



Organization for Security and Co-operation in Europe

Foreword

In August 2011, I had the pleasure to pay an official country visit to Canada, which was the first such visit since the establishment of the Special Representative in 2003. In Ottawa and Toronto, I held discussions with representatives of national and provincial authorities, including with the Deputy Minister for Citizenship and Immigration Canada, to support ongoing efforts in the prevention and fight against trafficking in human beings. I also had the opportunity to meet with civil society organizations and NGOs active in these efforts. The overall aim of the Special Representative's country visits is to further promote the implementation of the OSCE cross-dimensional and human rights-based commitments in this field.

Following the country visit, my Office and I have been engaged in co-operative dialogue with the Government of Canada. Human trafficking is increasingly garnering attention in Canada, including on proposals for a national action plan as well as parliamentary debate on a proposed amendment to the criminal law provisions. We have proceeded to publish the country visit report and recommendations so that they can be taken into consideration during this period of active debate and policy-making. The Canadian authorities agreed to the publication of the report on 4 March 2012.

I appreciated the consultations held in Canada and the exchange of knowledge and information to identify both good practices and challenges. I commend in particular the Canadian regulation on residence permits, which does not make the residence status of trafficking victims conditional on their co-operation in criminal proceedings. There is a strong commitment on the part of the Government of Canada and civil society to strengthen and maximize the legislative and policy framework. I look forward to further co-operation on the occasion of the report's follow-up.

A handwritten signature in blue ink, appearing to read 'M. Giammarinaro', with a horizontal line extending to the right.

Maria Grazia Giammarinaro

Vienna, March 2012
English only

Report by Maria Grazia Giammarinaro, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, following her visit to Canada from 06-12 August 2011

Introduction

1. The present Report is based on a visit to Canada by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro (hereinafter referred to as the Special Representative) from 06 to 12 August 2011.ⁱ This was the first visit of the Special Representative to Canada and as such afforded an important opportunity to meet with key stakeholders in the anti-trafficking field in Canada and to learn from the Canadian experience to date.

2. In the course of this visit, the Special Representative held discussions with representatives of the national authorities, including the Deputy Minister for Citizenship and Immigration, Mr. Neil Yeates, the Intergovernmental Working Group on Trafficking in Persons, the Department of Justice, the Department of Foreign Affairs and International Trade including the Anti-Crime Capacity Building Program, the Canadian International Development Agency, Human Resources and Skills Development Canada, the Canada Border Services Agency, the Human Trafficking National Coordination Centre of the Royal Canadian Mounted Police, the Peel Regional Police in Ottawa as well as Toronto, the Ottawa Police, and the Ontario Ministry of the Attorney General including the Victim Services Secretariatⁱⁱ. She also met with the Head of the Canadian Delegation to the OSCE Parliamentary Assembly, Senator Consiglio di Nino, as well as with Member of Parliament Joy Smith.

3. The Special Representative, who emphasized non-governmental and civil society organizations as crucial partners in the fight against trafficking in human beings (THB), also held discussions with key stakeholders including the Canadian Council on Refugees, the Ottawa Coalition to End Human Trafficking, PACT-Ottawa, the Native Women's Association of Canada, World Vision Canada, Save the Children Canada, Streetkids International, International Justice Mission Canada, Hope for the Sold, the Maytree Foundation, Plan Canada, Ericsson Inc. Canada. She also delivered a keynote address at the "Globalization of Crime" conference organized by the International Centre for Criminal Law Reform and Criminal Justice Policy and the International Society for the Reform of Criminal Law.ⁱⁱⁱ

4. The Special Representative wishes to thank the Canadian authorities, and in particular the Permanent Mission of Canada to the OSCE and the Department of Foreign Affairs and International Trade, for their assistance in organizing the visit and facilitating its execution. She also wishes to thank all of her interlocutors, from the national

authorities, civil society and the communities she visited, for their willingness to share their knowledge and insights with her.

5. Discussions during the visit focused on the legislative, policy and practical responses to the THB situation in the country, particularly in the area of the prevention of labour exploitation which is one of the priorities established by the Special Representative during her term.^{iv}

6. The Special Representative considers that the Canadian model, which is historically inspired by the aim of social inclusion of migrant workers, remains one of the best ways to reduce social vulnerabilities and therefore prevent trafficking for labour exploitation. Evidence from within the OSCE region and beyond suggests that many trafficked persons actually fall victim to traffickers once they have entered the country of destination. Recruitment agencies can take advantage of migrant workers in-country through fraudulent and often criminal practices. Canada's longstanding migration policies thus can work to prevent such labour exploitation. During her visit, the Special Representative noted with interest Canada's longstanding multiculturalism and integration policies, which she believes contribute to a social fabric which works to prevent discrimination and promote social integration.

