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Mr. Anthony Housefather

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Standing Committee on Justice and Human Rights

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● (1520)

[*English*]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)): I call to order this meeting of the Standing Committee on Justice and Human Rights.

I would like to welcome our witnesses as we embark on this study of human trafficking in Canada, a scourge that is a violation of basic human rights and, unfortunately, still exists in this country today. Hopefully our committee will be able to come forward with solid recommendations for the Minister of Justice and other ministers to better tackle this problem.

We are lucky today to be joined by a number of witnesses from different federal agencies who are here to offer us their expertise.

We are joined today by the Department of Justice, represented by Mr. Matthew Taylor, acting senior counsel, criminal law policy section, policy sector. Welcome, Mr. Taylor.

Mr. Matthew Taylor (Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice): Thank you.

The Chair: Joining us from the Department of Public Safety and Emergency Preparedness are Mr. Trevor Bhupsingh, director general of the law enforcement and border strategies directorate, and Mr. Michael Holmes, director of the serious and organized crime strategies division, law enforcement and border strategies directorate. Welcome to you both.

We are also joined by the Canada Border Services Agency, represented by Ms. Lynn Lawless, director of intelligence, targeting and criminal investigations program management. Welcome.

Representing the Royal Canadian Mounted Police we have Ms. Joanne Crampton, assistant commissioner, federal policing criminal operations. Welcome.

The Office of the Director of Public Prosecutions is represented by Ms. Carole Sheppard, the acting director, headquarters counsel group. Welcome.

Ms. Carole Sheppard (Acting Director, Headquarters Counsel Group, Office of the Director of Public Prosecutions): Thank you.

The Chair: We are going to start with the presentation by the Department of Justice.

Mr. Taylor, the floor is yours.

Mr. Matthew Taylor: Thank you, Mr. Chair.

I thought it might be helpful to the committee for me to provide information for you on two separate things: first, the legislative history of Canada's criminal laws on human trafficking, and second, some background information on the types of programs that Justice Canada has funded to enhance services for victims of human trafficking.

Canada's first human trafficking specific offence was enacted in 2002 as part of the enactment of the Immigration and Refugee Protection Act. Section 118 prohibits the trafficking of persons into Canada and targets the means used by traffickers, such as force, fraud, abduction, deception, or coercion to bring victims into our country. It should be noted that the enactment of this offence coincided with Canada's implementation of the UN protocol to prevent, suppress and punish trafficking in persons, especially women and children, which Canada ratified in May of 2002.

In 2005, Parliament passed Bill C-49, An Act to amend the Criminal Code (trafficking in persons), and enacted three specific Criminal Code offences to more comprehensively address human trafficking, specifically, section 279.01 which prohibits all forms of human trafficking, domestic or transnational, and for any exploitative purpose; section 279.02, which prohibits the receipt of a financial or a material benefit knowing that it was derived from human trafficking; and, third, section 279.03, which prohibits the holding of identity documents to facilitate human trafficking.

Since that time, additional criminal law reforms have been passed by Parliament. In 2010, a private member's bill, Bill C-268, An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years), was enacted, creating a separate offence of trafficking in children that is punishable by mandatory minimum penalties of imprisonment.

In 2012, two years later, a private member's bill, Bill C-310, was enacted, enabling Canada to assume extraterritorial jurisdiction to prosecute in Canada Canadian citizens or permanent residents who commit human trafficking abroad. It also enacted a provision in subsection 279.04(2) that provides guidance to the courts in helping them to determine whether exploitation has been made out, exploitation being an essential element of the trafficking in persons offence.

In 2014, former Bill C-36 was passed, enacting the Protection of Communities and Exploited Persons Act.This act provided new mandatory minimum penalties for human trafficking involving adult victims and for the financial benefit and documents offences involving child victims.

Most recently, the government has introduced Bill C-38, an act to amend An Act to amend the Criminal Code (exploitation and trafficking in persons), to bring in force certain amendments that were passed in Parliament in 2015 through a private member's bill, Bill C-452, and also An Act to amend the Criminal Code (exploitation and trafficking in persons). These provisions would enact an evidentiary presumption to help prosecutors prove an element of the human trafficking offence.

That's a bit of a summary of the changes that have been enacted by Parliament. As you can see, these criminal laws in respect of human trafficking have been the subject of ongoing interest and concern by parliamentarians.

At the same time, Justice Canada has supported their implementation in various ways, including through the provision of regular training to police and prosecutors, in conjunction with the RCMP and other police forces, victim services, and other experts. We've developed a handbook for police and prosecutors and fact sheets on key criminal justice issues for police and prosecutors, such as sentencing submissions, bail proceedings, and things of that nature in a human trafficking context. Justice officials have participated in similar efforts internationally, working closely with the United Nations Office on Drugs and Crime to develop similar technical assistance tools to support implementation around the world.

The department is also supporting improvements to victim services. A copy of initiatives that have been funded since 2012 by the department through the victims fund has been provided to the clerk of the committee, I believe, detailing the specifics of each project. Examples for your information include: enhancing victim services delivery in British Columbia, Alberta, Ontario, and Quebec; supporting the development of a resource handbook for indigenous women and girls who were victimized through human trafficking for the purposes of sexual exploitation; and, developing a mental health and addictions program for women and girls who were victims of trafficking.

I'm going to conclude my remarks there. I look forward to any questions.

The Chair: Thank you very much. That's much appreciated.

We'll move now to the Department of Public Safety and Emergency Preparedness.

● (1525)

Mr. Trevor Bhupsingh (Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness): Good afternoon, Chair. Thank you for the opportunity to speak to the committee and its members.

Human trafficking is a criminal offence and a human rights violation. In Canada, indigenous and non-indigenous women and girls, LGBTQ2 members, and youth, including those in group homes, are particularly vulnerable populations with respect to human trafficking.

Public Safety Canada supports the Government of Canada's ongoing efforts to combat human trafficking and to protect its victims, who are among our society's most vulnerable. The department leads federal policy development on human trafficking and chairs federal-provincial-territorial working group meetings to facilitate co-operation, collaboration, and exchange of information and best practices.

Public Safety Canada also manages the contribution program to combat serious and organized crime, which provides funding to eligible organizations leading projects related to anti-human-trafficking efforts. This contribution program has allowed the department to support, for example, the northern outreach project, which brought together a circle of grandmothers from Manitoulin Island, Sault Ste. Marie, and Thessalon to form an action alliance to understand the nature of trafficking in their communities.

Funding has also supported Vancouver's Salvation Army Deborah's Gate program and their efforts to expand its "Living Hope: Life and Living Skills" program to include a barista employment training program, which allows survivors of human trafficking to access trauma-sensitive care and three weeks of vocational training.

As well, we support a number of research projects to broaden our understanding of labour trafficking and the trafficking of indigenous women and girls. Part of the work the department leads has included providing information to the public on federal anti-human-trafficking efforts through the publication of reports on progress and the development of a quarterly newsletter that is shared with stakeholders across the country and highlights events, training, legislative updates, current research reports, and other relevant developments in the anti-human-trafficking movement. The newsletter, for example, reports on progress and other resources developed in-house that are publicly available on Public Safety Canada's website.

