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The Evangelical Fellowship
of Canada

**Human Trafficking:
A Report on Modern Day Slavery in Canada**

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Executive Summary

Human trafficking, the capture and confinement of individuals for the purposes of sexual exploitation, abuse and enslavement, occurs today at an alarming rate (an estimated 12.3 million people are coerced into forced labour or sexual exploitation around the world). What many find shocking is that it occurs in Canada and that Canada is used as both a transfer location and a destination country for human traffickers.

Studies have shown that the number of occurrences of human trafficking increases dramatically before, during and following international events, such as was experienced at the Greek Olympic Games in 2004 and at FIFA World Cup events. Given that Canada is hosting the Vancouver Olympic Games in 2010, it is time for Canada to step up development of policies and legislation in order to prevent trafficking and to protect its victims.

There are many examples of effective national legislation on which Canada can rely, most notably successful initiatives undertaken by the U.S. government. Further, the United Nations has put forth a three pronged approach to combating human trafficking which includes the:

- 1) Prevention of trafficking, both at the source and destination of trafficking,
- 2) Prosecuting traffickers, and
- 3) Protecting victims of trafficking.

While Canada has developed initiatives to address each of these three approaches, we respectfully submit that more can and should be done. Canada needs a broad and coherent action plan that addresses human trafficking within our unique national framework as well as being a responsible nation member of the international community. The urgency that currently presses upon the Canadian government to develop such policies in light of the 2010 Olympic Games provides a unique opportunity for Canada to not only address the tragedy that is human trafficking, but to become an international leader in anti-trafficking measures.

This report will review and consider current steps being taken relative to the prevention of trafficking, the prosecuting of traffickers and the protection of victims and will recommend further steps that the government of Canada can undertake to better reduce, and one day hopefully eliminate, trafficking in Canada and beyond.

An online version of this report, *Human Trafficking: A Report on Modern Day Slavery in Canada*, can be found at www.evangelicalfellowship.ca.

Part 1: Introduction

Lila, a 19-year-old Romanian girl who had already endured physical and sexual abuse from her alcoholic father, was introduced by an “acquaintance” to a man who offered her a job as a housekeeper/salesperson in the UK. When she arrived in the UK, the man sold her to a pimp and Lila was forced into prostitution. She was threatened that she would be sent home in pieces if she did not follow every order. After an attempted escape, her papers were confiscated and the beatings became more frequent and brutal. Months later, after being re-trafficked several times, Lila was freed in a police raid. She was eventually repatriated back to Romania where, after two months, she fled from a shelter where she had been staying. Her whereabouts are unknown.¹

While this particular story happens to be about a girl who was lured to the UK under false pretenses and then sexually exploited and abused, the unfortunate truth of the matter is that a countless number of similar cases occur in Canada as well.

History has shown Canada to be a leader in anti-trafficking movements, being the first jurisdiction in the British Empire to limit slavery in 1793.² It was years later when the rest of the British Empire caught up to Canada’s initiative with the *Abolition of the Slave Trade Act*, passed by the British Parliament in 1807. Despite Canada’s strong history in this area, the shocking reality today is that thousands of women and children are trafficked internationally into Canada and domestically within Canada every year.³ The treatment of individuals as slaves is still occurring; only this time it is far less visible, yet just as sinister and unjust. As a result, here again is an opportunity for Canada to be a world leader in responding to the urgent and devastating crisis of this modern form of slavery.

a. Defining the term “Human Trafficking”

The Central Intelligence Agency (CIA) World Factbook has defined human trafficking as “Modern day slavery involving victims who are forced, defrauded or coerced into labour or sexual exploitation.”⁴ Essentially, human trafficking can be considered less an issue of transporting individuals against their will, and more a crisis of modern day slavery and

¹ United States Department of State, Office to Monitor and Combat Trafficking in Persons, *2008 Trafficking in Persons Report*, “Country Narratives,” page 5.

² Ontario Bicentenary of the Abolition of the Slave Trade, <http://www.citizenship.gov.on.ca/english/about/bicentenary> (accessed on April 17, 2009).

³ Frank Stirk, “Christians unite to deter Olympics sex traffickers,” *Canadian Christianity*, March 20, 2009.