7. In the area of labour exploitation, the Special Representative was encouraged to learn of changes to the Temporary Foreign Worker Program (TFWP), including changes to the Seasonal Agricultural Worker Program (SAWP) and the Live-in Caregiver Program (LCP) which can contribute to reducing the vulnerability of migrant workers to human trafficking. She was pleased to note that under a new amendment of June 2011, all third-party representatives including recruitment agencies and immigration consultants are subject to authorization prior to being allowed to provide services at any stage of the programme.^v With regards to the LCP, the programme for migrant domestic workers, important changes include the new requirement that employers cover all recruitment costs and provide health insurance at no cost to the caregiver, until the caregiver becomes eligible for provincial health coverage, workplace insurance and one-way transportation to the location of work in Canada. A further best practice identified was the mandatory employment contract which must be signed between employer and caregiver outlining benefits paid for by the employer, wages, duration of employment, hours of work, details of accommodation among other information. The Special Representative welcomes new legislation related to the TFWP which can render employers ineligible for the programme if it is found that they failed to provide wages, working conditions or an occupation to a temporary foreign worker that was not substantially the same as the job offer. Employers may be required to demonstrate compliance by showing payroll records, time sheets, job description, and registration with provincial workplace safety, proof of accommodation and private health insurance if applicable.^{vi}

8. The Special Representative was also encouraged to learn of innovative measures to combat trafficking for labour exploitation put in place at the provincial level in Manitoba. The Worker Recruitment and Protection Act of 2009 requires recruitment agencies and employers to register with the provincial authorities before they can employ

temporary migrant workers. Such employers and their legal representatives as well as all recruitment agencies have to be licensed to recruit migrant workers. The Act also prohibits charging fees to workers as part of their recruitment process, and grants the Employment Standards Branch the investigative capacity to ensure that fees are not connected to seeking or finding work.^{vii}

9. The Special Representative is pleased to report that Canada has put in place several promising practices with respect to the identification and protection of victims and potential victims, both at the federal and provincial levels, leading to an increased number of victims being identified and protected in recent years.^{viii} She commends the federal Temporary Resident Permit programme, issued by Citizenship and Immigration Canada, which does not make the provision of victim services for internationally trafficked victims conditional on their co-operation with the criminal justice process. A notable aspect of this permit is that victims can seek legal employment necessary to become economically independent. Importantly, this Permit can also be renewed, with an eventual possibility of full citizenship in certain cases. Such innovative and human rights-based regulation should lead in the near future to an increased number of victims identified and assisted in their recovery, rehabilitation and social inclusion.

10. At the provincial level, the Special Representative had the opportunity to learn about the multidisciplinary approach being implemented by the Ontario Victim Services Secretariat, which provides victims with an array of services including safety planning through an innovative private-public partnership^{ix}, as well as through access to counselling, and vocational training. The Special Representative believes that victims of trafficking would benefit from independent, multidisciplinary and holistic victim services, combining housing services, income support, health and psycho-social services, vocational training, language training.

11. The Special Representative welcomes the efforts of Canadian authorities aimed at combating human trafficking and recommends building on existing good practices to enhance concerted institutional and civil society action, based on a strengthened and co-ordinated federal, provincial and territorial response, in the form of a national action plan (NAP). The OSCE experience to date confirms that the development and implementation of a NAP can assist in the co-ordination and delivery of a multi-agency and multidisciplinary approach to combating trafficking.^x Several governmental and non-governmental interlocutors explained Canada's complex federal structure, as well as the vast regional and territorial diversity, all of which would need to be carefully considered in any comprehensive NAP. There is no single model for NAPs and the Special Representative would encourage Canada to negotiate a plan that appropriately reflects the division of powers and responsibilities of its heritage in such a way as to engage the key stakeholders while maintaining a common and collaborative strategy. The Special Representative further notes that partnership with NGOs in the creation and implementation of a NAP is a crucial indicator of its eventual success. A formal consultation process with relevant stakeholders (including but not limited to) victim service providers, local police and crime prevention associations, trade unions, community advocacy groups, civil society coalitions, children and youth, Aboriginal

organizations, refugee and migrant, faith-based groups and the private sector would ensure that their respective expertise and specialized knowledge is reflected in the final NAP, and so that the full spectrum of stakeholders is engaged from the outset.

