



Type of law:
CRIMINAL LAW

A 2022 Alberta Guide to the Law

Human Trafficking



COPYRIGHT & DISCLAIMER

GENERAL

All information is provided for general knowledge purposes only and is not meant as a replacement for professional legal advice. If you have a personal legal question that requires legal advice, please consult a lawyer.

COPYRIGHT

Copyright **2022**, Student Legal Services of Edmonton. All rights reserved. Copying any material, in whole or in part, is prohibited unless prior consent has been obtained. Some material may be subject to copyright from an outside source and thus there may be different restrictions on the reproduction of this material.

LIMITATION OF LIABILITY

Student Legal Services of Edmonton is not liable for any loss or damage caused by an individual's reliance on information or material obtained from Student Legal Services of Edmonton. By accessing the information, individuals agree that any usage is at their own risk.

INFORMATION AND OPINIONS

In some instances, information obtained by Student Legal Services may have been provided by outside sources. Even with the high standards set by Student Legal Services of Edmonton, we accept no responsibility for the accuracy and reliability of the material. Opinions and Information provided by third parties does not represent that of Student Legal Services of Edmonton.

IMAGES

Icons made by Freepik from www.flaticon.com.

Infographics sourced from Piktochart from www.piktochart.com.

HUMAN TRAFFICKING

Human trafficking is controlling or influencing a person's movements in order to exploit them.

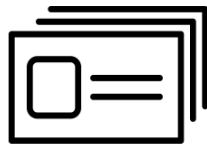
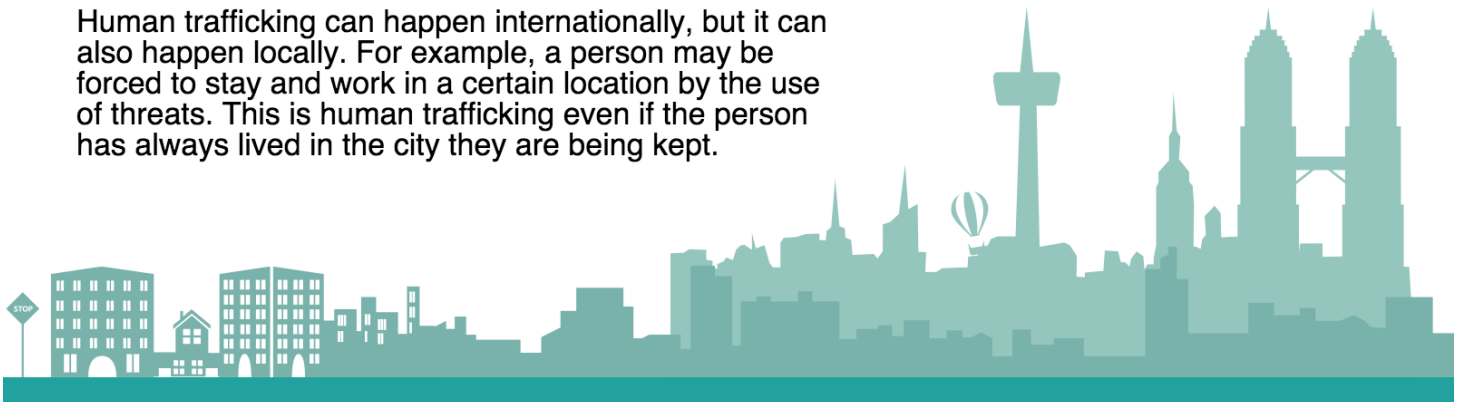


Understanding human trafficking

Human trafficking includes getting a person to work, perform sexual acts, transport drugs, or give organs by doing something that causes them to fear for their own safety, or the safety of another.

Human trafficking does not require travel

Human trafficking can happen internationally, but it can also happen locally. For example, a person may be forced to stay and work in a certain location by the use of threats. This is human trafficking even if the person has always lived in the city they are being kept.



If someone has been trafficked internationally, they can be granted a Temporary Residence Permit. This allows up to 180 days of legal status in Canada, access to healthcare, and the ability to apply for a work permit or longer stay.

It is a criminal offence to:

1. Traffick people,
2. Receive money or goods you know are a result of human trafficking, or
3. Hide or destroy travel documents to assist human trafficking.



