



## REQUEST FOR ACTION: POLICIES FOR PROTECTION AND SERVICES TAILORED TO THE NEEDS OF PERSONS INTERNATIONALLY TRAFFICKED FOR THE PURPOSES OF FORCED LABOUR

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Human trafficking is a growing crime, resulting in the exploitation of millions of people around the world. Internationally-trafficked persons are exploited for their labour or services in a country other than their country of origin, including Canada. Being offered precarious immigration status in Canada makes people further vulnerable to exploitation, trafficking and re-trafficking. Additional barriers such as language, lack of information about rights and lack of community support, among others, impede the identification and recovery of internationally trafficked persons. In Canada, internationally trafficked persons do not benefit from the same protection and services available to domestic victims of human trafficking who are Canadian citizens or permanent residents. They are subject to weak policies which fall short in addressing their multiple protection needs. Moreover, Canada applies a law enforcement approach to human trafficking, where priority is given to the investigation and prosecution of predators, but there is no legislation addressing the human rights of the trafficked persons and the services they are entitled to.

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Among the issues hindering internationally trafficked persons' access to protection in Canada are:

- **There is an important shift away from permanent foreign worker toward temporary workers.** This is a recent reverse of a long-standing trend of emphasis on permanent settlement in Canadian immigration focus. This increased temporariness, along with lack of access to information about labour rights and limited monitoring makes people vulnerable to exploitation and trafficking.
- **Canada is not a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.** Migrant workers are at particular risk of being trafficked. The Convention establishes important standards to incorporate provisions for the treatment of migrant workers and protection of their rights in national legislation on human trafficking.
- **Formal and limited collaboration among stakeholders at federal, provincial and municipal levels.** There is no collaborative mechanism that provides a holistic approach to address the needs of trafficked persons. Stakeholders work in isolation which leads to waste of resources and poor coordination.
- **The Temporary Resident Permit (TRP) is of limited use.** The TRP is the only tangible protection tool available for internationally trafficked persons in Canada, but it fails to address their protection needs. Nor does the program offer an avenue to permanent residency.
- **Restrictions in immigration and refugee policies leave migrants with precarious status.** Uncertain immigration status exacerbates the vulnerabilities of migrants to trafficking. Recent changes to immigration policies under Bill C-31 make survivors of human trafficking particularly vulnerable as various avenues of regularization have been closed to them for extended periods of time.
- **Absence of mandatory monitoring mechanisms for employers and agencies recruiting foreign workers.** The federal government is passing the responsibility for monitoring onto the Provinces. However, to promote cohesiveness in legislative approaches and remove existing silos this should be shouldered by the Federal Government.

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Current legislation and policies on human trafficking are not adequate to meet the protection and service needs of internationally trafficked persons. We believe that trafficked persons are entitled to treatment in conformity with universally-accepted human rights standards. It is the responsibility of all levels of government: federal, provincial and municipal to assure that Canadian legislation and policies follow these standards.

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As such we recommend the following steps to guarantee access to services and protection for internationally-trafficked persons:

- Include underrepresented perspectives in conversations around human trafficking, to ensure a diversity of experiences and vulnerabilities. Increased consideration of seniors, people with disabilities, men and children. With this final population in mind, the duty to report is backfiring. Specific Recommendation: To create a safe space in which children/ families can report instances of trafficking without danger of revocation of status and possible deportation.
- Develop a comprehensive safety plan to provide status, health care, access to mental health services, safe homes without restrictions, employment and skill building resources, work permits.
- Coordinate all of the services incorporated in the safety plan to end fragmentation of services across Ontario. Identify gaps, such as the lack of language translation needed for integrated task forces.
- Training for law enforcement at various levels and mental health workers that does not criminalize or stigmatize
- Co-ordination of academics and media sources to advocate to those in positions of power and influence. Both should be encouraged to increase research efforts and collaborate with the community. All forms of media can be used to promote awareness: books, short stories, journalism, etc.
- Implement and encourage mentoring programs where survivors could work closely with local agencies for recognition of signs of human trafficking and how to counter it.
- Hotlines for anonymous, neutral services (and awareness of such services) are recommended.
- Co-ordination of data collection on human trafficking and statistical analysis of this data is greatly needed.
- Attention must be paid to explicit and implicit forms and effects of social racism.

#### Temporary Foreign Workers and Others with Precarious Status

- Provide increased education for people who are at an elevated risk of trafficking, such as temporary foreign workers and other people with precarious status. This should be available upon arrival to advise people of their rights and provide a hotline telephone number (within a multilingual pamphlet). The Ministry of Labour has a role to play to make information available to TFW regarding their rights.
- Facilitation of ongoing training and services around labour rights, particularly for young people and in rural areas, where there is less critical mass of services than in larger cities.
- Hold employers accountable.
  1. Check-in points: Separate workers from employers, and give them an opportunity to evaluate their own working conditions, whether their rights are being protected.
  2. Spot checks: train inspectors to understand human trafficking and to add descriptions of how people can be trafficked as a check list
- Better access to affordable transportation to travel to immigration appointments, embassies/consulates, and to work.
- Access to programs to overcome language barriers.
- Refugees claimants are particularly marginalized because they are not eligible for LINC classes, settlement services, or other forms of support. Since the government is currently eliminating funds for services to refugees, private funding is needed (e.g. students may be able to fundraise for an array of programs for non-status persons).