-by-case basis. Circumstances in human trafficking cases are volatile and subjective and several factors may contribute to unsuccessful prosecutions, even when strong elements of human trafficking are identified. For instance, the lack of victim cooperation has so far led to the withdrawal of a number of human trafficking charges during the prosecution process, despite other valid grounds to support the charges. Regardless, all of the aforementioned scenarios represent missed opportunities to capture statistics on human trafficking.

# The Issues & Challenges of Investigating Human Trafficking

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## Victim Management

### **Victim Cooperation**

According to a document produced by the Interpol Working Group on human trafficking, “significantly less than one half of one percent of... victims ever agree to cooperate with police and enter a court room to testify against their traffickers”.

Victim cooperation is crucial to the success of a human trafficking charge. From the initial statement to testimony in court, the victim can provide key evidence to proving elements such as exploitation, deception or coercion against the accused. In cases where the victim refused to cooperate, particularly those involving foreign victims, police were left with the option of laying other charges or sometimes no charge at all. The outcome of the prosecution rests almost solely on the witness to reliably testify against the accused in court.

The process of converting a victim into a witness can be volatile and intense. Victims often fear for their safety or that of their family and fear of having to testify against their traffickers harbor general distrust towards police. Victims of sex trafficking often have a fear of exposure or of a stigmatism thus leading to shame and embarrassment. Some sex workers may not identify themselves as victims, especially those who have come to tolerate exploitative circumstances and are accepting of their predicament. Some may suffer from emotional instability or confusion from their ordeal or lifestyle. In addition to the fact that in most cases, foreign workers often feel they need to earn money to send back home, they are not likely to cooperate with law enforcement.

In a recent human trafficking investigation, a witness found in a bawdy house had informally admitted that she was deceptively recruited overseas to work as an esthetician. However, to give an official statement about her experience proved to be too emotionally overwhelming. She was fearful that her compliance with police would expose her involvement in prostitution and cause harm to her family. In 2008, in the investigation of an escort agency in Toronto, law enforcement was successful in locating several escort providers who admitted to elements of being trafficked but were too fearful of their employer to cooperate or speak on record.

Obtaining cooperation from foreign victims has been particularly challenging for law enforcement. Foreign victims who were trafficked are usually in the country alone, without family or a support system, and may be obstructed by language barriers. In most cases, they are skeptical of police and see very little value or nothing to gain from cooperating with police. In several cases, migrant sex workers in possession of visitor visas resorted to deception to evade police and insisted that they were in Canada solely for the purpose of visiting and sightseeing.

Generally, victims do not recognize the benefits of cooperating with authorities. Outcomes resultant from their cooperation may seem so minute that victims may feel that their efforts far exceed the punishment received by those who exploited them. For instance, offenders convicted thus far for human trafficking offences received lenient sentence for committing a serious offence against vulnerable, sometimes underage, women. Some offenders were released a week or less following their sentencing after being credited with double time served, offering little comfort or security to their victims.

The long prosecution and sentencing process can also be viewed as an obstruction for a victim to rebuild his or her life.

Foreign nationals exploited for their labour may also be unlikely to come forward to report their ordeal to the police. Workers who may have been promised working opportunities and entrusted the application and process to a third party may find themselves in vulnerable situations in Canada. Persons who may have been fraudulently recruited to work in Canada may be afraid to speak to authorities based on their illegal status and fear of deportation. Even workers who legally applied to work as a Temporary Foreign Worker may be unfamiliar with Canadian laws and fear judicial punishment should they speak against their employer or recruiter. Unconfirmed claims were made to the RCMP through concerned public sources that foreign workers may be victims of human trafficking but are too afraid to speak to the police. Two such cases were brought to RCMP members in Alberta, but the reluctance of potential victims to come forward made further investigation difficult.

Police involvement may also be viewed as a disruption of the ability migrant workers to send money home and provide for their family. Most migrant workers who have come to Canada for labour or sex work have done so to support themselves or their dependents. Speaking against their employer may take away any earnings they may generate, even if it is less than what other Canadians are earning. A migrant worker's ability to send money home may directly affect their ability to survive.

### ***Stockholm Syndrome***

Some victims trafficked for the purpose of sexual exploitation displayed symptoms associated to the Stockholm Syndrome.<sup>15</sup> These symptoms include the development of positive feelings towards their abuser and negative feelings towards authorities attempting to rescue them from a life of exploitation and victimization.