All types of people are trafficked. This includes men, women, children, seniors, persons from rural centres, persons looking for work, and professionals.

Table of Contents

What Is Human Trafficking?	1
What Can Human Trafficking Look Like In Canada?	1
Immigrants and Trafficking	2
What Protections Are In Place For Victims Reporting Trafficking?	2
What Are The Related Offences?	4
Who Can I Call For More Help Or Information?	6

What Is Human Trafficking?

Human trafficking is controlling, directing, or influencing a person's movements in order to exploit them.

Human traffickers use a variety of tactics to facilitate the exploitation of their victims such as threats, intimidation, physical and sexual abuse, isolation, and the destruction or withholding of identification and travel documents. This typically occurs in the context of sex work and forced labour.



Exploitation is when a person is compelled to provide a labour or a service out of fear that their safety or the safety of someone they know will be at risk if they fail to comply with the demand. This extends to organ and tissue removal as well.

Human trafficking is a crime in Canada, even if, in some instances, the victim agreed or consented.

Human trafficking does not require moving the victim to a new location, or across provincial or national borders. Trafficking can happen domestically, where the entirety of the crime occurs within Canadian borders and no international border is crossed. In cases where citizens from one country are transported to another country for the purposes of exploitation, this is considered international trafficking.

The main feature of human trafficking is the **exploitation and control of persons**, which is why it is often described as a modern form of slavery.

What Can Human Trafficking Look Like In Canada?



Who are potential traffickers?

- Traffickers can work alone, in groups, or as part of large international organized crime networks
- Traffickers may claim to be an employer, or employment, modeling, talent, or housing agency in order to recruit victims.
- Alternatively, traffickers may groom victims by pretending to be a caring friend, partner, boyfriend, or girlfriend.



Who are potential victims?

- Victims of human trafficking are predominantly women and girls, but men and boys are vulnerable to human trafficking as well.

- Victims can come from rural or urban settings and vary in age.
- Exploitation may be in:
 - The sex trade,
 - Food service,
 - Domestic labour,
 - Hospitality,
 - Commercial agriculture,
 - Construction,
 - Non-unionized industries.



Trafficked persons may:

- Find themselves in a country or city they did not expect, are unfamiliar with, and cannot escape,
- Have been promised a fair job or opportunity, only to be forced to work in conditions they did not expect,
- Be told they have debt to the trafficker for transportation or living expenses, and must continue to work until their debt is paid,
- Be closely monitored,
- Fear authorities,
- Be unable to speak the local language(s),
- Be vulnerable due to poverty, unemployment, inequality, or language barriers.



Immigrants and Trafficking

Immigrants are among the most vulnerable groups to human trafficking. Often, individuals that exploit immigrants will use threats of deportation and undisclosed “expenses” related to their stay in Canada to maintain control over victims. A large chunk of labour trafficking – that is, the exploitation of individuals for their labour – occurs via the Temporary Foreign Worker Program and other methods for foreign employers to hire foreign nationals to work in Canada.

The majority of victims that suffer from labour trafficking are individuals from predominantly Asian countries who are recruited to serve as farmhands, oil workers, or other manual labour jobs via legal means. They are often recruited in their country of origin and offered the opportunity to work in Canada. They are often charged thousands of dollars for this chance and promised that they will be able to make their money back once in Canada. Upon arrival to Canada, they often find themselves in exploitative environments where they are paid below minimum wage and housed in extremely poor conditions.

Often, the employer making the job offer does not exist. Victims arrive in Canada to find that they are unable to work legally for anyone since the work permits they are given on entry only allow them to work for the non-existent employer making the job offer. They are then forced to work illegally, leaving them unable to access the justice system.

The “recruiters” that set these schemes up are often the victim’s only point of contact in Canada, functioning as their employer, their source of information about their rights and responsibilities in Canada, and their only method to contact any authorities.

What Protections Are In Place For Victims Reporting Trafficking?

1. Emergency Services
2. Canadian Human Trafficking Hotline
3. Temporary Residence Permits
4. Witness Protection
5. Community Shelters & Services
6. Victim Services

1. Emergency Services



If you, or someone you know of, are in need of immediate assistance, dial **911** to be connected to police, fire, or ambulance services.