In recognition of the multidimensional nature of human trafficking, the federal human trafficking task force brings together officials who cover a wide range of issues, from global affairs to indigenous issues and law enforcement and procurement, to just mention a few. The human trafficking task force, led by Public Safety Canada, comprises representatives from key federal departments and agencies. It is the dedicated focal point for all federal anti-human-trafficking efforts. Representatives from some of those departments and agencies are here today: Justice Canada, the RCMP, the CBSA, and the PPSC. Public Safety Canada works closely with them, civil society, and provincial and territorial stakeholders, and contributes to different working tables across Canada to support information sharing.

The department also participates in different international fora as the federal policy lead on human trafficking. Public Safety Canada also works with international partners and agencies such as the UN Office on Drugs and Crime and the Organization for Security and Co-operation in Europe. As an example, last June, Public Safety Canada led the visit of the OSCE special representative and coordinator for combatting trafficking in human beings, who was here on a five-day visit to Canada to discuss the country's progress in implementing the OSCE anti-trafficking commitments.

Public Safety Canada has also been represented at the conference of the parties to the United Nations Convention against Transnational Organized Crime working group on trafficking in persons and at the high-level meeting of the United Nations General Assembly on the appraisal of the United Nations global plan of action to combat trafficking in persons.

● (1530)

Further to this, regular engagement with the United States and Mexico occurs through a trilateral working group on trafficking in persons to encourage the exchange of best practices, regional trend identification, and trilateral collaboration to develop common approaches to addressing this important issue. Through the department's participation in this trilateral working group, we've been able to advance important work, such as the creation of a North American directory of service providers, to support victims of human trafficking across North America.

Last fall, in October 2017, the evaluation of the 2012-16 national action plan to combat human trafficking was finalized and has since been made available on Public Safety's website. The evaluation found that there is a continued need to have a national strategy to combat human trafficking and there are opportunities for the action plan to evolve. The evaluation also emphasized that there is limited reliable data to map the scope of human trafficking in Canada and that federal-provincial-territorial collaboration could be strengthened. These recommendations will help inform the Government of Canada's way forward to combat human trafficking.

Public Safety Canada and the human trafficking task force members continue to work with our domestic partners, including provincial and territorial governments and non-governmental organizations, to provide dedicated support and protection for victims, including trauma-informed services, designed to address the particular needs of human trafficking victims.

Public Safety Canada is taking steps to engage federal, provincial, and territorial stakeholders to enhance collaboration at the national level and to improve Canada's data collection. As part of these efforts, a consultation process is planned for the spring to gather information to help shape federal efforts to combat human trafficking.

To conclude, Chair, I provided a brief overview of the extensive efforts that are taking place within the department to eradicate this heinous crime. Tireless efforts are also being made by dedicated Canadians right across the country.

Thanks very much for the opportunity to speak to you today on this important issue. My colleagues and I look forward to answering any questions you may have.

The Chair: Thank you very much for that presentation.

I believe our next speaker is the Royal Canadian Mounted Police.

Assistant Commissioner Joanne Crampton (Assistant Commissioner, Federal Policing Criminal Operations, Royal Canadian Mounted Police): Thank you. Good afternoon.

[*Translation*]

Mr. Chair and honourable members of the committee, thank you for inviting me to talk to you about the RCMP's role and efforts in human trafficking.

[*English*]

The RCMP plays a central role in the Government of Canada's overarching priority to provide for the safety and security of Canadians and, as such, has a mandate to investigate criminal offences related to human trafficking.

To strengthen efforts to combat the trafficking of persons, in 2005 the RCMP established the Human Trafficking National Coordination Centre at national headquarters in Ottawa. The coordination centre is a resource for Canadian law enforcement agencies in their efforts to combat and disrupt individuals and criminal organizations involved in human trafficking activities. As part of this effort, the centre develops investigative tools and guidelines, coordinates national awareness campaigns and training, disseminates information and intelligence, develops partnerships domestically and abroad, and coordinates national and international human trafficking law enforcement initiatives.

As an extension of the national centre, there are three regional RCMP human trafficking awareness coordinators in the provinces of British Columbia, Quebec, and Nova Scotia. These coordinators raise awareness with regard to human trafficking and build partnerships with law enforcement, government, non-governmental organizations, and the public. Those in these positions are also members of networks that aim to address human trafficking through participation on committees, response teams, and coalitions.

Furthermore, in 2013 the RCMP developed a national strategy to combat human trafficking, which outlines current and future efforts in combatting this crime. The goal of the strategy is to reduce the prevalence of and the harms caused by human trafficking in Canada and abroad.

With respect to the enforcement of legislation, both the Criminal Code of Canada and the Immigration and Refugee Protection Act include human trafficking specific provisions. Numerous additional Criminal Code offences can apply to human trafficking cases, including but not limited to kidnapping, forceable confinement, uttering threats, sexual assault, criminal organization offences, and prostitution-related offences. Having these provisions enables law enforcement to address not only international but also domestic human trafficking cases.

The RCMP leverages Canadian and foreign law enforcement information on human trafficking in order to identify new targets or uncover previously unknown threats. The RCMP is also engaged with groups such as the Santa Marta Group, which combines the efforts of NGOs worldwide and clergy from the Catholic Church who collectively work together to eliminate human trafficking.

Of note, from 2005 to November 2017, the RCMP Human Trafficking National Coordination Centre identified 455 cases where human trafficking specific charges were laid. Of the total, 433 were domestic human trafficking cases and 22 were international. Of these cases, 118 have successfully resulted in human trafficking specific or related convictions. These cases involved 321 victims and 180 individuals who were convicted of multiple offences. Currently there are approximately 296 human trafficking cases before the courts that involve approximately 506 accused and 420 victims.

While these numbers provide insight into the prevalence of this crime in Canada, the clandestine nature of human trafficking and the reluctance of victims and witnesses to come forward to law enforcement, as well as the challenges of identifying victims, make it extremely difficult to assess the true extent of this crime. Furthermore, the statistics identified by the coordination centre are derived from human trafficking specific cases across Canada that the centre's research has identified and should not be taken as a full representation of the extent or the prevalence of human trafficking.

Reporting of these cases to the national coordination centre is not a mandatory requirement for law enforcement agencies in Canada. It is worth noting that human trafficking for sexual exploitation continues to constitute the majority of trafficking cases encountered by law enforcement across Canada, most often in large urban centres, with most victims being Canadian women. However, more evidence of human trafficking for forced labour has come to light during the past few years, which often involves foreign nationals as victims and perpetrators.

● (1535)

As previously noted, the RCMP's law enforcement efforts are coordinated through the Human Trafficking National Coordination Centre. As an example of our enforcement efforts, in October 2017 the RCMP led the sixth edition of Operation Northern Spotlight, a coordinated law enforcement outreach operation to proactively engage vulnerable persons who are in the sex industry, in an effort to identify and assist those who are being exploited or at risk of human trafficking. The Canadian operation involved 57 law enforcement partners across Canada, and took place in collaboration with counterparts in the United States and the United Kingdom. As a result of this operation, 14 persons were arrested and a total of 21 charges were laid.

In recent years, the national coordination centre conducted several mass distributions of the "I'm not for sale" awareness campaign, and provided training and awareness sessions to law enforcement officials, prosecutors, government employees, non-governmental organizations, youth, and indigenous communities. The RCMP also completed threat assessments on human trafficking. Specifically, Project Safekeeping in 2013 provided insight into the nature and extent of domestic human trafficking for sexual exploitation in Canada, including characteristics of traffickers and victims.