Research indicates that establishing an emotional bond with their controller is believed to be a survival strategy for victims of abuse. Victims of domestic human trafficking who appeared to have exhibited symptoms of the Stockholm Syndrome were in typical pimp and prostitute relationships where the women/girls believed they were romantically involved with their abuser. Victims in these circumstances usually did not recognize themselves as victims of exploitation, and rarely cooperated with police.

Recent investigations identified victims who exhibited symptoms of Stockholm Syndrome. In one case, despite a lack of cooperation, investigators had utilized proactive investigative techniques to secure strong evidence of exploitation that were compelling enough to proceed with charges. As the first human trafficking case to proceed without a victim's testimony, charges against the accused remain to be challenged in court.

### ***Fear of Reprisal***

Victims who have been exposed to violence and/or intimidation by their trafficker may also feel that cooperation with law enforcement would lead to reprisal against themselves or persons close to them. During the trafficking process, a victim is often groomed to obey their abuser. In many cases, disobedience was followed by severe consequences, communicated to the victim by threats or violence. The experience can be so traumatizing that the victim may exhibit illogical fear or anxiety if he/she believes they were acting against the trafficker. In some cases, compliance was so instilled in the victim that even subtle intimidation was enough to keep the victim in line.

<sup>15</sup> Stockholm syndrome refers to a phenomenon in which a hostage begins to identify with and grow sympathetic to their captor (2009). [www.medterms.com](http://www.medterms.com)

## Law Enforcement Approach

### ***Reactive Investigations***

Reactive investigations often focused on the testimony of the victim and failed to examine the criminal operations of facilitators involved in the exploitation of the victim. Issues concerning reactive investigations significantly overlap with the identified challenges of victim management. The heavy reliance on a victim's cooperation often means that the case will ultimately fall apart after the victim cease to cooperate or if the victim's credibility is jeopardized.

The victim-focused approach of reactive investigations usually eliminates the employment of other investigative techniques or alternative avenues of investigation are not employed. A reactive investigation fails to gather independent evidence that can lead to successful prosecution.

A proactive investigation could gather independent evidence which could increase the success of sustaining a human trafficking charge in court. Like other criminal activities where evidence may not be as apparent or tangible, human trafficking allegations require extensive investigation to corroborate.

### ***Resource Constraints and Priorities***

Some police investigators acknowledge to some extent that reactive investigations may be capable of disrupting the sex trade in the short term, but are largely ineffective in disrupting criminal organizations suspected of human trafficking. However, it was noted that to conduct a proactive investigation into, for example, a transnational human trafficking network, it would require an amount of dedicated resources that exceed current availability. The most cited limitation were the lack of manpower to exercise police techniques beyond witness interviews and maintaining witness cooperation.

Unfortunately, most human trafficking allegations reported to law enforcement lack in fundamental elements that, while suspicious elements exist, the quality of the information submitted to police was so insufficient that it did not allow for a thorough or meaningful investigation. In cases where the complaint is anonymous, police have no way of contacting the originator to obtain more information, making preliminary investigation extremely difficult. In cases where information is limited from the onset and there is no additional supporting intelligence, it is difficult for law enforcement to justify the commitment of their time and resources for a proactive investigation, especially when competing priorities take precedence. This is particularly true when the reliability of the source and the validity of the information are unknown. As such, competing priorities will continue to affect future investigations into human trafficking.

### ***Cooperation and Information Sharing***

Cooperation with foreign law enforcement on suspected transnational human trafficking networks yielded mixed results. Current levels of international cooperation resulted in untimely exchange of information and ineffective information sharing which inhibited the progress of investigations. The complexity of sharing information through memorandums of understanding and mutual legal assistance provisions, as well as different legislature on human trafficking have also attributed to the challenging process.

Transnational human trafficking activity, by definition, indicates that the process begins at the point of recruitment (in another country). Without intelligence, it is difficult to identify victims of trafficking, prior to the victim's departure from the source country or at the port of entry. To target the crime only within Canada's borders will serve to disrupt criminal activity, but will not effectively address the borderless nature of this crime. Liaison officers and other Canadian missions abroad should be able to recognize issues pertaining to human trafficking that may potentially affect Canada, and effectively communicate such information to relevant partners.

Similarly, as domestic trafficking is increasingly identified within Canada, some criminal networks were found to operate on an inter-municipal and/or inter-provincial capacity. To effectively combat human trafficking committed within Canada, cooperation among Canadian law enforcement agencies could significantly benefit intelligence gathering and investigation.

## **Lack of Awareness**

The RCMP's national efforts to raise awareness in human trafficking are primarily organized by the Human Trafficking National Coordination Centre. To date, the awareness program has presented to over 17,000 participants from law enforcement, non-government organizations, and relevant government agencies.