If you want to *anonymously* report a potential case of trafficking, call the **Crime Stoppers National Tip-line at 1-800-222-8477** or refer to the hotline below.



2. Canadian Human Trafficking Hotline

As of May 29, 2019, the Government of Canada has created a hotline that connects victims and survivors of trafficking directly to shelters, law enforcement, transitional housing, long-term supports, counselors and psychological help, and other trauma-informed services. This is a **multi-lingual** service offered in over 200 languages, including accessibility options for those that are deaf, hard-of-hearing, or otherwise non-verbal.

The service is accessible to anyone who may be a victim or who suspects someone else may be a victim 24/7, 365 days of the year at **1-833-900-1010**.

3. Temporary Residence Permits

Immigration, Refugees, and Citizenship Canada provides legal immigration status to victims of trafficking by granting them a temporary residence permit (TRP).

A TRP lasts for 180 days and, depending on the victim’s situation, can be renewed at the end of the 180 days. TRPs also allow victims to access health-care benefits, trauma counseling, and applications for work or study permits to be able to legally work or study in Canada.

A victim does **not** have to testify in court against their trafficker to obtain a TRP or any other services.

4. Witness Protection



The RCMP can move, accommodate, change the legal identity, and financially support persons helping the police in order to keep them safe from a trafficker or others.

5. Community Shelters & Services



Community shelters and services can help victims by offering a place to sleep, meals, clothing, emotional support, and referrals to services that best fit their needs.

In Edmonton, persons can dial **211** to speak to an operator trained in the resources the community has to offer in order to find a safe place or other help.

Women who are with or without children and fleeing abuse can call secure shelters for a safe place to stay:

- o Lurana Shelter 24-hour crisis line: 780-424-5875
- o Elizabeth Fry Society of Edmonton: 780-421-1175
- o WIN House 24-hour crisis line: 780-479-0058
- o A Safe Place Shelter 24-hour crisis line: 780-464-7233
- o Alberta Council of Women's Shelters: 1-866-331-3933

6. Victim Services

Victim Service Units provide support and information to victims, and advocate for their rights and entitlements in the justice system and general community. They have access to a 24-hour interpretation service so they can communicate with victims in their own language.



Victims are connected to Victim Services by the Edmonton Police Service (EPS) or the Royal Canadian Mounted Police (RCMP). The EPS Victim Services Unit can be contacted directly at (780) 421-2217.



What Are The Related Offences?

The following actions are criminal offences that involve, or are related to, human trafficking:

Charge / Criminal Offence	Description	Sentence / Punishment*
1. Trafficking in persons (human trafficking) (Section 279.01 of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> Recruiting, transporting, transferring, receiving, holding, concealing, or harbouring a person, or controlling, directing, or influencing a person's movements for the purposes of exploiting them. 	Minimum: 4 years Maximum: life
1a. Trafficking of a person <u>under the age of 18 years</u> (Section 279.011 of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> Trafficking in persons when the victim is a child 	Minimum: 5 years Maximum: life
2. Material benefit (Section 279.02(1) of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> Receiving financial or other material benefit, knowing that it results from human trafficking 	Minimum: none Maximum: 10 years
2a. Material benefit from trafficking of a person <u>under the age of 18 years</u> (Section 279.02(2) of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> Receiving financial or other material benefit, knowing that it results from human trafficking of a child 	Minimum: 2 years Maximum: 14 years
3. Withholding or destroying documents (Section 279.03(1) of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> Hiding, removing, withholding, or destroying travel, identity, or immigration documents for the purposes of human trafficking 	Minimum: none Maximum: 5 years
3a. Withholding or destroying documents - trafficking of a person <u>under the age of 18 years</u> (Section 279.03(2) of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> Hiding, removing, withholding, or destroying travel, identity, or immigration documents for the purposes of trafficking a child 	Minimum: 1 year Maximum: 10 years
4. International trafficking in persons (Sections 117-120 of the <i>Immigration and Refugee Protection Act</i>)	<ul style="list-style-type: none"> Helping to move one or more persons into Canada by abduction, fraud, deception, use of force, threat of force, coercion, or any other method that contravenes the Immigration Act 	Minimum: none Maximum: \$1,000,000 and/or life imprisonment
5. Kidnapping (Section 279 of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> Moving another person to a new location, confining or imprisoning them, transporting them out of Canada against their will, or holding them for ransom 	Minimum: none Maximum: life