12. While Canada has undertaken important amendments to its Temporary Foreign Worker Program, the Special Representative encourages the Canadian authorities to closely follow the implementation of these amendments to ensure that migrant workers have access to labour protection, including minimum employment standards. This would include monitoring changes to the SAWP which now subjects employers seeking authorization to hire migrant workers to more systematic and rigorous assessment and to a greater regulation mechanism of employers once a violation of employment or labour standards has been reported. The Special Representative stresses that the new regulation needs careful monitoring in the implementation phase. In terms of prevention, the Special Representative encourages all participating States including Canada to strengthen the investigative capacity of the labour inspectorate. Evidence to date has also shown that establishing direct channels of communication between labour authorities and workers' organizations can be an important preventive measure.

13. The Special Representative noted with interest the efforts of the Intergovernmental Working Group on Trafficking in Persons, the Department of Justice and the Human Trafficking National Coordination Centre of the Royal Mounted Canadian Police in particular to identify victims, investigate cases and bring perpetrators to justice. Prohibiting human trafficking into Canada first came into force through the Immigration and Refugee Protection Act of 2002. Human trafficking was then added to the Criminal Code in 2005^{xi}, and together with recent amendments regarding the sentencing of perpetrators of child trafficking in 2010, forms an important foundation for the criminal justice response. Nevertheless, the low number of criminal proceedings for THB offences remains an ongoing challenge in Canada, as in most OSCE participating States.^{xii}

14. Building on this legislative base, the Special Representative encourages Canadian authorities to closely monitor the evolving jurisprudence on human trafficking in Canadian courtrooms, including especially the judicial and prosecutorial interpretations of the element of "safety" as included in section 279.04 of the Criminal Code.^{xiii} While the Special Representative is cognizant that section 279.04 focuses on the element of exploitation and that it may also include an element of psychological harm within the definition of safety, several interlocutors expressed concern regarding the narrow interpretation that this concept is being given by front line responders, law enforcement, prosecutors and judges.^{xiv} The Special Representative notes with interest proposed Bill C-310 currently before the House of Commons, which would enhance the current definition of exploitation by providing specific examples of exploitative conduct, as well as extending jurisdiction for THB offences committed by Canadians abroad.^{xv}

15. The Special Representative believes that greater awareness and understanding of the complexities of the offence would result in a greater number of investigations and successful prosecutions brought forward under human trafficking charges themselves rather than on related but less grave offences, such as prostitution,

immigration, labour or document-forgery offences.^{xvi} In addition, the Special Representative encourages the law enforcement community to build on its proactive investigative activity in the field of anti-trafficking and on its tradition of community policing to enhance the detection of trafficking cases, especially in areas particularly affected by trafficking in human beings such as sexual exploitation, construction and agriculture. The use of advanced investigation techniques, including the use of financial investigation as applied to trafficking cases has proven to be effective thus far in Canada and abroad and the Special Representative believes that this practice could be expanded.^{xvii}

16. In Canada as in the majority of OSCE participating States, major challenges remain to be victim identification and protection. The Special Representative further wishes to suggest that these challenges may be addressed in the implementation of Canada's National Action Plan. According to the OSCE Action Plan to Combat Trafficking in Human Beings, a human rights-based approach should be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.^{xviii} Granting experienced NGOs, trade unions, social service providers and agencies a formal role in the identification and referral process for victims furthers the multi-agency and comprehensive approach to victim protection, and helps victims to access the services they need at the first indication of human trafficking.^{xix}

17. The provision of legal aid to victims is another important priority area of development that the Special Representative is signaling to all OSCE participating States. The Special Representative was encouraged to learn that victims of trafficking in Canada are provided with legal aid once they have received a Temporary Resident Permit which is the designated protective status for victims of trafficking. The Special Representative would further encourage the Canadian authorities to consider providing legal aid to presumed victims as well as recognized victims, at the first indication that a person could be a victim of human trafficking. Timely access to legal aid is important in terms of improving access to justice for victims and presumed victims and specifically access to effective remedies and compensation.

18. In conclusion, the Special Representative encourages the Canadian authorities to continue to strengthen their anti-trafficking work and to consider some recommendations based on OSCE anti-trafficking commitments, in particular the OSCE Action Plan to Combat Trafficking in Human Beings. The Special Representative and her Office stand ready to provide technical assistance where desired and requested by the authorities and civil society, and welcome further dialogue and co-operation to promote the appropriate follow-up to these recommendations.