⁴ CIA World Factbook, “Trafficking in Persons,” <https://www.cia.gov/library/publications/the-world-factbook/docs/notesanddefs.html> (accessed on April 17, 2009).

exploitation of human beings.⁵ Lack of consent and forced exploitation are characteristics that mark human trafficking as being distinct and separate from migrant smuggling or other immigration issues. Article 3 of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially women and Children* defines the requisite elements of trafficking to include:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.⁶

b. Nature and Extent

An estimated 12.3 million people are coerced into forced labour or sexual exploitation around the world.⁷ The exact numbers on the magnitude of the situation are difficult to ascertain given the largely underground nature of this crime, that is to say it continues to be a crime that is largely underreported.⁸ Although both men and women are victims of trafficking, from cases that have been reported, sexual exploitation appears to be the most highly represented form of exploitation, and the victims of this particular crime tend overwhelmingly to be women and children.⁹ The second most common form of exploitation is forced labour, which predominantly uses men and children.¹⁰ The UN Office of Drugs and Crime allows that there may be other forms of exploitation that occur when people are trafficked, but those other forms tend to be underreported and less visible so the extent to which they occur is unknown.¹¹

c. Consequences of Human Trafficking

i. Rising Profits

Human trafficking is a lucrative crime for its perpetrators. This crime is now listed as the 2nd most profitable organized crime, following the international drug trade, with an

⁵ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons*, February 2009, page 6 http://www.unodc.org/documents/Global_Report_on_TIP.pdf (accessed on April 17, 2009) [Global Report].

⁶ Please see the Appendix I, at the end of this report.

⁷ UN International Labour Organization, as referenced in the CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/docs/notesanddefs.html> (accessed on April 17, 2009).

⁸ Global Report, *supra* note 5, Executive Summary.

⁹ *Ibid.*, page 11.

¹⁰ *Ibid.*, page 6.

¹¹ Lists other forms of exploitation such as bonded labour, domestic servitude, forced marriage, organ removal; children in the sex trade, street begging and warfare (Global Report, *supra* note 5, page 7).

estimated global profit of \$31.6 billion annually.¹² Victims are coerced into trafficking through a variety of ways: they are forcefully taken, taken in by false opportunities, or sold by family members to then be exploited in any number of ways for the monetary benefit of the traffickers.¹³ The reality of human trafficking is that it is a high impact, low risk crime, in that traffickers stand to gain a great deal of money from perpetrating this crime while the risk of getting caught is relatively small as the offence involves the exploitation of “hidden populations.”¹⁴ Additionally, many countries have not created comprehensive legislation on human trafficking in a way that adequately prosecutes traffickers.¹⁵

ii. International – Cross Borders Nature of the Crime

Human trafficking starts from a regional context, with most traffickers being of the same nationality as their victims.¹⁶ However, there is clear evidence to show that human beings are also trafficked beyond their regional and local contexts into foreign and international territories.¹⁷ This is a problem both for the local country, as its citizens are being forcibly removed from their homes, as well as for the destination countries, where victims of trafficking are brought to be subjected to exploitation and often inhumane treatment. In North America, most of the victims of trafficking detected were from Latin America and the Caribbean, although East Asia has the highest numeric outflows of trafficking victims of any region in the world.¹⁸

iii. Impact of trafficking on Victims

The impact of trafficking on victims cannot be understated. The emotional, psychological, physical and spiritual scars of abuse and exploitation as a result of trafficking can last for years, even after the victim has been rescued.¹⁹ There is no standard treatment for victims but there are some common characteristics of victims and some general realities that are often faced by victims of trafficking regardless of nationality and nature of exploitation. Victims of trafficking are often people who are already in vulnerable circumstances, which makes them easy prey for human traffickers and also compounds the impact of the exploitation and abuse that victims experience as a result of trafficking.²⁰

¹² Laura Mills, “The Stakes of Modern Slavery”, Columbia Spectator, February 24, 2009, <http://www.columbiaspectator.com/2009/02/24/stakes-modern-slavery> (accessed on April 17, 2009) [Modern Slavery].

¹³ *Ibid.*

¹⁴ United Nations Global Initiative to Fight Trafficking, *Background Paper: Vienna Forum Quantifying Human Trafficking*, February 2008, page 8 [Vienna Forum].

¹⁵ *Ibid.*, page 4.

¹⁶ Global Report, *supra* note 5, page 11.

¹⁷ *Ibid.*, page 61.

¹⁸ *Ibid.*, page 65.

¹⁹ United Nations Office on Drugs and Crime, United Nation Global Initiative to Fight Trafficking, *An Introduction to Human Trafficking, Vulnerability, Impact and Action*. 2008 [UN GIFT], page 4.