6. Forcible confinement (Section 279(2) of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> ● Confining, or imprisoning another person without legal authority to do so 	Minimum: none Maximum: 10 years
7. Uttering threats (Section 264.1 of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> ● Communicating a threat of injury, death, damaged property, or injured pets to another person 	Minimum: none Maximum: 5 years
8. Extortion (Section 346 of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> ● Getting (or trying to get) another person to do something by threats, tricks, or violence in order to obtain money, property, or services 	Minimum: none Maximum: life
9. Assault (Sections 265-270 of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> ● Intentionally applying force to another person without their consent, or ● Threatening to do so 	Minimum: none Maximum: 14 years
10. Sexual Assault (Sections 271-272 of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> ● Intentional contact of a sexual nature with another person without their consent 	Minimum: none Maximum: 14 years
12. Aggravated sexual assault (Section 273 of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> ● Wounding, maiming, disfiguring, or endangering the life of someone during the commission of a sexual assault 	Minimum: none Maximum: life
13. Commission of an offence for a criminal organization (Section 467.12 of the <i>Criminal Code</i>)	<ul style="list-style-type: none"> ● Committing a serious crime for the benefit, at the direction of, or in association with, a criminal organization 	Minimum: none Maximum: 14 years

***Note:**

- Maximum sentences generally reflect the more extreme ends of the spectrum.
 - For example: if the offence was committed with a weapon or caused serious bodily harm to the victim.
- Minimum sentences generally reflect situations that aren't quite as extreme, or are otherwise at the lower end of the spectrum.

Who Can I Call For More Help Or Information?

Reporting Trafficking

Edmonton Police Services	Emergency: 911 Non-Emergency Ph: 780-423-4567 OR #377 from a cellphone in the Edmonton area
---------------------------------	---

Emergency and non-emergency police service.

Canadian Human Trafficking Hotline (for REPORTING and ASSISTANCE)

Ph: 1-833-900-1010

A one-in-all stop for victims of trafficking.

Crime Stoppers National Tip-line (anonymous)

Ph: 1-800-222-8477

Website: www.canadiancrimestoppers.org

A hotline to report criminal activity anonymously.

Child Abuse Hotline

Ph: 1-800-387-KIDS (5437)

Website:

<https://www.alberta.ca/get-help-for-child-abuse-neglect-and-sexual-exploitation.aspx>

A hotline to report instances of child abuse and receive help.

Assistance & Information

Canadian Human Trafficking Hotline (for REPORTING and ASSISTANCE)

Ph: 1-833-900-1010

Hotline for reporting, information, support, connections to shelters, mental health services, etc. Available in over 200 languages and support for those with hearing loss or deafness.

Chrysalis National Human Trafficking Toll-Free Line

Ph: 1-866-528-7109

Website: www.chrysalisnetwork.org

Free, confidential counseling service for women, men, & youth who have been trafficked or are sex workers.

Victim Support Services (Downtown)

9620 103a Avenue, Edmonton, AB

Ph: 780-421-2760

Website:

<https://www.edmontonpolice.ca/CommunityPolicing/FamilyProtection/CTSS>

Information, support, referrals. Service available in multiple languages.

ACT Alberta (Action Coalition on Human Trafficking)

Ph: 780-474-1104

Website: www.actalberta.org

Assistance for victims of human trafficking, training, & education for professionals working with trafficked persons.

Changing Together: A Centre for Immigrant Women 9538 107 Avenue, Edmonton, AB	Ph: 780-421-0175 Email: info@changingtogether.com Website: www.changingtogether.com
---	--

Help for immigrant women in abusive situations (example: information about deportations, Canadian law, safety planning)

Immigration, Refugees, and Citizenship Canada	Ph: 1-888-242-2100 Website: https://www.canada.ca/en/immigration-refugees-citizenship.html
--	---

Immigration Canada handles all immigration, visa, refugee, and citizenship matters. While they have some availability to assist by phone, they have a comprehensive website that provides answers to many questions and you are also able to check on the status of an application online.