The RCMP continues to monitor and assess the level of human trafficking in Canada. While the national action plan to combat human trafficking expired on March 31, 2016, the RCMP's efforts to combat this crime and associated crime continue, primarily through the national coordination centre and in line with the RCMP's national strategy. Going forward, the RCMP will continue to collaborate with its law enforcement partners across the country to investigate this crime and continue to ensure that perpetrators are brought to justice.

Thank you very much for the opportunity to be here today. I would be pleased to take any questions.

The Chair: Thank you very much.

Now we'll move to the Canada Border Services Agency.

Ms. Lawless.

Ms. Lynn Lawless (Director, Intelligence, Targeting and Criminal Investigations Program Management, Canada Border Services Agency): Thank you, Mr. Chair.

Good afternoon to all the members of the committee. I'll take only a few minutes to clarify for you the Canada Border Services Agency's role and responsibilities in identifying and combatting human trafficking.

[*Translation*]

As the committee knows, the enforcement and application of the Immigration and Refugee Protection Act are the responsibility of a number of government departments and agencies.

It is mainly the responsibility of Immigration, Refugees and Citizenship Canada, or IRCC, to develop the eligibility policy that sets out the conditions of entry and stay in Canada, but the Canadian Boarder Services Agency, or CBSA, shares the responsibility of enforcing the Immigration and Refugee Protection Act with the IRCC and the Royal Canadian Mounted Police.

To fulfill its mandate, the agency shares data and information with other departments and law enforcement partners as needed.

● (1540)

[*English*]

Specifically, the CBSA is responsible for detecting suspected instances of human trafficking; interdicting suspected human traffickers involved in cross-border movement and exploitation of victims; contributing to the safety and security of potential victims by ensuring they are separated from the control of suspected traffickers, where identified, and referring them to appropriate government services; and, through our efforts of investigation and collection of information, supporting the investigation and prosecution of offenders.

The CBSA and the RCMP have a complementary approach in relation to immigration offences. Broadly speaking, the RCMP is responsible for immigration offences related to organized crime, human trafficking, and national security.

[*Translation*]

The CBSA is in charge of other immigration offences, including offences related to migrant smuggling, fraudulent documents and misrepresentation, as well as the general offence is covered by the legislation. The agency communicates with the RCMP when it discovers indicators of human trafficking while conducting an investigation on other offenses.

[*English*]

The CBSA refers all suspected human trafficking cases to the RCMP for investigation and refers potential victims to IRCC for support.

As human trafficking and human smuggling are often confused, I thought I would take this opportunity to differentiate a little bit between these two offences.

On the one hand, human trafficking occurs where one party violates another party's rights by depriving them of their freedom of choice for the purpose of exploitation. It can occur both across and within borders and may involve extensive organized crime networks. It involves recruiting, transporting, or harbouring individuals through force or through other forms of coercion or deception.

Human smuggling on the other hand is a form of illegal migration that involves the organized transport of a person across an international border, usually in exchange for a sum of money, and sometimes in dangerous conditions. In such cases, when the final destination is reached, the business relationship ends, and the smuggler and the individual part company.

However, the CBSA is very aware that a person who has agreed to be smuggled into the country may also become a victim of human trafficking at the hands of their presumed smuggler. Upon arrival at the destination, the person may have their movements restricted or face coercion and exploitation contrary to the initial smuggling agreement. Victims may suffer abuse from their traffickers and may face severe consequences if they attempt to escape.

[*Translation*]

The CBSA provides its officers with training on recognizing indicators associated with victims of human trafficking, as well as on the support provided to those individuals through referrals to the appropriate government organizations.

However, despite all our efforts, it may be difficult to identify victims of human trafficking at the border. Victims may not be aware of what awaits them when they enter the country. In addition, even if they know that they are being exploited, they may be intimidated and refuse to ask for or receive help.

[*English*]

Human traffickers reap large profits while robbing victims of their freedom, their dignity, and their human potential. The CBSA is an active and engaged partner in combatting human trafficking by detecting and disrupting trafficking operations and the transport of victims to Canada. We continue to work with our partners, both domestic and international, with the goal of preventing Canada from being a destination, a source, or a transit country for this criminal behaviour.

That concludes my opening statement. I'm happy to respond to questions later.

The Chair: Thank you very much.

Finally, we have, from the Office of the Director of Public Prosecutions, Ms. Sheppard.

Ms. Carole Sheppard: Thank you.

We were advised that the committee wanted to hear from the PPSC, which is our common name, rather than the ODPP, on the following issues related to human trafficking prosecutions: challenges to prosecuting human trafficking cases, the agencies that we work with on these cases, challenges to prosecuting human trafficking in the north, and ways in which the Criminal Code's human trafficking offences can be improved.

First, I should say about the PPSC, and you may have heard it in other contexts from other of my colleagues at PPSC, that we are an independent and accountable prosecuting authority, the main objective of which is to prosecute cases under federal jurisdiction in a manner that is free from any improper influence. The PPSC has approximately 1,000 employees, roughly half of whom are lawyers, in offices across the country and in the territories. For those parts of Canada that are remote from our regional offices, we retain private sector lawyers to appear as agents in connection with our prosecutions.

About two-thirds of our work is occupied with prosecutions under the Controlled Drugs and Substances Act, and the remainder comprises tax prosecutions, tax evasion and related offences, and other offences created by federal statutes, such as those in the Immigration and Refugee Protection Act, or IRPA as we often refer to it. In the territories, however, the PPSC has the exclusive prosecuting authority, so we prosecute Criminal Code offences in additional to all of the federal offences.

Matthew Taylor from Justice already gave you a bit of a road map as to the legislative provisions and when they came into force. The offence that appears at section 118 of the IRPA, the trafficking in persons offence, came into force in IRPA in 2002, and I would say its principal distinguishing feature as compared to the offences in the code is that there's a cross-border element, meaning it refers to somebody who is brought into the country by the means described in the section—fraud or deception, and that kind of thing.

The challenges to prosecuting offences with an international element, I would suggest, are probably quite obvious. There are frequently difficulties in gathering evidence from a foreign country in a format that is admissible in a Canadian court. Witnesses who may be required for the case may be reluctant or unwilling to come to Canada to testify, and we may be stymied with regard to ways of obtaining their evidence otherwise, such as by video link, that just may not be possible or the witness may not co-operate. My colleagues have already adverted to the fact that human trafficking victims, complainants, may be reluctant to co-operate with the efforts of the authorities to prosecute the people who have trafficked them into the country.

The agencies with whom we work in respect of these cases are the Canada Border Services Agency and the RCMP, and other police forces, which may be involved in investigating and laying IRPA charges. We would have, as I suggested earlier, jurisdiction to prosecute human trafficking offences in the territories. In the last 10 years, as far as I've been able to determine, in the territories there has not been a charge laid under the IRPA trafficking provision.

Finally, with respect to potential amendments to the Criminal Code provisions, because our jurisdiction is with respect to the IRPA offence, we are not in a position to offer any comments with respect to the Criminal Code trafficking-related offences.

Thank you.

● (1545)

The Chair: Thank you very much.

[*Translation*]

I would like to thank all of our guests for their presentations, which we really appreciate.

[*English*]

We're going to move to the question period, starting with Mr. Nicholson.

Hon. Rob Nicholson (Niagara Falls, CPC): Thank you very much.

Thank you to the witnesses today. This is a considerable help to us as we launch this cross-country investigation.

I'll start with you, Commissioner Crampton. You mentioned the different groups and organizations that co-operate with you in terms of the prosecution. Is the banking industry one of them?