Many human trafficking tips received from public sources indicated misconceptions surrounding the crime. Numerous unfounded allegations surrounded visible minority persons or migrant workers. These were possibly fueled by the misconception that migrants hired to perform service work or menial jobs are likely being exploited, or the fact that minority populations are targeted by criminals for exploitation. Similarly, investigations into sex trafficking allegations usually located persons in the sex trade, but these persons may be engaged voluntarily without deception or control. Reasons for completely unfounded allegations are unknown and difficult to speculate, as they may stem from one's perception of foreign nationals or migrant workers, misunderstanding of situations, or misinformation about human trafficking in general. However, public tips could also indicate that Canadians are vigilant about identifying the crime in their communities.

## ***Misinterpretation of Human Smuggling vs. Human Trafficking***

The terms human trafficking and human smuggling are often used interchangeably, thereby causing a widespread misinterpretation of two very different activities. Media reports, in particular, contributed to the sensationalism and general misinterpretation between human trafficking and human smuggling. Media can serve to raise public awareness on many issues; however, inaccurate coverage can be especially problematic as it may advocate widespread misinformation that contradicts the factual findings of police investigations. Such misinformation can dilute the prevalence and nature of human trafficking in Canada.

Between 2005 and 2009, a media outlet that reported on a Canadian-based smuggling operation had falsely identified Guyana as a source country and Canada as a transit country for human trafficking. Law enforcement investigations had revealed a criminal network involved in the smuggling of Guyanese nationals from Canada into the U.S. via the Atlantic region. In 2005, after a failed smuggling attempt, a newspaper based in Maine (U.S.), cited that U.S. prosecutors suspected that it was: "a plot to bring young women into the country to be forced to work as prostitutes". An underage female was among the group of migrants being escorted by the accused without proper identification; however, authorities failed to uncover elements of trafficking. Following

the dismantlement of the network in 2009, a Guyanese newspaper reported on the arrest with an article erroneously entitled “Guyanese human trafficker busted in Canada”. Fortunately in this case, the misinformation was later rectified by a Guyanese politician who, by quoting an RCMP investigator, clarified that the accused had been charged with human smuggling and not human trafficking.

### ***Labour Exploitation***

Not all persons who work under exploitative conditions are victims of human trafficking. Complaints of labour allegations have often exhibited some form of injustice. However, the elements of exploitation may not be criminal. Without a suitable charge, such cases fall outside of police jurisdiction. Some workers accept inferior work conditions because they perceive no alternative or “it is better than how it is back home”. This is particularly true of illegal migrant workers who cannot accept legitimate jobs. Illegal workers, like sex workers who came to Canada voluntarily on visitor visas, are more likely to tolerate substandard work environments and pay. While such persons may be vulnerable to exploitation or abuse, they are not necessarily forced to work unless they are coerced or controlled. The majority of labour exploitation cases involving legitimate foreign workers pertained to discrepancy in work contracts and compensation.

Investigations have found that many foreign nationals are susceptible to excessively controlling employers, underpayment, and unfair treatment. Foreign national sex workers who were brought into Canada using illegal means were subjected to some form of “conditional employment”. Interviews indicated that migrant sex workers were subject to pay fees to their employer, or a large and mounting debt to pay, or their documents were withheld to ensure their loyalty, however they were not necessarily forced to work.

### ***The Application of Criminal Code vs. Immigration and Refugee Protection Act***

A general lack of awareness regarding the definition of human trafficking was noted during the review of human trafficking investigations. Despite efforts to raise awareness in the past few years, elements of human trafficking according to IRPA and the Criminal Code are often not properly applied by law enforcement. Human trafficking investigations may be framed by offences contained in the Criminal Code or IRPA, and the appropriate application of one over the other requires extensive understanding of both legislations. To be considered for Criminal Code charges, for example, proving exploitation requires evidence that a person caused another person to provide their labour or service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause that person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide or offer to provide the labour or services. On the other hand, human trafficking according to IRPA does not require proof of exploitation as an element of the offence, but rather focuses on the deceptive or coercive means used to bring a person into Canada. It was apparent during the analysis of past cases, and particularly in investigations involving temporary foreign workers, that the focus on the application of the Criminal Code may have led to the oversight of the IRPA offence. On a case-by-case basis, law enforcement need to expend equal consideration to both pieces of legislation to ensure that the appropriate one is applied. (A)



**Consent**

The consent of a victim is not a determining factor of human trafficking under IRPA or the Criminal Code. Unfortunately, its irrelevance has not always been acknowledged by law enforcement and the public alike. In particular, perception of the sex trade is subjective and based on individual values, beliefs and judgments. Mindsets range in spectrum from believing that sex workers “choose to be” and “knew what they were doing” to believing that all sex workers are victims of exploitation.