Counselling and Support

Support Network 24-Hour Distress Line	Ph: 780-482-4357 Website: www.yourlifecounts.org/crisis-lines/support-network-distress-line
--	--

Someone to listen & talk to when life hurts. If you are thinking of suicide please call.

Sexual Assault Centre of Edmonton 24-Hour Crisis Line	Ph: 780-423-4121 Website: www.sace.ca
--	--

Confidential support for anyone experiencing or affected by sexual violence, or anyone supporting someone affected by sexual violence. The crisis line is available 24/7, 365 days a year.

Family Violence 24-Hour Info Line	Ph: 780-310-1818
--	-------------------------

The Family Violence Info Line provides callers with an opportunity to speak with trained staff regarding their situation and options. Resources may be available in Arabic, Blackfoot, Chineses, Farsi, French, Plains Cree, Punjabi, Spanish, and more. Note, if there is immediate danger, call 911.

CEASE (Centre to End All Sexual Exploitation)	Ph: 780-471-6137 Website: www.ceasenow.org
--	---

Counseling, trauma recovery, and other supports for individuals experiencing exploitation.

City of Edmonton Assessment & Short-Term Counseling Services	Ph: 780-496-4777
---	-------------------------

Free short-term individual counseling, free family violence support groups facilitated by a social worker, free cell phones for victims of family violence.

YWCA Counseling Centre 10402 124 Street, Edmonton, AB	Ph: 780-423-9922 ext. 222 Website: www.ywcaofedmonton.org
---	--

Counseling offered on a sliding scale (may be free depending on your income) for healing from violence, exploitation, addictions, and a variety of other concerns.

Momentum Walk-in Counseling #706 - 5241 Calgary Trail, Edmonton, AB	Ph: 780-757-0900 Website: www.momentumcounselling.org
---	---

Drop-in counseling session offered on a sliding scale (may be free depending on your income), designed to be a one-time experience

First Nations and Inuit Hope for Wellness Help Line	Ph: 1-855-242-3310 Website: https://hopeforwellness.ca/home.html
--	--

Over-the-phone or online chat counseling and crisis intervention offered to all Indigenous peoples across Canada in English, French, as well as Cree, Ojibway, Inuktitut on request.

Emergency & Second Stage Shelter Hotlines

211 Hotline	Ph: 2-1-1
--------------------	------------------

Call 2-1-1 for a directory of shelters, agencies, and other resources in Edmonton.

Alberta Council of Women's Shelters (ACWS)	Ph: 1-866-331-3933
---	---------------------------

ACWS offers a toll-free line that can connect you with a women's shelter near you.

Emergency Shelters

Edmonton Women's Shelter (WIN House)	24-Hour Crisis Ph: 780-479-0058 Website: www.winhouse.org
---	--

WIN House is an emergency shelter for women and children seeking to leave a domestic violence situation. They also provide programming to help women become better equipped in stabilizing the changes in their life and strengthen them against various challenges they may encounter.

Lurana Shelter Society	24-Hour Crisis Ph: 780-424-5875 Website: https://cssalberta.ca/Our-Services/Domestic-Abuse-Shelters-Support/Lurana-Shelter
-------------------------------	---

The Lurana Shelter Society provides child care, emergency shelter and support, and outreach services. They aim to provide multi-faceted supports for women and children, who have experienced or are experiencing domestic violence, transition away from the violent environment and into a more stable, safe, and healthy environment.

Senior's Association of Greater Edmonton (SAGE)	Ph: 780-423-5510 Website: www.mysage.ca/help/seniors-safe-house
--	--

The Seniors Association of Greater Edmonton (SAGE) provides a multitude of programs and services to seniors in order to support the safety, security, and well-being of a senior. These programs and services include housing referrals, emergency safe houses for elders leaving abusive situations, income tax preparation, legal information on guardianship and trusteeship, lunch and learn seminars, counselling, and multicultural group support.