● (1550)

A/Commr Joanne Crampton: There is a project called Project Protect, which involves FINTRAC and the disclosure of transactions of money. So, with the banking industry, yes, it would be with FINTRAC, and there has been some very good success in that project in recognizing transactions that could be linked to human trafficking.

Hon. Rob Nicholson: That's good to hear.

How about other people who aren't directly involved with this crime, but are facilitating it or in some cases helping it? How about the hotel and motel industry? Are they co-operative? Do they help to identify these individuals?

A/Commr Joanne Crampton: I would say that's more at the local level. Certainly local police of jurisdiction develop those types of relationships. I know from personal experience that would be one of the areas where I would develop a relationship. It's based on relationships, and yes, I have had good success in that, and I'm sure others have as well.

Hon. Rob Nicholson: I forget who said it—maybe it was you, Madam Lawless—but there's not a mandatory requirement on law enforcement agencies to report to the centre?

Maybe that was you, Commissioner?

A/Commr Joanne Crampton: It was, yes.

Hon. Rob Nicholson: That's something we could perhaps have a look at. I imagine it would be a great facility to those who are prosecuting these things, to be able to get that information.

A/Commr Joanne Crampton: It would be very helpful. Currently, we look at statistics, through Statistics Canada, and with tracking of files, there's scoring attached to each file. So that's limited, depending on how the file is attributed through the scoring system, but reporting would be very, very helpful.

Hon. Rob Nicholson: Fair enough.

Mr. Bhupsingh, you talked about statistics and movements. Are we becoming more effective in terms of getting these individuals? We heard some statistics here about how many people have been charged over the last 12 years or so. Are we becoming more effective in terms of cracking down on this crime?

Mr. Trevor Bhupsingh: That's probably best answered by law enforcement, by the RCMP Commissioner, but I would just say that I think we are. I think the number of charges being laid is up. I think it's a difficult crime to prosecute for a number of different reasons. One is just the general sense of victims not wanting to go to the police. As well, we're finding that technology is playing a greater and greater role, so a lot of these transactions are taking place with the aid of the Internet, and there are limitations around using the Internet as a tool to provide anonymity.

So although I think we're hopeful that we are on to the strategies used by people performing human trafficking, it's very, very difficult to identify them, and then, with respect to the charges, although the number of them is going up, the prosecutions can be long, time-consuming, and costly.

Hon. Rob Nicholson: Fair enough.

This question is for Canada Border Services—or anyone else might answer it.

I had a meeting in my hometown, Niagara Falls, on this subject about a week ago, where one of the people there said that a very young woman didn't want to come forward, even though she's a victim and was trying to escape. She did not want to come forward because she feared she would be deported since she was from outside of the country.

Do you come across examples like that, of people who are worried that if they start talking about what has happened to them, people will know that they got smuggled into the country for the purposes of trafficking?

Ms. Lynn Lawless: Yes, I think that's a common concern, and the best we can do is to try to inform people that in fact when they do come forward, they will be referred to IRCC to consider what their immigration options are. I understand that IRCC will be appearing before you on a later day. IRCC is able to offer temporary residency to those individuals to allow them to remain, to participate in the investigation and prosecution.

● (1555)

Hon. Rob Nicholson: Is it just temporary residence and then they have to leave?

Ms. Lynn Lawless: There are other options available.

Hon. Rob Nicholson: So there are other options.

Ms. Lynn Lawless: I would prefer to let my IRCC colleagues respond to that point.

Hon. Rob Nicholson: Okay. I'll look forward to that testimony.

Thank you, Mr. Chair.

The Chair: Thank you very much, Mr. Nicholson.

Mr. Fraser.

Mr. Colin Fraser (West Nova, Lib.): Thank you very much, Mr. Chair.

Thank you all very much for being here and helping us as we start our study on human trafficking. I have so many questions for all of you. I'll try to get through as many as I can.

First, Ms. Lawless, what can you tell me about specific training for front-line officers at CBSA? Do all CBSA officers who are protecting our border have training and the tools necessary to actually spot potential people who are being trafficked? Do you see any vulnerabilities at CBSA right now in terms of your not being able to address these challenges across the country?

Ms. Lynn Lawless: Yes, indeed, as part of their basic training, all front-line officers receive a course called "People at Risk". That course includes human trafficking, abducted children, youth, and people at risk. It's part of the basic training. They're taught about the legislation around human trafficking, the human trafficking phenomenon, the differentiation between human trafficking and human smuggling, and the indicators of human trafficking. That's part of their role, to identify the indicators and detect those kinds of cases in a port-of-entry scenario. They also receive specific training on the procedures to follow, which would include referral to the RCMP when we would have suspicion of a human trafficking situation, referral to IRCC to examine the immigration options, and, if required, referral to local social services for support and counselling as required. That's part of the basic training.

Mr. Colin Fraser: Thanks very much for that.

Ms. Crampton, perhaps I can move to you and get your perspective. Mr. Nicholson asked a question a moment ago on perhaps one barrier for people not wanting to come forward, namely their worry about their immigration status. You mentioned in your presentation that there are barriers to people coming forward. I wonder if you could elaborate on what other barriers there might be for victims being able to come forward in order to identify their situation to the authorities.

A/Commr Joanne Crampton: Certainly the immigration piece is significant, but within the sex trade industry there's always a fear of prosecution for other offences. There's a fear of repercussion. There's intimidation. There's a fear of personal assault. A sex trade worker could be abused physically, and sexually abused. There are a lot of other repercussions that they fear—and legitimately so.

Mr. Colin Fraser: Mr. Taylor, I'd appreciate your comments on this, and Ms. Sheppard may want to weigh in on it as well.

With the changes in the Criminal Code, obviously the intent was to fill in gaps in the law that prevented the prosecution of certain offences. Those have changed over the last 15 or 20 years. Have we seen a change in conviction rate of this sort of activity as a result of those measures, and do you see any gaps that still remain for our committee to consider?

Mr. Matthew Taylor: Thanks for the question. It's a good one.

I think someone alluded to this earlier. In the years following the enactment of the Criminal Code offences on human trafficking, there was a certain period of time during which implementation was required, so you weren't seeing charges laid for those specific offences for a number of years. In the early years of the prosecutions, the principal challenge related to proving the element of exploitation, which requires evidence to show that a person in the shoes of the victim would have feared for their safety if they'd refused to provide labour or services. There was a lot of uncertainty around that element in the initial days, which led to law reform to help courts and prosecutors understand the kinds of evidence required to successfully establish exploitation.

Would I say there are gaps in the law now? It's very difficult for me to answer that. What I can say is that based on the case law, we can see that the courts are now understanding the essential requirements for the offence. They're becoming more comfortable with the kinds of evidence that are required. But by its very nature, human trafficking will always be a difficult offence to investigate because of the power dynamics between the victim and the trafficker. The importance of training and continually reinforcing knowledge among the policing and crown community is really critical, from my perspective.

● (1600)

Mr. Colin Fraser: Just briefly, what kind of sentencing range are we looking at for most convictions for this type of activity?

Mr. Matthew Taylor: I can provide the information to the committee. I didn't bring any with me today. I do know there is a broad range, from no imprisonment to significant periods of imprisonment. I wouldn't want to give you a specific number. We know there are a lot of guilty pleas for human trafficking prosecutions, and that fact factors into the sentencing, but we also know that the courts are imposing relatively stringent penalties even in guilty convictions.

I can follow up in writing.

Mr. Colin Fraser: On the mandatory minimums for this type of activity, have there been any charter challenges of those that we should be aware of?