Recommendations

1) Develop a National Action Plan (NAP) by:

- Ensuring that the NAP engages all relevant stakeholders at the provincial, federal and territorial levels to accurately reflect the division of powers as well as all other relevant stakeholders (including victim service providers, local police and crime prevention associations, trade unions, community advocacy groups, civil society coalitions, children and youth, Aboriginal organizations, refugee and migrant, faith-based groups and the private sector) so as to maximize participation, collaboration and compliance with the stated goals and objectives;

- Engage with NGOs in a formal consultative process during the development and implementation of the NAP.^{xx}

2) Enhance the strategic prevention of labour exploitation, including through the monitoring of recent amendments to the Temporary Foreign Worker Program by:

- Closely monitoring the recent changes to the Temporary Foreign Worker Program, and should a need arise in the future, considering further reform of the framework particularly relating to employer compliance with minimum labour standards;

- Strengthening the investigative capacity of the labour inspectorate through enhanced labour monitoring, as well as through licensing of recruitment agencies; such has already been undertaken in Manitoba's The Worker Recruitment and Protection Act which came into effect in March 2010 and promotes an even more robust monitoring and employer compliance regime at the provincial level;

- Establishing direct contact between authorities from the Temporary Foreign Worker Program and workers' organizations, particularly in vulnerable sectors such as agriculture, construction and domestic work to open additional channels for workers to report exploitation or abuse.

3) Strengthen the criminal justice response through increased capacity building among law enforcement and prosecutorial authorities on the criminal provisions against THB to improve the investigation, prosecution and conviction rates for alleged perpetrators by:

- Ensuring the systematic collection of case law in order to review and analyse the ongoing application of the Criminal Code provisions penalizing human trafficking, in particular the meaning of “safety” in s. 279.04, and building on this analysis when engaging with relevant law enforcement and judicial authorities in training and capacity building;

- Increasing training and capacity building for law enforcement and prosecutorial authorities on how to make full use of the criminal provisions on THB, to raise the investigation, prosecution and conviction rates for alleged perpetrators. This should include training on strategic and proactive investigation planning, including the use of financial investigation techniques.

4) Strengthen the victim protection system through increased identification and protection efforts by:

- Establishing formalized mechanisms for recognizing the role of experienced NGOs, service providers and agencies during the victim identification process. Experienced NGOs, trade unions and agencies (e.g., social care services, health care services, labour inspectors, child safeguard agencies) should not only have authority to initiate referrals of presumed victims to Citizenship and Immigration Canada, but should also formally contribute with their opinion to the decision making on victim identification by the competent authorities;

- Considering models implemented in other national jurisdictions wherein a memorandum of understanding has been signed between designated and vetted NGOs and victim service providers and the State, in which victims and potential victims are referred for assistance and protection, while these designated service providers are provided with funding and support from the State;

- Providing victims and presumed victims of human trafficking with access to legal aid in order to exercise their rights, in particular, for the purpose of claiming compensation for harm suffered, even if necessary prior to the granting of a Temporary Resident Permit.