²⁰ *Ibid.*, page 67.

Factors that contribute to vulnerability may be broad and varied for individuals, but some conditions of concern include²¹:

Gender, poverty, social and cultural exclusion, limited access to education, political instability, war and conflict, social cultural and legal frameworks.

Some general effects of trafficking that victims commonly experience include short and long term physical injuries, sometimes resulting in death, as well as psychological and emotional disorders such as post-traumatic stress disorder, anxiety, depression, alienation, disorientation and aggression.²²

Part 2: International Response

a. United Nations

The most comprehensive response to human trafficking from the UN has been in the form of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* adopted by the UN General Assembly in Resolution 55/25. At present, 117 countries are signatories to the Protocol, including Canada.²³ The UN Protocol has been set up in such a way as to provide guidance for the implementation of domestic legislation and national anti-trafficking strategies within the signatory States. In essence the Protocol has approached human trafficking in 3 specific areas: preventing trafficking, protecting victims of trafficking and prosecuting trafficking offenders.²⁴

Prevention

Article 9 of the Protocol encourages member states to be active in their efforts to prevent trafficking, and in so doing lead civil society to play an active role in preventing the occurrence of human trafficking.²⁵ Specifically, the Protocol encourages states to act to prevent the criminal activity of trafficking as set out in Article 3, and also to reduce the vulnerability of people who are at risk of being victims of trafficking.

The difficulties in prevention techniques and strategies exist both at a policy level and also at the implementation level largely due to the fact that there are multiple reasons for why trafficking occurs and those reasons vary in all situations. Nevertheless the most comprehensive approach to prevention has been on three levels: 1) prevention at the point of origin; 2) interference with traffickers in transit and; 3) prevention in geographic areas where trafficked persons are exploited.²⁶ The latter approach is perhaps the most relevant for a destination country like Canada, since this approach highlights practical strategies

²¹ *Ibid.*, page 75.

²² *Ibid.*, page 9.

²³ The Future Group, *Faster, higher, stronger: Preventing Human Trafficking at the 2010 Olympics*, November 2007, page 7 [Faster, Higher, Stronger].

²⁴ Global Report, *supra* note 5, page 22.

²⁵ UNGIFT, page 64.

²⁶ *Ibid.*, page 114.

that can be implemented within Canada's own borders. In any case, the strategies of prevention should be considered on each level in order to provide the most effective and substantial response to the issue of trafficking.

i. Prevention at the origin

Strategies for prevention at the origin site - areas where people are more likely to be forced into trafficking, are focused on the objective of preventing vulnerable people from being caught in the trap of trafficking and exploitation. The methods used are mainly targeted towards raising public awareness of the dangers of trafficking to people who are at high-risk of being forced into trafficking, as well educating the general public about this crime and how to recognize it. Television, films, music, brochures, pamphlets and other media and entertainment venues have been used to increase awareness of trafficking at this level.

To a lesser extent, prevention at the origin includes strategies to improving the training and educational opportunities of people who are particularly vulnerable to sexual exploitation and trafficking in different countries, which most often includes women and children.

ii. Interfering with traffickers in transit

The aim of this approach is to stop traffickers before they reach their final destination. The most common problem with this attempt at prevention is that it requires the correct identification of victims and traffickers. Identifying victims of exploitation, sexual and otherwise, is already a difficult proposition when victims are in the destination countries; it is much harder to identify the elements of this crime when the exploitation may not yet be made manifest.

iii. Prevention at the destination.

Since trafficking occurs both at a national and an international level, prevention strategies at the destination place of exploitation are particularly important. Since the demand for forced labour and sexual exploitation exist at the destination, prevention strategies here are most effectively targeted at regulating and diminishing the demand for exploitation. Many countries addressing anti-human trafficking agendas specifically target industries or sectors that are unregulated and open to abuse by traffickers. Some examples of such industries include domestic work in private homes or the modeling industry, which is unregulated in Canada and a popular way of enticing young women into trafficking.²⁷ However the most commonly unregulated sector that cultivates exploitation is the commercial sex trade.

²⁷ Report of the Standing Committee on the Status of Women, *Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada*, February 2007[Report of the Standing Committee].