Mr. Matthew Taylor: There are some that the department is tracking in respect of the mandatory minimum penalty for child trafficking. I don't believe there has been an outcome in any specific case yet involving a constitutional challenge to the mandatory minimums.

Mr. Colin Fraser: Thanks very much. I suspect that's my time.

The Chair: You have another minute.

Mr. Colin Fraser: Oh, do I?

Ms. Sheppard, can I ask you, then, to comment on Mr. Taylor's remarks with regard to any remaining gaps in the law, from your perspective?

Ms. Carole Sheppard: I don't have anything to add to what Mr. Taylor said. Certainly with respect to the code, as I indicated, that's not our bailiwick. We don't prosecute those offences. With respect to the Immigration and Refugee Protection Act, I don't have any observations to make.

Mr. Colin Fraser: Okay.

I'll turn to the Department of Public Safety and Emergency Preparedness. Mr. Bhupsingh, do you have any comment with regard to collaboration with international partners? How does that look from a Canadian perspective? Are we using Interpol to flag certain cases that come forward that we're aware of? Is there anything more we could be doing on that front to work with our international partners?

Mr. Trevor Bhupsingh: Sure. I'll just turn it over to my colleague Michael Holmes, and then perhaps Ms. Crampton might have some observations as well, largely because they are tied to some of the international engagement.

Mr. Colin Fraser: Okay.

Mr. Michael Holmes (Director, Serious and Organized Crime Strategies Division, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness): I would turn to the RCMP for references to Interpol.

With regard to other international engagement, there is a fairly high level of international engagement in human trafficking, from the Government of Canada's point of view. We do attend United Nations transnational organized crime meetings on an annual basis. We have, for example, a trilateral working group to combat human trafficking with the United States and Mexico, which has met annually over the last five years, coming out of a commitment made at the North American leaders' summit. We have attended the United Nations General Assembly to portray Canada's position on human trafficking in general, so there is a very wide range.

We're engaged on different aspects of human trafficking, including, for example, the idea of having a national hotline. There are international examples we are looking at for Canada to possibly pursue. The United States, Mexico, the United Kingdom, and Australia either have those kinds of systems or are looking into them as well.

There is a very broad range. I would say it's a very broadly addressed issue internationally.

Mr. Colin Fraser: Thank you, sir.

The Chair: Mr. Rankin.

Mr. Murray Rankin (Victoria, NDP): Thank you, Chair.

Thanks to all the witnesses for getting us started on this fascinating area.

I want to build on what Mr. Fraser asked Mr. Taylor about initially. I'm trying to get my head around the Criminal Code. Forgive me, but I tried, first of all, to understand where we are with Bill C-38, which you mentioned. To my understanding, the original bill, Bill C-452, was introduced by Maria Mourani to amend the code to provide for consecutive sentences for offences related to procurement and trafficking in persons, and it created what you talked about in another context, a presumption regarding the exploitation of one person by another, and added circumstances that were deemed to constitute exploitation.

Then Bill C-38, which amended that bill, passed with unanimous support almost a year ago, if I'm not mistaken, and it would implement every part of the original bill but the section that implemented the consecutive sentencing part, because the Liberals were reviewing, and still are reviewing, the issue of mandatory minimum sentences.

I just want to know if I have that right. Is that essentially correct? It's not in force yet—or is it in force?

Mr. Matthew Taylor: You're correct that the amendments that were passed through Bill C-452 by Parliament are not yet in force. Bill C-38, which was introduced by the government, is in the House of Commons currently. It proposes to amend the coming into force clause of Bill C-452 for the reasons you have outlined with respect to the mandatory consecutive sentencing. It's no surprise that it's complicated to follow because it also relates to another piece of legislation that was passed by Parliament, Bill C-36, which I spoke about, and that was the bill that enacted mandatory minimum penalties for trafficking.

● (1605)

Mr. Murray Rankin: It did contemplate partial proclamation, but nothing is yet in force. The exploitation, the reverse presumption, none of that is in force yet.

Mr. Matthew Taylor: Correct. None of that is in force.

Mr. Murray Rankin: That's what I needed to know.

I want to direct my questions on this to director Lawless, if I could. Today is an important day. We are beginning our study today, and it is also the day that our friends on the Subcommittee on International Human Rights have brought out a report, tabled in Parliament, entitled "A Global Fight: Supporting Efforts to Address Sex Trafficking in South Asia". It speaks to the international engagement piece Mr. Holmes referred to. One of the things it talks about is the multi-pronged approach to the national and international combatting of human trafficking: prevention, protection, prosecution, and partnerships globally.

On the prevention piece, I'd like to ask what steps have or could be taken at the federal level to prevent human trafficking for sexual exploitation and forced work.

Ms. Lynn Lawless: From the CBSA perspective, we take a broad, multi-pronged approach to addressing human trafficking, and it begins with our network of liaison officers abroad. We have 46 individuals abroad who are abroad specifically to work with foreign partners, including immigration, customs, border agencies, and police agencies, as well as the airline industry. They assist in identifying what we see to be trends and tendencies and share intelligence information. They share with the other partners indicators of trafficking in persons, whether it be for sex or forced labour. There is fairly active international engagement with partners to exchange that information to identify suspected trafficking organizations and to work with those parties to address that.

I've already described our role at the border, but our role actually extends in-country as well. In the context of doing other IRPA-related investigations, we often identify indicators of trafficking associated with things like undocumented labour, etc. We have a fairly broad approach, and it extends from overseas to in-country.

Mr. Murray Rankin: Commissioner Crampton, you gave us the statistic that 296 cases are before the courts at the moment. I have old data, so this may no longer speak to the problem, but the data suggests that in 2014, Stats Canada said that charges associated with trafficking in persons are often dropped. It also said that the "Majority of human trafficking court cases result in finding of stayed or withdrawn".If those statistics continue to be applicable, over half the 296 cases will be stayed or withdrawn, if the 2014 data speaks to our current situation. That's a very disturbing number.

A/Commr Joanne Crampton: It's certainly significant. I do not have those statistics, and I wouldn't be able to speak to what happens within the court process.

Mr. Murray Rankin: Ms. Sheppard.

Ms. Carole Sheppard: In preparation for my appearance, our case management system produced a report indicating that in the last 10 years there have been 12 cases in which section 118 trafficking charges were laid. Of those, two cases went to trial and resulted in acquittals, but in the one case of acquittal, the individual was convicted of a related offence.

With respect to the remainder, some are still before the court. I have looked at information related to several other cases, and although the charges under section 118 per se were either withdrawn or stayed, it was part of a resolution of the cases that saw the accused plead to other offences.

● (1610)

Mr. Murray Rankin: I understand. I think Mr. Taylor made the point that when you have new sections, you're going to have initial challenges under the charter and the like. The courts are going to get used to it, and presumably, the successful conviction rate will go up. Nevertheless, notwithstanding what you said, I think it's still a very disturbing number. It may no longer be true, but I put that out there.

Do I have time for one more question, Mr. Chair?

The Chair: Sure.

Mr. Murray Rankin: This has to do with statistics. The subcommittee report I mentioned that came out today reports that NGOs and state-level actors are "working toward eliminating sex trafficking using different definitions and a divergent method of data collection." In 2010, Stats Canada's centre for crime statistics also said that "very few organizations or government departments systematically collect data on human trafficking". It is eight years later. Is that still the case? Is there still divergent data collection? Is this a problem or not? I am asking anyone who might know.