ENDNOTES

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- ⁱ During her visit, the Special Representative was accompanied by her Adviser, Ms. Aimée Comrie.
- ⁱⁱ See Appendix II for the agenda of meetings held by the Special Representative during the visit.
- ⁱⁱⁱ The Special Representative delivered a keynote address on 9 August entitled “Towards a More Effective Criminal Justice Response to Human Trafficking in a Globalized World” at the international conference “Globalization of Crime – Criminal Justice Responses”, organized by the International Centre for Criminal Law Reform and Criminal Justice Policy and the International Society for the Reform of Criminal Law, from 7-11 August in Ottawa.
- ^{iv} See OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *An Agenda for Prevention: Trafficking for Labour Exploitation* (December 2011): a special thematic addendum to the 2011 Annual Report of the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. Labour exploitation was also recently highlighted in the OSCE Ministerial Council, *Declaration on Combating All Forms of Human Trafficking* (Vilnius, 7 December 2011), para. 14.
- ^v See Bill C-35, *An Act to amend the Immigration and Refugee Protection Act* (formerly called the *Cracking Down on Crooked Consultants Act*) received Royal Assent on 23 March 2011 and came into force on 30 June 2011.
- ^{vi} See Human Resources and Skills Development Canada, *Employer Compliance: Requirements for the Temporary Foreign Worker Program, New Rules*, Pamphlet (Gatineau, 2011).
- ^{vii} See Manitoba Employment Standards, *Summary of what's new in 2009* (2009) <http://www.gov.mb.ca/labour/standards/doc,2009_whats-new,factsheet.html#q1023>, accessed 31 January 2012.
- ^{viii} United States of America State Department, *Trafficking Persons Report*, 10th edition (2011): “Canada Narrative” includes the following: “*Undocumented foreign trafficking victims in Canada applied for a temporary resident permit (TRP) to remain in the country, and during the reporting period the government issued at least 49 TRPs to 45 foreign nationals, 21 of which were first-term permits and 28 of which were renewals. This is a significant increase from the previous year, when authorities granted TRPs to 15 foreign victims*”.
- ^{ix} SupportLink is a joint initiative of the Ontario Ministry of the Attorney General, Rogers AT+T Wireless, Ericsson Canada and select Victim Crisis Assistance and Referral Services sites. The programme provides comprehensive safety planning, follow-up telephone contact and where appropriate, a wireless mobile phone, pre-programmed to dial 9-1-1 in an emergency situation. SupportLink wireless cell phones are issued to victims, 18 years of age and older, who are at high risk of personal danger because of: domestic violence, sexual assault, harassment, and stalking. To the knowledge of the programme managers, victims of human trafficking have not yet been identified for the service although it is possible that non-identified victims of trafficking have applied for it. This innovative tool could be extended to include support services to protect the rights of victims of trafficking and could be useful in other jurisdictions. See Ontario Victim Services Secretariat, <<http://www.victimservicesontario.ca/Page.asp?ldPage=8079&WebAddress=ONVSP>>, accessed 11 December 2011.
- ^x See OSCE ODIHR, *NATIONAL REFERRAL MECHANISMS: Joining Efforts to Protect the Rights of Trafficked Persons - A Practical Handbook* (2004); M.Y. Mattar, “Comparative Models of Reporting Mechanisms on the Status of Trafficking in Human Beings”, *Vanderbilt Journal of Transnational Law*, Vol. 41; International Centre for Migration Policy Development, *Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response* (2006); OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human

Beings, *Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms* (13 November 2008).

^{xi} House of Commons of Canada, *Bill C-49: An Act to amend the Criminal Code*, which came into force on 25 November 2005, created three trafficking-specific Criminal Code offences: trafficking in persons (s.279.01), material benefit (s.279.02), and withholding or destroying documents (s.279.03); House of Commons of Canada, *Bill C-268: An Act to amend the Criminal Code* (minimum sentence for offences involving trafficking of persons under the age of eighteen years), which was brought forward by Joy Smith and received royal assent on 29 June 2010. See also separate provisions in the Department of Justice Canada, *Immigration and Refugee Protection Act*, Section 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”.

^{xii} As of June 2011, the RCMP confirms that there have been nine convictions under the specific Criminal Code offence of human trafficking (section 279.01) with approximately 50 cases before the courts. These cases involve at least 74 accused and 141 victims. See “Canadian Criminal Proceedings on Trafficking in Persons”, in Department of Justice Canada, *An Overview of Trafficking in Persons and the Government of Canada's Efforts to respond to this Crime: 2010-2011*, <<http://www.justice.gc.ca/eng/fs-sv/tp/2011/over-surv.html>>, accessed 11 December 2011.

^{xiii} Department of Justice, *Criminal Code* (1985), Section 279-01, <<http://laws-lois.justice.gc.ca/eng/acts/C-46/>>, accessed 12 December 2011: *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.* This offence carries a maximum penalty of life imprisonment where it involves kidnapping, aggravated assault or sexual assault, or death, and a maximum penalty of 14 years in all other cases; Section 279.04 further defines the meaning of exploitation: *Exploitation means coercing a person to provide labour or services by doing something that could cause them to fear for their safety or the safety of someone they know if they did not perform the labour or services.* [emphasis added] It also includes using force, threats of force, deception, or coercion to remove a body organ or tissue from someone.

^{xiv} For instance law enforcement agencies reported that they believe that this requires them to bring evidence of the threat of physical harm to the victim, which can place an additional burden on victim-witness testimony, or be difficult to collect given the psychological complexities of many victim-perpetrator relationships, and the traffickers' *modus operandi*, often based on subtle means of coercion such as the abuse of a position of vulnerability. Several interlocutors expressed concern that victims of trafficking, especially of sexual exploitation, may appear to be in a consensual or amorous relationship with the perpetrator and that this may be interpreted by relevant authorities as not meeting the element of fear of safety. A leading human trafficking case in Canada indeed espoused this line of reasoning, although it did not involve charges under s. 279 of the Criminal Code but rather under s. 117 and s. 118 of the Immigration and Refugee Protection Act. In *R. v. NG* [2008] Court of Appeal for British Columbia, BCCA 535, the Court of Appeal, in reviewing the trial judgement, at para. 18: “*the intimate relationship between Mr. Ng and YHW had to be taken into account. He found at para. 22 that this relationship existed before and after he assisted her in coming to this country and even after the police investigation. He described their relationship as being complex. It seems that the judge found that the nature of the relationship made the subsequent sexual exploitation a less serious factor with respect to the immigration offences than it otherwise might have been*”. The Crown, on appeal, argued that the relationship was exploitative and degrading, even if consensual, but the trafficking-related charges were not sustained.