Many have argued that prostitution and commercial sex work are inherently exploitative to women and children and should not be legalized, or decriminalized.²⁸ To this end the 2006 UN Special Rapporteur on Trafficking in Persons Especially Women and Children report to the UN concluded that prostitution was inextricably linked with human trafficking and to support prostitution is to inevitably support the trafficking of women and children.²⁹ A similar conclusion was drawn in the Report of the Standing Committee on the Status of Women presented to the Canadian Parliament in February 2007. In this report, the Committee found that trafficking, particularly for the purpose of sexual exploitation, has a strong correlation with prostitution and that prostitutes should be treated as victims of sexual exploitation and not as criminals.³⁰ Further, the Report contrasted the Canadian legal approach to prostitution, which is not in itself illegal, with Sweden, a country that has expressly criminalized the purchase of sexual services. The report found that Sweden's condemnation of prostitution as a societal problem, and the distinction made to regard prostitutes as victims of sexual exploitation and not as criminals, has contributed to a significant decrease in street prostitution and human trafficking.³¹ The Swedish government has said, "International trafficking in human beings could not flourish but for the existence of local prostitution markets where men are willing and able to buy and sell women for sexual exploitation."³²

Prosecution of human trafficking offenders

Article 5 of the Protocol expressly lays out the obligation for member countries to implement domestic legislation that criminalizes human trafficking. This presents the challenge for Member States to assess how to develop and utilize their legislation most effectively. This is a challenge that involves all levels of the criminal justice system, from police officers arresting perpetrators or actively seeking out victims to prosecutors and judges interpreting application of the law. With the implementation of appropriately punitive laws, states should be actively pursuing perpetrators of trafficking and seeking to find and help victims.

At the outset, in apprehending the perpetrators of human trafficking crimes, one of the greatest challenges for law enforcement officials is correctly identifying victims of trafficking.³³ There are many complexities that arise from this challenge, and numerous countries have attempted to address the difficulty of identification by creating checklists that help highlight traits of adults who are victims of trafficking.³⁴ Similarly, the United Nations Children's Fund (UNICEF) has also created a checklist to help identify if children have been trafficked.

One of the more progressive approaches for apprehending traffickers and releasing victims is to conduct unannounced raids in locations that are suspected of hosting the

²⁸ UN GIFT, page 118.

²⁹ *Ibid.*

³⁰ Report of the Standing Committee, *supra* note 27, page 15.

³¹ *Ibid.*, page 15.

³² United States State Department, Global Affairs, "The link between prostitution and trafficking" November 2004, page 2.

³³ UN GIFT, page 112.

³⁴ *Ibid.*

exploitation of trafficking victims.³⁵ This is a practice that a number of countries have adopted. However, while raids clearly have a benefit in catching the accused unaware, they also have the potential to be harmful to either the victims or other innocent people, so special attention should be given to the manner in which the raids are conducted.³⁶ According to the Asian Pacific Forum of National Human Rights Institutions, procedural guidelines and specialized training should be implemented before law enforcement conduct a raid, in order to protect the human rights of the victims, and the due process rights of the accused.³⁷

Protection of victims

Articles 6-8 of the Protocol are concerned with protecting the well-being of victims by ensuring that their human rights are respected. The protocol's consideration of protection reflects the reality that even after victims of trafficking have been identified and removed from the immediate situation of exploitation, their need for protection extends beyond their rescue. States are to protect victims of trafficking by addressing: a) the victim's housing needs (Article 6); b) their status in the receiving state (Article 7); and, c) repatriation of victims of trafficking (Article 8). The Future Group characterizes the essential groups of need as: 1) Residence, 2) Support, and 3) Investigation.³⁸

i. Residence

The need for residence corresponds with Articles 7 and 8 of the Protocol and it addresses the concern of whether victims can stay in the country in which they were rescued, either permanently or temporarily. Assessing whether victims are able to stay in the country following their rescue is usually a matter for a country's citizenship and immigration department/ministry to determine. Since this is an area left to the discretion of individual countries, there are no standard minimum criteria for when repatriations should occur and thus there is variation amongst different countries.

One of the greatest dangers here is that a victim will be repatriated, that is returned to their home country, where they may be subject to cruel treatment as a result of their exploitation abroad, or they may be re-trafficked.³⁹ The occurrence of victims being repatriated only to be re-trafficked again happens in the absence of a risk assessment that considers the possibilities that await the victim in their home country.

Another concern is that victims should be able to stay in the country in which they were rescued for the length of time necessary to participate effectively in any criminal proceedings. From a technical point, a victim of trafficking would be the most compelling witness to testify about their experience of exploitation. It would then seem necessary to

³⁵ *Ibid.*, page 111.