It is important to distinguish that consent may initially be given; however, if the nature or conditions of the agreement or understanding change and the person becomes exploited or controlled, consent is no longer present. In other words, sex workers who initially consented to engage in sex work, but who are later prevented from leaving the work are no longer consenting to sex work. Regardless, human trafficking as prescribed under the Criminal Code does not require the victim to be consensual or nonconsensual as long as it can be proven that the victim was controlled or exploited. Likewise as indicated under IRPA, consent is irrelevant as long as it can be proven that the victim was organized to come to Canada by means of deception, abduction, fraud, or use or threat of force or coercion.



## Conclusion

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Human trafficking has been recognized as an emerging criminal issue in Canada, but one that has so far sustained on limited facts and statistics. Until now, most of the information available to Canadians has been estimates or speculation based predominately on global human trafficking trends. The trade of human beings as a commodity is one that is subjective and “gray”. Every case is unique but not so abstract that charges and convictions are unattainable.

Human trafficking investigations and cases brought before the courts in recent years have begun to define this crime in a Canadian perspective. Human trafficking may as likely be orchestrated by transnational organized criminal networks as it may be coordinated by a few family-based opportunists with little formal structure. It is also a borderless crime that victimizes vulnerable persons regardless of their nationality. Human trafficking is a crime that thrives in stigmatized facets of the work force, like the sex trade and illegal labour, and hides in the privacy of homes and businesses.

Trafficking for sexual exploitation has shown prevalence across Canada, specifically in large urban centres. Affected persons and victims have been found in vulnerable populations including migrant women, new immigrants, at-risk youth, and those who are socially or economically challenged. Indications of organized crime involvement in human trafficking activities associated to organized prostitution have been identified; however, the level of sophistication among these groups and the extent of transnational criminal involvement have not been determined. It is also apparent that illegal migrants and foreign nationals are not the only victims of this crime in Canada. Recent convictions have shown that domestic trafficking for sexual exploitation is primarily targeting Canadian women.

To date, labour exploitation in Canada has mostly involved migrant workers, with the majority of law enforcement investigations associated with the federal Foreign Worker Program. Third party agencies involved in the process of recruiting and leasing migrant workers have also been identified as a facet of worker exploitation. While valid complaints against the exploitation of workers have been reported, the distinction between labour standards and trafficking also means that offenders cannot be addressed by law enforcement alone. For now, a human trafficking charge for labour exploitation under the criminal law remains to be seen.

Across Canada, law enforcement is experiencing a progression in the understanding of human trafficking. In addition to an increase in the number of human trafficking cases investigated in recent years, awareness efforts have also increased in order to establish the appropriate mindset and provide the right tools to recognize, investigate, and prosecute human trafficking. As law enforcement gains an increasing appreciation and familiarity of the dynamics at play in human trafficking investigations, it is possible that more charges will follow.

Despite some progressive results, significant intelligence gaps and resource constraints are still affecting law enforcement’s response to human trafficking. In order to overcome these challenges, relevant agencies and stakeholders need to realign their strategic priorities to support tactical efforts in order to address these deficiencies. Continued awareness effort is also necessary on all levels of enforcement, across agencies, as well as within agencies. Decisions makers and managers need to understand the complexities surrounding the investigation and prosecution of human trafficking so as to implement a strategy which will provide proper resources and support to the front line. The complexity of human trafficking can only be addressed with a unanimous effort.

Recent convictions of human trafficking for sexual exploitation demonstrate the changing perception of law enforcement. The notion that all victims of human trafficking must be innocent women deceptively brought to Canada from foreign countries and confined in brothels as sex slaves is no longer valid. In particular, recent convictions have challenged the concept of “pimping”, which is often seen as a “consenting” relationship between a prostitute and an individual who acts as some kind of “manager”. In reality, pimping describes a controlling and often abusive relationship, in which the pimp exudes excessive control, whether emotionally, psychologically, or physically, while coercing the victim to engage in prostitution.