^{xv} House of Commons of Canada, *Bill C-310: An Act to amend the Criminal Code (Trafficking in Persons)* was introduced to Parliament on 3 October 2011 in a Private Member's Bill brought forward by MP Joy Smith. The proposed amendment would provide specific examples of exploitation that the Court may consider, including whether the accused a) used or threatened to use violence; b) used or threatened to use force; c) used or threatened another form of coercion; or d) used fraudulent misrepresentation or 5 other fraudulent means. See <http://www.joysmith.ca/assets/c-310_1%20-%20official%20at%20first%20reading.pdf>, accessed 11 December 2011.

^{xvi} This point was also highlighted in a report by the International Centre for Criminal Law Reform and Criminal Justice Policy, *An Exploration of Promising Practices in Response to Human Trafficking in Canada* (May 2010): “Part of the explanation for the low number of convictions in Canada may be that the definition of trafficking is misunderstood. There is confusion about what trafficking means and who is a victim of the offense. Despite the definitions in the Trafficking Protocol and the Criminal Code, a large number of interviewees reported divergent understanding of the term. Moreover, other crimes overlap with the human trafficking offense. The RCMP Operational Police Officer’s Handbook on Human Trafficking points out that Canada’s trafficking provision can conceptually overlap with other related crimes, such as passport forgery, bawdy-house offenses, living off the avails of prostitution, procuring, uttering threats, assault, sexual assault, kidnapping, forcible confinement, child abduction, extortion, fraud, intimidation, conspiracy, criminal breach of contract, etc. One explanation for Canada’s low number of officially identified trafficking cases may be that many of the above crimes are more familiar to police and prosecutors and often easier to prove than a charge of human trafficking”.

^{xvii} The SR followed with interest the largest case of human trafficking thus far investigated and prosecuted in Canada since the introduction of the Criminal Code provisions in 2005, a case of forced labour from Hamilton, Ontario. In this case, 19 victims were allegedly transported from Hungary to Hamilton where they worked in conditions of forced labour, were not paid their salaries, and forced to live in degrading conditions. See: A. Mayer, “Family Faces Criminal Charges for Human Trafficking in Canada”, *The Human Rights Brief*, <<http://hrbrief.org/2011/04/family-faces-criminal-charges-for-human-trafficking-in-canada/>>, accessed 21 September 2011.

^{xviii} OSCE Permanent Council, *Decision No. 557/Rev. 1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005); OSCE Ministerial Council, *Declaration on Trafficking in Human Beings*, MC(10).JOUR/2 (Porto, 7 December 2002).

^{xix} OSCE Ministerial Council, *Decision No. 5/08 Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach* (Helsinki, 5 December 2008), Preamble.

^{xx} The United Kingdom implemented a formal consultation process with NGOs and civil society during the development of the National Action Plan. See for instance: Government of the United Kingdom, *UK Action Plan on Tackling Human Trafficking* (2006), <http://www.ungift.org/doc/knowledgehub/resourcecentre/Governments/UK_Action_Plan_to_Combat_Human_Trafficking_en.pdf>, accessed 21 September 2011. A more recent example of this consultation is: Home Office UK Border Agency, *Employment-Related Settlement, Tier 5 and Overseas Domestic Workers: A Consultation* (June 2011) on a review of the policy and legislative framework for domestic workers.

APPENDIX I

RESPONSE TO THE OSCE REPORT ON HUMAN TRAFFICKING

The Government of Canada is committed to providing a response to the Special Representative's report in due time.