³⁶ Damien Cave and Yolanne Almanzar, "Tactics Used in US Raid Draw Claims of Brutality." *New York Times*, December 9, 2008.

³⁷ UN GIFT, page 111.

³⁸ The Future Group, *Falling Short of the Mark: An International Study on the treatment of human trafficking victims*, March 2006 [Falling Short of the Mark].

³⁹ UN GIFT, page 122.

have some way of keeping them in the country or region where they were rescued, sensitive to not doing so against their will and thus re-victimizing them.

ii. Support

The need for victim support is referenced in Article 6 of the Protocol and it encompasses a multitude of concerns, including psychological and medical needs, as well as the immediate need for shelter and appropriate housing. The trauma experienced by victims while being trafficked and exploited cannot be understated, and the need is quite urgent once victims have been rescued. Countries that comply with Article 6 of the Protocol often have services and programs aimed at providing assistance to victims to help them recuperate from the effects of what they have survived and also to provide training, information and education about their future. In some countries, a successful model for this has been the establishment of schools for abused adolescents who were once victims of trafficking, providing them with education and vocational training while under the care of a social worker.⁴⁰

While there is no internationally mandated guideline for what constitutes adequate support, one commonly held principle is that in the prosecution of a trafficking case, it is the trafficker that is prosecuted and not the victim. To this end, the detention of victims is emphatically discouraged, and people who are rescued from trafficking should be considered as victims and not as criminals.⁴¹

iii. Investigation

This element corresponds with Article 6(1), 6(2) and 6(5) of the Protocol and the need for investigations relies very heavily on well-trained law enforcement officers. The term investigation encompasses the necessary fact finding that police officers must do in order to construct the elements of the crime of trafficking, as well as the need to physically protect the lives of the victims from their traffickers.⁴²

The most relevant concern with respect to protecting the victims is that the law enforcement agents and other frontline workers must know what to do when they encounter a victim of trafficking, including the necessary steps to take in order to protect them. To this end, in compliance with this Article, many countries have started training programs for their law enforcement agents, including border officials, in order to enhance their capacity to handle human trafficking cases.⁴³

⁴⁰ UN GIFT, page 123.

⁴¹ Report of the Standing Committee, *supra* note 27, page 40.

⁴² Falling Short of the Mark, *supra* note 38, page 33.

⁴³ Report of the Standing Committee, *supra* note 27, page 28.

b. Country Profile

United States

The United States has perhaps one of the most comprehensive and thorough frameworks to combat human trafficking. In 2000, the US government enacted the *Victims of Trafficking and Violence Protection Act* (TVPA) and most recently, the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*. The TVPA provides for the creation of the Office to Combat and Monitor Trafficking in Persons that is responsible for implementing a coordinated effort to combat trafficking by ensuring that the requirements of the Act are followed. The TVPA also requires an annual report of the progress and efforts of the US to provide effective measures to prevent trafficking, prosecute traffickers, and effectively protect trafficking victims. Most notably the TVPA considers the effectiveness of initiatives not only in the US, but also in other countries throughout the world, in their Annual Country Reports⁴⁴ on Human Rights Practices.⁴⁵

Prevention

i. Prevention at the origin.

Through the Office to Combat and Monitor Trafficking in Persons, the US government has spent millions of dollars overseas in an effort to eliminate trafficking. The government has supported the efforts of developing nations in enacting legislation and training law enforcement officials in creating comprehensive anti-trafficking strategies in their own countries pursuant to the minimum requirements set out by the TVPA.⁴⁶ Further, under the TVPA, the US is not only obligated to help other countries meet the minimum requirements of eliminating human trafficking, but where countries do not meet the minimum requirements and are not making significant efforts to do so, the US has committed to taking actions against these states.⁴⁷

ii. Prevention in transit

The US is largely a destination country, and the efforts taken to prevent trafficking are largely directed toward traffickers in their countries of origin and upon reaching their destination.

iii. Prevention at the destination

The US has a broad campaign for raising awareness about trafficking in the general public. Posters, publications, and pamphlets have been widely circulated and are

⁴⁴ US Department of State Country Reports on Human Rights Practices, <http://www.state.gov/g/drl/rls/hrrpt> (accessed April 17, 2009).

⁴⁵ *Trafficking Victims Protection Act 2000*, <http://www.state.gov/documents/organization/10492.pdf> (accessed on April 17, 2009).