Mr. Matthew Taylor: I do think there's still a divergence in the way in which organizations, countries, and institutions define human trafficking, and that starts from the definition of "trafficking in persons" in the UN protocol. It's a broad definition. It provides flexibility for different countries to define human trafficking in a way that's consistent with their legal systems. I think that's one of the overarching and ongoing challenges.

Then, of course, definitionally, at the local level organizations will collect information relevant to their mandate, relevant to their expertise, which may differ from, for example, the Criminal Code definition.

Mr. Murray Rankin: Right, but here in Ottawa the claim is that different departments collect it different ways and so forth. Should there be some coordination? Should there be a central repository so that we're talking apples and apples?

Mr. Matthew Taylor: There is, certainly through the efforts of the human trafficking task force, an ongoing effort to try to ensure that we're consistent as a federal government in collecting information on human trafficking. But if you think about, for example, our colleagues at IRCC, they will collect information with respect to the number of individuals who receive temporary resident permits as potential victims of human trafficking. The Department of Justice and police agencies may collect information against the Criminal Code definition of human trafficking. So there are different data sources being collected for different purposes, but all are within the broad understanding of human trafficking as we understand it in the Criminal Code.

Mr. Murray Rankin: Thank you.

The Chair: Thank you very much, Mr. Rankin.

Mr. McKinnon and Mr. Casey will be sharing the next six minutes.

Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Chair.

We have heard a lot of testimony from all of you on the number of agencies and interdepartmental organizations, task forces, both domestically and internationally. On top of that, we have a great number of different laws that can be brought to bear on different aspects of this problem. I think it was Mr. Bhupsingh who replied to Mr. Fraser that we seem to be making progress.

This what you have, but what do you need? What do you need to make your efforts more successful and more effective and to bring this crime even further to its knees?

Mr. Trevor Bhupsingh: I think one of the first things, which we've talked a little bit about, is really getting ourselves organized around the definition of human trafficking. We've heard this from the discussion just in terms of the collection of data and information. We want the advice that we're providing as public servants to the government to be evidence-based. We've struggled a bit in terms of data collection. That's for a number of reasons, and some of the reasons that Mr. Taylor mentioned, but it's also in terms of human trafficking encompassing not only sexual exploitation but labour trafficking as well. Those are clearly two different things. In terms of the disaggregation of that data, I would say it's caused us some problems going forward.

Just to answer your question, sir, I would say that one of the things we do need is better coordination in data collection. I think the other piece for me would be largely around the research into best practices for human trafficking. As Mr. Holmes mentioned, there are some really good lessons learned around things like hotlines, etc., in different jurisdictions. I think these are things we should look at going forward. I think those provide a basis for us to put forward good advice.

I would just say that the evaluation of the last national action plan that covered a four-year period between 2012 and 2016 had a lot of good recommendations in it.

● (1615)

Mr. Ron McKinnon: Would anyone else like to respond? No.

We have heard also that one of the difficulties here is that victims don't come forward. I believe that was talked about already with various members. I guess I'm interested in delving more into that. What can we do here? I mean, in cases like immigration, it's fairly obvious what we can do, but what are the other things we can do to encourage or make it easier for victims to come forward?

Mr. Matthew Taylor: Again, from a justice perspective, ensuring that the criminal justice system is a place where victims have confidence is critically important. That's important for human trafficking and it's important for gender-based violence and sexual assault. I mean, it's important across the board. The training that is provided to police officers, who are often that first point of contact with victims, is critically important to help them understand the services they can refer victims to so that victims will have the confidence to come forward and report their crimes, knowing that they'll be properly investigated.

I think that's an easy thing to say. I think it's a challenge to implement. But certainly, focusing on the awareness-raising and training, ensuring that victims feel comfortable to come forward, would make a big difference.

Mr. Ron McKinnon: Go ahead, Mr. Holmes.

Mr. Michael Holmes: I could add a couple of other elements to that. It should include trauma-informed services and providing a link between victims who do come forward, having them able to seek services that can address their particular needs. The needs of victims of human trafficking are very particular and quite different from those of many other victims of different crimes. That's an area where there could be a need.

As part of that, housing needs for victims and for survivors of human trafficking have particular elements to them that make them special. We are pursuing further research and initiatives along that line to see if those can be developed and distributed and used across Canada. There's also research and just enhancing our knowledge overall. Awareness of the particular vulnerabilities and what leads someone into being a trafficked individual is an area where we could gain better knowledge. There's also looking at demand areas and addressing the demands that lead to persons being trafficked.

Those are a few other elements where I think there is greater need for knowledge and awareness.

Mr. Ron McKinnon: Great. Thank you.

Those are my questions, Chair.

The Chair: Thank you very much.

Mr. Casey, Mr. McKinnon has pretty much taken up his time. That's okay, because now we're going to our short snapper round where anybody can ask questions, and I'd like to recognize you for the first question.

Who else has some questions they'd like to ask? Mr. Rankin, Mr. Kmiec, Ms. Rudd, and Mr. Aldag: no problem.

These are shorter questions, with shorter answers, if possible. The answers have been excellent to date.

We'll start with you, Mr. Casey.

Mr. Sean Casey (Charlottetown, Lib.): Thank you very much, Mr. Chair.

I'm just trying to get my head around how I can make this into a short question. I was on this committee back in 2014, when certain provisions of the prostitution law were found to be unconstitutional and the government was obligated to respond. We always wonder, after the exhaustive examination we did, whatever happened.

Mr. Taylor, you referred to it a couple of times, but I think Commissioner Crampton is probably closer to the ground. What impact has Bill C-36, the Protection of Communities and Exploited Persons Act, had on the phenomenon of human trafficking?

I direct it to you, Commissioner Crampton, and to you, Mr. Taylor, if you have something to add.

Thank you.

Mr. Matthew Taylor: To be very quick, because I know that's what we've been asked to do, I think we would always say that having more tools in the tool box is a good thing for police officers. We knew before the provisions were found to be unconstitutional, and since, that police officers would always, or often, charge both trafficking charges and prostitution-related offences. I think that continues to happen today. It just provides additional tools for police to respond to a particular set of facts. I think that's a good thing.

● (1620)

The Chair: I'm not that inflexible. You can ask a follow-up.

Voices: Oh, oh!

Mr. Sean Casey: Okay.

Thank you, Mr. Taylor, but I was actually hoping that one or both of you might be able to provide, if not necessarily an answer in terms of statistics and qualitatively, the impact on human trafficking and on prostitution and the impact on the ability to prosecute. I mean, you've given the general answer that I would expect from somebody in the policy division of the Department of Justice. I'm sort of hoping, if there is someone closer to the ground, they can tell us what's actually happening there—if they have that. If they don't, I expect there will be witnesses coming forward later in the study who do.

Thanks.

Mr. Matthew Taylor: We can certainly give you the statistics. I think the front-line experience is best addressed through the front-line officers.

The Chair: Thanks very much.

Mr. Kmiec.

Mr. Tom Kmiec (Calgary Shepard, CPC): At the very beginning of the presentation, either Commissioner Crampton or Madam Sheppard used the statistic of 118 convictions. I'm not sure whether it was convictions, or which Criminal Code sections we were referencing. Was it a package of them? Out of 433 cases, which I think somebody else mentioned, that would be like a 27% conviction rate.

What stat was it, and which Criminal Code sections were we referring to? Were they cases? Were they specific sections? I'm just trying to grasp the rate of conviction, basically.