APPENDIX II

AGENDA OF THE SR IN CANADA, 6-12 AUGUST 2011

Saturday 6 August

10:55	Flight from Vienna to Ottawa via Frankfurt
15:50	Arrival in Ottawa

Sunday 7 August

8:00 – 10:30	Breakfast with MP Joy Smith <ul style="list-style-type: none">• MP Joy Smith• Joel Oosterman, Chief of Staff for MP Smith
15:30 – 16:00	Registration at the Conference, “ Globalization of Crime: Criminal Justice Responses ”, National Arts Centre, 53 Elgin Street
16:00 – 16:30	Opening remarks of Conference by: <ul style="list-style-type: none">• Hon. Chief Justice Lance Finch, Chief Justice of British Columbia, Court of Appeal; and• Hon. Justice Richard Mosley, Federal Court of Canada, Ottawa
16:30 – 17:00	Michael Hill QC Recognition Lecture: <ul style="list-style-type: none">• Professor Roger Clark, Professor, Rutgers University School of Law
17:00 – 17:30	Plenary 1: International Criminal Tribunals Update
18:00 – 19:30	Conference reception

Monday 8 August

8:30 – 9:00	“ Globalization of Crime: Criminal Justice Responses ” Conference National Arts Centre.
9:00 – 9:30	Opening Key Note Speaker: <ul style="list-style-type: none">• Daniel Bellemare, QC – Prosecutor at STL
9:30 – 10:40	Plenary 2: The Globalization of Crime – An Overview of the International and Domestic Contexts
11:00 – 12:30	Plenary 3: Transnational Crimes – Domestic Responses

14:00 – 15:30	<p>At the PACT-Ottawa office –</p> <p>Meeting with the Canadian Council on Refugees (CCR) and PACT-Ottawa (Persons against the Crime of Trafficking in Humans):</p> <ul style="list-style-type: none"> ▪ Christina Harrison Baird, Coordinator of Anti-trafficking work at CCR and Chair of PACT-Ottawa (Persons Against the Crime of Trafficking in Humans) ▪ Megan Adams, Chair, Ottawa Coalition to End Human Trafficking
16:00 – 17:00	<p>Meeting with Ottawa Police, Central District, District Directorate, Ottawa 474 Elgin St, Ottawa.</p> <ul style="list-style-type: none"> ▪ Inspector Uday S. Jaswal, National Co-Chair, first national human trafficking conference ▪ Constable Wendy Lee, Agent D Platoon, Patrol Services

Tuesday 9 August

9:00 – 10: 30	Plenary 5: Violence Against Women: International and Domestic Responses
11:00 – 12:30	Preparation for Keynote Address
12:30 – 14:00	Deliver Keynote Address
14:00 – 15:30	<p>Plenary 7: Human Trafficking and Migrant Smuggling: International and Domestic Responses</p> <p>Speakers include:</p> <ul style="list-style-type: none"> ▪ Matthew Taylor, Counsel, Justice Canada - Criminal Law Policy Section ▪ Deputy Bob Paulson, Royal Canadian Mounted Police ▪ Melissa Stewart, Senior Advisor - Trafficking in Persons Advocacy & Program Effectiveness Team, World Vision Australia ▪ Ambassador Elisabeth Tichy-Fisslberger, Director General for Legal and Consular Affairs, Austrian Coordinator on Combating Human Trafficking
15:45 – 17:15	Workshop B3: Human trafficking for sexual exploitation
17:15 – 18:15	<p>Meeting with Executive Management of ICCLR regarding their THB work</p> <ul style="list-style-type: none"> ▪ Kathleen Macdonald, ICCLR's Executive Director ▪ Yvon Dandurand, Senior Associate, ICCLR, expert witness on THB in Canadian cases ▪ Vivienne Chin, Associate, ICCLR ▪ Matthew Taylor, Counsel, Justice Canada ▪ Ambassador Elisabeth Tichy-Fisslberger, Director General for Legal and Consular Affairs, Austrian Coordinator on Combating Human Trafficking
18.15	ICCLR/ISRCL Reception at the Supreme Court of Canada