⁴⁶ Human Trafficking, www.humantrafficking.org (accessed on April 17, 2009).

⁴⁷ *Victims of Trafficking and Violence Protection Act*, sections 109, 110.

available online in a number of different languages highlighting the dangers of trafficking and the nature and extent of the crime.

As well, the US has expressly stated that there is a correlation between prostitution and the sexual exploitation of women and children as a result of trafficking. The US government has held a policy since 2002 that supports the view that prostitution is “inherently harmful and dehumanizing” and its existence fuels the demand for trafficking and the continued exploitation of women and children.⁴⁸ To encourage public awareness on this issue the US government has released fact sheets highlighting the connection between prostitution and trafficking and the need to address prostitution in an effort to prevent trafficking and its consequences.⁴⁹

Prosecution

In addition to the TVPA, the William Wilberforce Victim Protection Act signed by former President Bush in December 2008, essentially reauthorizes the TVPA and ensures that the US will expand criminal provisions that relate to trafficking with the added responsibility to combat trafficking while being proactive in protecting victims.⁵⁰ The US approach to prosecuting traffickers emphasizes the need for adequately severe punishments and the State Department advocates for significant prison terms to meet this requirement.⁵¹ Further, the US Department of Justice has expressly stated that they are aggressively pursuing convictions of traffickers.⁵²

Protection

i. Residence.

Under the TVPA and its subsequent re-authorizations, special visas, termed as T visas, are available to identified victims of trafficking to allow them to stay temporarily or in some cases permanently in the US. The visas are issued with the awareness that victims might be in need of protection from returning to their home countries where they would be subject to inhumane treatment and other significant hardship. As well, the victims can stay in the US to actively participate in any criminal proceedings against their traffickers.⁵³

ii. Support

In addition to the TVPA, the US Department of Health and Human Services has initiated

⁴⁸ US State Department, Bureau of Public Affairs, “The Link between Prostitution and Trafficking”, page 1 [Link].

⁴⁹ *Ibid.*, page 1.

⁵⁰ *William Wilberforce Victim Protection Act* 2008.

⁵¹ US State Department Office to Monitor and Combat Trafficking in Persons, “Punishing Trafficking Offenders, Adequately”, *Trafficking in Persons Report*, 2008.

⁵² *Ibid.*

⁵³ Human Trafficking, www.humantrafficking.org (accessed on April 17, 2009).

the Campaign to Rescue and Restore Victims of Human Trafficking.⁵⁴ The US has created this campaign in compliance with the TVPA which considers the government of a country responsible for the well-being of the victims found in its territory and as such, the obligation falls on the state to provide the victims with health care, counseling and access to a trained social worker.

iii. Investigation

The TVPA expressly mandates that the rights and dignity of victims are to be respected while law enforcement officials vigorously investigate the facts surrounding the criminal acts of trafficking. Further, victims are not expected to identify themselves, and so comprehensive and highly trained law enforcement protocols are necessary to help identify victims and traffickers, respectively.

Part 3: Canada's Response

Canada is a party to the UN Protocol, and consequently has obligated itself to combat trafficking by implementing efforts to: 1) prevent its occurrence, 2) create legislation that criminalizes trafficking and effectively prosecute traffickers, and 3) provide protection and assistance to victims of trafficking.

Prevention

In efforts to prevent human trafficking and exploitation, the Canadian government has implemented a variety of approaches, including prevention through research, public education and the involvement of law enforcement and civil society.

i. Prevention at the origin.

To help prevent trafficking of persons in origin countries abroad, the government of Canada has created a 14 page booklet that is distributed in 14 languages entitled, *Don't Become a Victim in the Illegal Trade in Peoples*.⁵⁵ The booklet is to be used as an educational warning to people about what human trafficking is and some of the ways in which people can be trapped into it. Additionally, the booklet identifies legal consequences for people convicted of trafficking in Canada, and also resources for victims who find themselves trapped in exploitation in Canada.

Additionally, Canada supports prevention efforts overseas by contributing to anti-trafficking prevention programs that exist in Latin America, West Africa, and Southeast Asia.

⁵⁴ US Department of Health and Human Services, <http://www.acf.hhs.gov/trafficking> (accessed on April 17, 2009).