# Appendix A: Acknowledged Contributors

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## **National Capital Region:**

- RCMP “A” Division Immigration and Passport Section (Ottawa)
- Gatineau Police Service
- Department of Justice (DoJ), Ottawa
- CBSA Headquarters, Ottawa, Anti-Fraud and Human Trafficking
- Human Trafficking National Coordination Centre (HTNCC)

## **Ontario:**

- RCMP “O” Division Immigration and Passport Sections (Toronto East Detachment, Toronto West Detachment, Windsor, Niagara & Hamilton Detachment)
- Peel Regional Police
- York Regional Police
- Halton Regional Police
- Niagara Regional Police
- Hamilton Police Service
- Toronto Police Service, Special Victims Unit

## **Quebec:**

- RCMP “C” Division Immigration and Passport Section (Montréal)
- Service de Police de la Ville de Montréal (SPVM)
- Service de Police de la Ville de Quebec

## **Alberta:**

- RCMP Northwest Region Immigration and Passport Section (Calgary)
- Edmonton Police Service (EPS)
- Calgary Criminal Intelligence Unit (CCIU)
- CBSA Intelligence Division, Prairie Region (Calgary)
- Divisional Criminal Analytical Section (DCAS), Calgary
- RCMP “K” Division, Border Integrity

## **Manitoba:**

- RCMP “D” Division, Border Integrity
- RCMP, Community, Contract & Aboriginal Policing Services (CCAPS)
- Criminal Intelligence Service Manitoba (CISM)
- Winnipeg Police Service: Morals Unit
- Winnipeg Police Service: Drug Unit
- CBSA Intelligence Division, Prairie Region (Winnipeg)

## **Saskatchewan :**

- Saskatoon Police Service, Personal Violence Section
- Saskatoon Police Service, Vice Unit/Organized Crime Unit
- Saskatoon Integrated Intelligence Unit (SIIU), Criminal Intelligence Section
- Prairie Integrated Border Enforcement Teams (IBET)

**Atlantic Provinces:**

- RCMP Atlantic Region Immigration and Passport Section (Halifax)
- CBSA, Atlantic Region (Halifax)
- Halifax Regional Police (HRP)
- Criminal Intelligence Service Nova Scotia (CISNS)
- Criminal Intelligence Service New Brunswick (CISNB)
- RCMP “J” Division, Codiac Detachment (NB)
- RCMP “J” Division, Criminal Intelligence Section (Moncton)
- Divisional Criminal Analytical Section (DCAS), Moncton
- RCMP “J” Division Victims Services, Codiac Detachment (NB)

**British Columbia :**

- RCMP Pacific Region Immigration and Passport Section (Vancouver)
- Vancouver Police Department (VPS)
- CBSA, Pacific Region (Vancouver)

**U.S. Agencies :**

- U.S. Immigration and Customs Enforcement (U.S. ICE)

## Appendix B: Offences in Relation to Prostitution

### ***Keeping a Common Bawdy House***

s. 210. (1) Every one who keeps a common bawdy-house is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

(2) Every one who

- (a) is an inmate of a common bawdy-house,
  - (b) is found, without lawful excuse, in a common bawdy-house, or
  - (c) as owner, landlord, lessor, tenant, occupier, agent or otherwise having charge or control of any place, knowingly permits the place or any part thereof to be let or used for the purposes of a common bawdy-house,
- is guilty of an offence punishable on summary conviction.

### ***Procuring***

s. 212 (1) Every one who

- (a) procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada,
- (b) inveigles or entices a person who is not a prostitute to a common bawdy-house for the purpose of illicit sexual intercourse or prostitution,
- (c) knowingly conceals a person in a common bawdy-house,
- (d) procures or attempts to procure a person to become, whether in or out of Canada, a prostitute,
- (e) procures or attempts to procure a person to leave the usual place of abode of that person in Canada, if that place is not a common bawdy-house, with intent that the person may become an inmate or frequenter of a common bawdy-house, whether in or out of Canada,
- (f) on the arrival of a person in Canada, directs or causes that person to be directed or takes or causes that person to be taken, to a common bawdy-house,
- (g) procures a person to enter or leave Canada, for the purpose of prostitution,
- (h) for the purposes of gain, exercises control, direction or influence over the movement of a person in such manner as to show that he is aiding, abetting or compelling that person to engage in or carry on prostitution with any person or generally,
- (i) applies or administers to a person or causes that person to take any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower that person in order thereby to enable any person to have illicit sexual intercourse with that person, or
- (j) lives wholly or in part on the avails of prostitution of another person, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.



***Offence in Relation to Prostitution***

s. 213. (1) Every person who in a public place or in any place open to public view

- (a) stops or attempts to stop any motor vehicle,
- (b) impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place, or
- (c) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person

for the purpose of engaging in prostitution or of obtaining the sexual services of prostitute is guilty of an offence punishable on summary conviction.