A/Commr Joanne Crampton: Thank you, Mr. Chair.

I'm sorry, but which number did you refer to?

Mr. Tom Kmiec: I believe 118 was the number used.

A/Commr Joanne Crampton: It was human trafficking-specific or -related convictions, so any number of Criminal Code sections would apply.

Mr. Tom Kmiec: Okay. This is out of 433 cases?

A/Commr Joanne Crampton: That's correct, out of—sorry—455.

Mr. Tom Kmiec: That's out of 455. Okay. That's a 25% conviction rate. That's really low. What's the main problem with convicting?

A/Commr Joanne Crampton: Not all of those cases have gone through the court system yet, so the rest are still in the court system. If we go through the numbers, you would see that some are no longer moving forward, but the rest are in the court system still.

Mr. Tom Kmiec: What is the timeline for all of these cases from the moment section 271 was introduced? I just want to get an idea of the time span we're talking about.

A/Commr Joanne Crampton: This was from 2005 to November 2017. As I mentioned before, there's a caveat on those statistics, in that—

Mr. Tom Kmiec: I was just going to ask about international crimes, Mr. Bhupsingh. There were brief references to it. I know that International Justice Mission does a lot of work overseas to try to reduce the prevalence of and kind of impunity that a lot of predators and sex criminals have in jurisdictions where it's difficult to prosecute.

This question is maybe also for Madam Lawless. The Philippines is a country that has a lot of issues with this. According to International Justice Mission's website, there are cybersex crimes, where the crime is basically taking place in two different jurisdictions, with children as young as two years old being abused over the Internet or over a smartphone, but the person watching and paying for the abuse, for as little as $20, is doing so possibly in Canada. What's being done to help other jurisdictions, and in those cases, are we able to lay charges against Canadians for a crime that is committed in two different jurisdictions? Help me understand this. Can we lay a charge? Is this a criminal act in Canada? Is this something that would be easy to [*Technical difficulty—Editor*]?

Mr. Matthew Taylor: I'll start. You asked about what happens when some conduct occurs in one country and another conduct occurs here in Canada. I mentioned the extraterritorial application of our human trafficking laws. It's a slightly different scenario from what you've articulated, but if a Canadian citizen or permanent resident commits human trafficking abroad, Canada can assume jurisdiction to prosecute it here in Canada, and we will do that where the home country in which the crime has occurred is either unable or unwilling to prosecute within its jurisdiction. In terms of the scenario in which the individual is accessing the video in Canada, hypothetically, for instance, they could be charged in Canada with accessing child pornography, or things of that nature. Again, every case is going to depend on the particular facts, but there are some tools available. I think as Ms. Sheppard said, there are always challenges with transnational crimes, which take place in more than one jurisdiction.

● (1625)

The Chair: Thank you very much.

Ms. Rudd and then Mr. Rankin.

Ms. Kim Rudd (Northumberland—Peterborough South, Lib.): Thank you very much, Mr. Chair.

Thank you for joining us today. I am fascinated and depressed by some of the conversation we're having around here today.

I have a couple of fairly quick questions.

I'm going to start with you, Mr. Taylor. I believe it was you who talked about training for prosecutors and for those on the ground, if you will. Is there training for judges?

Mr. Matthew Taylor: The independence of the judiciary being what it is, most training is organized through the National Judicial Institute. The Department of Justice has looked at ways to try to partner with the National Judicial Institute to develop training around human trafficking. We continue to explore those opportunities.

I'm aware of some training that has been provided to judges, but has there been a comprehensive initiative? I don't believe so.

Ms. Kim Rudd: You may not be able to answer this question, but do you think it's something that would be of benefit to the system?

Mr. Matthew Taylor: I don't think I can answer that.

Ms. Kim Rudd: I thought you might not.

Mr. Matthew Taylor: I don't think I should answer that, but what I will say, generally, is that awareness-raising and education for those on the front lines are critically important, especially with such a complex area of law.

Ms. Kim Rudd: Thank you.

Mr. Bhupsingh, you mentioned something about group homes. I believe you said there was opportunity for this to occur within group homes. I'm curious about that, because group homes are in all of our communities. They're generally managed and licensed by provincial governments. Can you tell me why you mentioned group homes or what the experience has been with them?

Mr. Trevor Bhupsingh: Again, it's just another situation where you may have individuals who are vulnerable largely because they don't have a support structure around them and who, in group homes, potentially could be convinced to traffic. In fact, we have heard of some cases where there have been predators in group homes who try to attract individuals there and to traffic them.

I haven't heard a lot about it. These are new embers, I guess, that I would suggest. I don't have any specific circumstances that I can speak to. I know that we're starting to hear about cases like that in different jurisdictions. That was the purpose of my comment, really. It was just to, number one, identify that we do have vulnerable populations that need a targeted strategy, and that the group home situation was one that we have started to look into.

Ms. Kim Rudd: Thank you.

Do I have time for a quick one, Mr. Chair?

The Chair: One more quick question? Sure.

Ms. Kim Rudd: To you again, Mr. Bhupsingh, I think the question came up about how you track this and tie the pieces together. I do know it has always been a challenge. The Minister of Public Safety talked in the House this week about the Arachnid program and its use with online pornography, etc. Like a spider's web, it can go in and search and provide information. Do you see that tool as having potential in the work that you do?

Mr. Trevor Bhupsingh: Potentially....

For the committee, Arachnid is basically an Internet web crawler that goes through and identifies images that have previously been identified to the Internet service provider as involving the sexual exploitation of children. The web crawler goes through and identifies for the Internet service provider if those images should be taken down. It's a new tool that's coming out. There may be a potential, I suppose, for human trafficking images. There's a bit of a difference, obviously, between child sexual exploitation over the Internet and human trafficking of people. I don't see why it couldn't be used in a circumstance where human trafficking was taking place and there was child sexual exploitation attached to that.

● (1630)

Ms. Kim Rudd: Thank you.

The Chair: Mr. Rankin.

Mr. Murray Rankin: I will try to keep this really short. This is for either Mr. Taylor or Ms. Sheppard.

We're not talking IRPA; we're talking the Criminal Code. We're not talking north; we're talking south. Criminal law concerns attorneys general: it's your crown counsel in different provinces that are going to be doing this, am I right? The charging standard is also going to be different. In my province of British Columbia, you have to show a substantial likelihood of conviction. Others don't have anything like that.

I'm going to guess that the conviction rate, and even the willingness to lay charges, varies quite dramatically between the provinces. Do I have that right?

Mr. Matthew Taylor: Ms. Sheppard might be able to correct me. While the standards might be worded slightly differently in terms of charges, I think they amount to more or less the same thing: the reasonable prospect of conviction and that it be in the public interest to proceed.

I think it's going to depend on local knowledge and practice. You have some crown counsels who are becoming specialized human trafficking prosecutors and, with that, you have their experience and familiarity with the provisions. Others may approve or go forward with charges they are more comfortable with, such as a prostitution-related charge, for example.

Mr. Murray Rankin: I've certainly heard RCMP officers complain about British Columbia pretty bitterly, about the standard being very different there—but that's a longer conversation to have.

Mr. Bhupsingh, I want to go back to a comment you made about the Internet and how hard it is to get at some of these crimes. It's increasingly difficult—and organized crime is involved in a lot of this, obviously—with the increasing use of the dark web and all of the extraordinary encryption technology. It is going to make it very difficult, I would have thought, to get at some of these crimes the more that this goes on the web and the more that encryption technology is used. Is that accurate?