⁵⁵ Government of Canada, Department of Justice, <http://www.justice.gc.ca/eng/fs-sv/tp/pub/brochure/index.html> (accessed on April 17, 2009).

ii. Prevention in transit

Canada does not have an extensive scheme for preventing trafficking in transit. However, RCMP and other law enforcement agents, non-government organizations (NGOs) and other community groups are cooperating to create a national coordination network. To this end, the RCMP have created the Human Trafficking National Coordination Centre (HTNCC) which works with law enforcement agencies across Canada to devise a standard protocol for identifying victims and traffickers on the frontlines.⁵⁶

iii. Prevention at the destination

In 2006 the government commissioned a report from the Standing Committee on the Status of Women to investigate the status and varied causes of human trafficking in Canada and to offer up viable recommendations for ways to address the issue.

One approach recommended in the Committee's report was to increase outreach and awareness to the general public so that those trapped as victims of trafficking would have some means to gain help. The government has provided funding to existing initiatives to strengthen that commitment, including a national awareness campaign, a 24-hour hotline and funding to NGOs like the Canadian Centre for Child Protection, that are focused on ending child sexual exploitation.⁵⁷ The public awareness campaigns include a poster titled, *People for Sale in Canada?*, which was distributed in 17 languages.

In addressing exploitation in the illegal commercial sex industry, offenders convicted of soliciting prostitution are sent to "john schools" where they are taught about the consequences of their exploitative behavior.⁵⁸

Prosecution

At present, no legislation has been implemented for the specific offence of trafficking a person under 18 years of age, although Canada has created laws with respect to human trafficking in general, both in the *Criminal Code* and in the *Immigration and Refugee Protection Act* (IRPA). In the *Criminal Code*, the relevant legislation criminalizing human trafficking is found in section 279, and in the *Immigration and Refugee Protections Act*, trafficking in persons is criminalized in section 118. Currently, a Private Member's Bill brought forward by Conservative Member of Parliament Joy Smith: Bill C-268, *An act to amend the Criminal Code to increase the minimum sentences for persons who are involved in trafficking children under the age of 18 years old*, awaits Parliament's consideration.

The prosecution of trafficking offenders is a significant concern in Canada since efforts in this arena have not been very successful in the past, with few convictions and light

⁵⁶ RCMP Human Trafficking National Coordination Centre, <http://www.rcmp-grc.gc.ca/imm-passp/htncc-cnctp-eng.htm> (accessed on April 17, 2009).

⁵⁷ US State Department, *2008 Report on Trafficking in Persons*, "Country Narratives", <http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm>.

⁵⁸ *Ibid.*

sentences. Proper resources and specialized training for law enforcement continues to be an area requiring attention.⁵⁹

Protection

Canada has taken some steps to provide adequate protection and assistance for victims of trafficking but more is needed.

i. Residence

Most notably, the Department of Citizenship and Immigration has extended the Temporary Resident Permit from 120 days to 180 days, which means that victims of human trafficking once rescued can have some assurance that they will not be immediately deported. However, a necessary component to the effective use of the Temporary Permits is that victims are correctly identified. This is still a challenge for law enforcement officials, as many victims continue to be deported because they were not identified as victims.

ii. Support

The Canadian government has been heavily criticized for failing to do more to support victims in finding shelter and receiving adequate psychological and medical help. While the government has contributed funds to support organizations that provide frontline outreach for victims, NGOs and faith-based organizations have asserted that they have contributed more to victim protection and assistance than the government has.⁶⁰

iii. Investigation

Increasingly, the government is expanding the area of human trafficking investigations and is doing so most notably in British Columbia. One example of this is the creation of a human trafficking office in British Columbia, specialized in providing resources to victims as well as training and capacity for law enforcement agents.⁶¹

Part 4: The Challenge of Vancouver Olympics 2010

For Canada, the exciting prospect of hosting the 2010 Olympic Games is marred by the fact that traffickers very likely consider the games as a business opportunity.⁶² In terms of human trafficking, the Olympic Games actually serve to create a wider market for sexual exploitation and an opportunity for a considerable number of people to enter Canada.

⁵⁹ Report from the Standing Committee, *supra* note 27, pages 21-23.

⁶⁰ US State Department, *2008 Report on Trafficking in Persons*, "Country Narratives", <http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm>.

⁶¹ *Ibid.*

⁶² Faster, Higher, Stronger, *supra* note 23, page 4.