Wednesday 10 August

8:40	At DFAIT (Department of Foreign Affairs and International Trade) , greetings with Karen Bongard , Government focal point for the visit of the SR
9:00 - 11:00	Meeting with the Interdepartmental Working Group on Trafficking in Persons <ul style="list-style-type: none">▪ Carole Morency, Co-chair, Dept. of Justice▪ Matthew Taylor, Dept. of Justice▪ Traynor Baerbel, Dept. of Public Safety
11:00 – 12:00	Meeting with the Anti-Crime Capacity Building Program (ACCBP) <ul style="list-style-type: none">▪ Nicole Giles, Program Director▪ Marie-Laure de Chantal, Senior Project Manager▪ Joe Sterritt, Program Officer
12:00 – 13:00	Lunch at DFAIT
13:00 – 14:00	Meeting with Canadian International Development Agency (CIDA) <ul style="list-style-type: none">▪ Diana Rivington, Director, Human Development and Gender Equality, Strategic Policy and Performance Branch▪ Melissa Faye St. Denis, Gender Equality Policy Analyst▪ Annik LeBlanc, Gender Equality Senior Analyst▪ Robyn Chomyshyn, Senior Policy Analyst, Human Rights
14:30 – 15:30	Meeting with Human Resources and Skills Development Program (HRSDC) <ul style="list-style-type: none">▪ Deborah Robinson, Director, International Labour Affairs▪ Joan Texeira, Manager, Temporary Foreign Worker and Labour Market Information Directorate▪ Lara White, Senior Policy Analyst, Temporary Foreign Worker Program
15:45	At the Royal Canadian Mounted Police (RCMP) Headquarters, Marie-Claude Arsenault to greet you upon arrival in main lobby.
16.00 – 17.30	Meeting with Human Trafficking National Coordination Centre (HTNCC) <ul style="list-style-type: none">▪ Shirley Cuillierier, Superintendent, Director, Immigration and Passport Branch▪ Marie-Claude Arsenault, National Human Trafficking Coordinator, RCMP
20:00	Dinner with Canadian expert on social integration and multiculturalism <ul style="list-style-type: none">• Sharon Jeannotte, Senior Fellow at the Centre on Governance of the University of Ottawa

Thursday 11 August

9:30 – 11:00	Meeting with Native Women’s Association of Canada (NWAC) <ul style="list-style-type: none">• Claudette Dumont-Smith, NWAC Executive Director• Theresa Edwards, Director of Human Rights and International Affairs• Irene Goodwin, Director of Evidence to Action
11:30 – 12:30	Meeting with Canada Border Services Agency <ul style="list-style-type: none">• Paula Quillinan, Senior Advisor, Illegal Migration Intelligence Section, Operations Branch, Intelligence and Targeting Operations
	Lunch
14:00 – 15:30	Meeting with Citizenship and Immigration Canada <ul style="list-style-type: none">• Deputy Minister Neil Yeates• Assistant Deputy Minister Les Linklater, Strategic and Program Policy
18:00	Flight from Ottawa to Toronto , arrival at 19:00
20:00	Dinner with <ul style="list-style-type: none">• Senator Consiglio di Nino, Head of Canada’s Delegation to the OSCE Parliamentary Assembly

Friday 12 August, Toronto

9:15 – 10:45	Meeting with Ontario Attorney General and Private Sector regarding Support Link Program and other anti-trafficking programmes <ul style="list-style-type: none">▪ Irwin Glasbert, Assistant Deputy Attorney General, Ontario Victim Services Secretariat, Ministry of the Attorney General▪ Linda Haldenby, Director, Programs & Community Development, Ontario Victim Services Secretariat▪ Darja Keith, Program Coordinator, Ontario Victim Services Secretariat▪ Danielle Racine, Manager, Policy and Program Development Branch▪ Patricia Maclean, Director, Communications and Marketing, Ericsson Canada Inc.
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11:15 – 12:00	<p>Meeting with World Vision Canada</p> <ul style="list-style-type: none"> ▪ Patrick Canagasingham, Vice President, International and Canadian Programs ▪ James Pothirajulu, Director International Programs ▪ Caroline Riseboro, Vice President, Public Affairs ▪ Otto Farkas, Director, Resource Development and Collaborative Innovation Department ▪ Ana Androsik, Senior Manager, Knowledge Management, Program Strategy Department ▪ Carleen McGuinty, Policy Advisor, Child Protection ▪ Melissa Stewart, Senior Policy Advisor, Trafficking in Persons ▪ Jeannine d'Entremont-Farrar, Manager, Knowledge Management ▪ Lyndsay Hockin, Program Officer, International Programs ▪ Karen Sodoma, Project Support Officer, Knowledge Management ▪ Daniel Wilcox, Advocacy Campaign Coordinator ▪ Claudia Berloni, Strategy Lead, Resource Acquisition & Allocation
12:00 – 13:00	Lunch at World Vision
13:00 – 16:00	<p>NGO Round Table Meeting, facilitated by World Vision, including:</p> <ul style="list-style-type: none"> ▪ Will Postma, Director of Programs, Save the Children Canada ▪ Karimah Huddah, Director of Programmes and Partnerships, Streetkids International ▪ Petra Bosma, Communications Coordinator, International Justice Mission Canada ▪ Michelle Brock, Hope for the Sold ▪ Sarah Stevenson, Child Rights Advisor, Plan Canada ▪ Sandra Lopes, Manager, Policy and Research, Maytree Foundation ▪ Constable Jim Zuccherro, Peel Regional Police, Vice Squad