Mr. Trevor Bhupsingh: I can just offer general comments. Yes, I think new encryption technologies cause difficulties by hiding a lot of this information that law enforcement or others might use in pursuing some of these investigations. In general, yes, I think it's difficult, but we're developing all sorts of strategies and tools to try to get at that. That doesn't apply just to human trafficking, but a range of things takes place.

Just to comment a little bit on the first point you made about organized crime, there typically tends to be organized crime involvement in human trafficking. I would just say that it's one of many things organized crime is involved in. I know there are some recent statistics on organized crime's involvement in human trafficking. Unfortunately, I don't have them with me this afternoon, but perhaps we can provide those for you.

Mr. Murray Rankin: Thank you. That would be helpful if you could get that information.

Mr. Trevor Bhupsingh: Absolutely.

The Chair: Thank you very much.

Mr. Aldag.

Mr. John Aldag (Cloverdale—Langley City, Lib.): Thank you.

I am just visiting this committee for today. This isn't my area. I normally sit on the environment committee, so the topic of human trafficking is brand new to me. It's fascinating. I commend those of you in the field for working on this important issue and this committee for digging into it.

I have a series of questions, but I'll never be invited back if I go over my time, so I'll just throw them out there. If anybody wants to make comments, please do.

Mr. Taylor, you started with the legislative framework. As I was wrapping my head around this, it seemed that to get us to where we are today, there is some government legislation, and there have been some private members' bills. It seems that when you have private members' bills coming in on government legislation, you may not have a cohesive piece of legislation.

The first question I have relates to the legislative framework on this important topic and whether we actually have the right set of tools. Is it a bit of a hodgepodge of legislation, or do all these pieces actually fit together to give those in the field who are doing enforcement and prosecution the right tools to go after this? Do we have the right legislative tools?

Mr. Matthew Taylor: They're all in the Criminal Code. They all complement one another. As to whether we have the right mix, I think time will tell. As I said earlier in my remarks, the jurisprudence seems to suggest that the provisions are working as they were intended when debated and discussed by Parliament. In our role advising the government and the minister, we're always looking at whether the law is working as intended and then advising on what improvements can be made if desired.

● (1635)

Mr. John Aldag: It's a sort of flowing train of thought that I have here, but the questions that come to my mind include the following. Do we actually know who the victims are? From that, do we know who the perpetrators are? I think it was mentioned that organized crime is involved in this. Is it primarily organized crime driven, or are there one-off domestic individuals? What's the mix? Do we actually have the data to know who's the victim and who's doing it?

Numbers were presented. I thought those seemed low, and yet they're high for what I would expect in Canada, but then the convictions seem low, and it's been said that it's kind of working its way through the system. What's the magnitude, and do we actually have a handle on that? Do we need to do more? Is there a way of capturing what's involved with this?

Flowing from that, what's behind it? Somebody mentioned the power dynamics, but ultimately, is it about money? That brings me to organized crime. Flowing from that, I tend to think as a legislator. We're working on legalizing cannabis. Part of the motivation for that is to take billions of dollars out of organized crime's hands. If we're doing that, is it actually going to motivate them to go after other sources of revenue, such as this? Do we have the right tools? Are we prepared for that should organized crime move in that direction?

It is sort of a train of thought of questions. There's probably no simple solution, but if anyone has comments, it may help the committee members as they move forward on their report and investigation.

Mr. Trevor Bhupsingh: Why don't I start, and then I'll turn it to my colleagues?

You mentioned the stats. Just to give you a sense, we talked about the body of human trafficking cases. Ninety five per cent of those are domestic cases and roughly 5% of them are international. The majority of the domestic cases involve young female Canadians trafficked for sexual exploitation.

The latest *Juristat* on trafficking in persons, from July 2016, indicated that in, I think, a five-year period, between 2009 and 2014, 93% of human trafficking victims in Canada were female, and almost half of them were between the ages of 18 and 24. One quarter of those individuals were under 18. That gives us a little sense of who is being victimized.

The other thing I would say about that is that most of the risk, in terms of being victimized through human trafficking in Canada, tends to be for those groups that are either socially or economically disadvantaged. That's not only a domestic sort of observation; that's an international observation as well.

Maybe I could just start with some of the organized crime pieces. This crime is highly lucrative. We're hearing that somebody who's human trafficked can provide profits of up to $1,000 a day. That is highly lucrative. As we know, organized crime usually tends to move to those areas that are highly profitable.

The Chair: Thank you.

Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Chair.

Thank you to the committee.

Commissioner Crampton, I think one of the things we miss sometimes is that while we look up here, we need to look down here to see what's going on. Perhaps you can enlighten us.

It would seem that most of the human trafficking routes are the same as those used for contraband, tobacco, guns, drugs, and other things. When we talk about organized crime, we all have a different view of organized crime. At this level, outlaw biker gangs tend to be at the ground level of moving people and commodities.

As a result, when we talk about charges, frequently the police and the crown will lay charges where they believe they'll get convictions to disrupt it, and it may not be in human trafficking. Would I be half right on that?

A/Commr Joanne Crampton: Yes and no, I guess. In terms of organized crime, there's certainly a significant involvement in human trafficking. Within Canada, most of our international persons trafficked are with regard to forced labour. The rest are for sexual trade across Canada. With regard to organized crime, of the known crime groups in Canada, approximately 9% are involved in human trafficking or the sex trade. In terms of overall trafficking, I would say yes, organized crime is significantly involved. That would include biker gangs and areas like that.

● (1640)

Mr. Dave MacKenzie: Thank you. That's all.

The Chair: Thank you.

Mr. Fraser, you have a short question?

Mr. Colin Fraser: I do. It's just for a clarification, following up on Mr. Kmiec's point.

Ms. Crampton, in talking about the conviction rate, I think the number of cases of human trafficking mentioned was 455. There were 118 convictions. I understand that some are still going through the criminal proceedings, so those wouldn't be reflected.

Just to be clear on this, so that we understand it, does the 455 include cases in which the accused may have been pleading out on something else, or actually been convicted of something else, and maybe there were challenges in actually getting a conviction on that? Or are those cases that actually went to trial, and there was a guilty or not-guilty finding?

A/Commr Joanne Crampton: In the 455 cases, human trafficking-specific charges were laid. Of those, 433 were domestic; 22 were international; and 118 have successfully resulted in human trafficking-specific or related convictions.

Again, of that, 296 are still before the courts.

Mr. Colin Fraser: Okay, thanks.

The Chair: Ms. Rudd, do you have a short question?

Ms. Kim Rudd: I did. Like my colleague Mr. Aldag I'm not a member of this committee; I'm a member of the natural resources committee.

You talked about the number of cases, including those that still have go through the system and have resulted in a fairly extended time frame. Someone mentioned the victims and support for them. As some of these cases are taking what seems like a very significant amount of time to get through the system, what supports are there for these victims who are having to manage their lives while they're waiting for this process to unfold, and what are we doing to help them avoid going back into that same situation?

A/Commr Joanne Crampton: In policing we partner with victims' service, various social services, including housing, and various departments, even through the identification of sex trade workers who are at risk as well—the project that I referred to. We work with partners during that project to make sure that the supports are there for anyone who does self-identify as a victim, or as being trafficked.

The Chair: Thank you very much. That ends the questions today. I want to thank this illustrious panel for having come before us today. Your comments were very helpful in getting us started on the study. Have a lovely rest of your Thursday.

The meeting is adjourned.

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