A Safe Place (Sherwood Park)	24-Hour Crisis Ph: 780-464-7233 Website: www.asafeplace.ca
-------------------------------------	--

A shelter and support for abused women and their children, including free transportation (from Edmonton, Sherwood Park, & Fort Saskatchewan) for admission to the shelter.

Women's Emergency Accommodation Centre (WEAC) 9611 106 Ave, Edmonton, AB	Ph: 780-423-5302 Website: https://e4calberta.org/shelter-housing/
--	---

An emergency place to stay for homeless women, new women admitted at 9pm every night.

Hope Mission Emergency Shelter 9908 106 Ave, Edmonton, AB	Ph: 780-422-2018 Website: www.hopemission.com/edmonton/shelter-housing/
---	--

Hope Mission provides various services for individuals and families, including several meals a day, health care, shelters, housing, and addiction recovery. The programs are spread out over several locations, such as the Herb Jamieson Centre, Tegler Youth Centre, Immigration Hall, and the Hope Bargain Shoppe.

Second Stage Shelters

La Salle Residence - Catholic Social Services	Ph: 780-391-3174 Website: https://www.cssalberta.ca/Our-Services/Domestic-Abuse-Shelters-Support
--	---

Transitional housing for up to a year & support for women and their children who have left abuse and are transitioning from a front-line crisis agency. The shelter provides support and counselling to women and their children. Residents are expected to pay a basic monthly rent.

Wings of Providence	Ph: 780-426-4985 Website: www.wingsofprovidence.ca
----------------------------	---

Offers a second-stage shelter and affordable housing for women with children who have experienced family violence. The shelter is available for longer-term stays. WINGS also provides support and programs that help with domestic abuse.

Legal Resources

Legal Aid Society of Alberta 10320 102 Avenue, Edmonton, AB	Ph: 1-866-845-3425 Website: www.legalaid.ab.ca
---	---

The Legal Aid Society of Alberta functions to assist low-income Albertans with certain types of legal matters. Assistance is provided through information, referrals, advice, and/or representation, depending on what your matter is and which eligibility guidelines you meet.

Emergency Protection Order Program	Ph: 780-422-9222
---	-------------------------

The Emergency Protection Order Program is for those who have been the recipient of family violence and are seeking immediate protection from further harm. The free program will provide help with risk assessments and safety plans, provide information, and provide a lawyer for the purpose of obtaining an Emergency Protection Order (EPO). This lawyer is not being provided to assist you with anything beyond the EPO.

Lawyer Referral Service	Ph: 1-800-661-1095 Website: www.eclc.ca/lawyer-referral-service/
--------------------------------	---

The Lawyer Referral Services can connect you with lawyers who can help with your issue. When you call, you will speak to an operator and you will describe the nature of your problem to them. The operator will then provide you with the contact information for up to three lawyers who may be able to assist you. When contacting these referred lawyers, make sure to let them know that you were given their information by the Lawyer Referral Service. The first half hour of your conversation with a referred lawyer will be a free consultation and brief advice session.

Edmonton Community Legal Centre Telus House, South Tower 2 nd Floor - 10020 100 Street Edmonton, AB T5J 0N3	Ph: 780-702-1725 Website: www.eclc.ca
--	---

Edmonton Community Legal Centre (ECLC) provides legal services for low-income Albertans in certain areas of family and civil law. These services include free legal information, referral, and legal education. ECLC may also be able to provide legal advice if you fall within their eligibility criteria. Much of their legal information can be found on their website, as well as the time, dates, and locations of their public legal education programs. Additionally, ECLC has a fee waiver program if your income and document fall within their guidelines.

Student Legal Services of Edmonton Criminal Law Office: #100, 9924 106 St Civil/Family Law Office: 11036 88 Ave	Ph: 780-492-2226 Website: www.slsedmonton.com
--	---

Law students able to provide free legal information and referrals.

Dial-A-Law by Calgary Legal Guidance	Ph: 1-800-332-1091 Website: http://clg.ab.ca/programs-services/dial-a-law/
---	---

Dial-a-Law is provided by Calgary Legal Guidance for all Albertans. You can call the toll-free number to receive general information on a variety of legal topics. If you have access to a computer, you can go to their website and choose to either read or listen to the information.