Past Olympic Games and world sporting events have evidenced a direct correlation between trafficking and international events of this kind.⁶³ Countries that have hosted such events have reported significant increases in the number of trafficking victims who have been identified, and suspect there are many more who remain unreported.⁶⁴ The danger is not that human trafficking will be introduced to Canada, but rather, that the existing rate of human trafficking in Canada will be increase dramatically in conjunction with the Olympic Games.⁶⁵

Vancouver, as the site of the Olympic Games, is a city considered to be especially vulnerable to trafficking.⁶⁶ At present, Vancouver is both a destination city for exploitation and a transit point into the US. In preparation for the 2010 Olympics, the governments of Canada, British Columbia and Vancouver should look to past experiences of countries that have hosted international sporting events and learn from their mistakes. A report by The Future Group has shown that Greece, a country with significant trafficking problems that hosted the 2004 Olympic Games in Athens, did not exhaust their opportunities to prevent trafficking. As a result there was an immediate increase in the number of trafficking victims in that region in 2004 and though that number decreased slightly in 2005, it was still considerably higher than it was in the year before the Games.⁶⁷

A contrast between the 2004 Olympic Games in Athens and the 2006 World Cup in Germany illustrates that preventative measures such as those taken by Germany for that event can have a deterrent impact on human trafficking.⁶⁸

From the German experience in 2006, it is clear that as a result of the influx of people into the country for the sporting event, there was an increased demand for prostitution.⁶⁹ Germany's strategy to combat trafficking emphasized national cooperation and a uniform framework across the country, as well as the involvement of the government, law enforcement and civil society, including churches, counseling services and NGOs. The German strategy to combat trafficking included campaigns to raise public awareness of trafficking, hotlines for victims to contact, increasing resources of the police, and heightened police presence throughout the major areas where the World Cup games took place, as well as increased efforts to create an effective protocol for police to identify victims of trafficking. In addition, the potential increase of trafficking into Germany during the World Cup was a concern to many countries around the world, and many were on hand to support Germany's public awareness campaigns in their own countries which resulted in an overall increased international awareness of the issue.⁷⁰

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*, page 9

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*, page 11.

⁷⁰ International Organization for Migration, *Trafficking in Human Beings and the 2006 World Cup in Germany*. September 2006, page 17 [Trafficking and the World Cup].

One difficulty in assessing the full impact of the preventative strategies in Germany is that Germany has a legal commercial sex industry, so that the increased demand for prostitution might have been met with domestic and temporarily licensed prostitutes. For countries that do not have a legalized commercial sex industry, there is the danger that the demand for prostitution will provide an incentive for traffickers, both domestic and international, to increase the supply of prostitutes by forcing trafficking victims to be sex workers.

Greece

The Greek government's approach to tackling human trafficking during the 2004 Olympic Games appears limited when contrasted with Germany's efforts at the World Cup. What the Greek government did do was focus its attention on two arenas to combat trafficking: providing free legal intervention for victims and the prevention of 'contagious diseases.'⁷¹ The most effective anti-trafficking strategy for the Games in Athens was undertaken by nongovernmental organizations that targeted child trafficking. The government supported the NGOs by creating "human trafficking monitors" to investigate trafficking in children.⁷²

Comparative data from 2003 to 2004, in the year of the Olympic Games in Athens has revealed that the number of identified trafficking victims increased by 95% and declined in 2005 by "24% but was still up by 47% from 2003."⁷³

Part 5: Summary and Recommendations.

When faced with the atrocities of human trafficking and the reality of this modern day slavery, Canada, along with other countries must make every effort to effectively tackle this issue. With the upcoming Olympic Games in 2010, the need to respond is a pressing matter in order to avoid exacerbating the present reality of human trafficking in Canada and particular in Vancouver.

The Evangelical Fellowship of Canada (EFC) supports existing initiatives of the government of Canada and encourages greater steps to bring an end to trafficking in Canada in all its forms and wherever it is found.

The most effective strategy for action against human trafficking targets 3 specific areas: preventing human trafficking, prosecuting traffickers and protecting victims of trafficking. Going forward, Canada's action plan should continue to enforce present activities that combat trafficking, but it should also directly consider adopting methods that specifically speaks to the upcoming Olympic Games in Vancouver. To this end the Government of Canada should consider the following recommendations:

⁷¹ *Ibid.*, page 12.

⁷² Faster, Higher, Stronger, *supra* note 23, page 13.

⁷³ *Ibid.*, page 14.

Prevention

- Raising Public Awareness in the source countries

The Canadian government should be commended for the continued commitment to supporting developing countries in raising public awareness of trafficking in their communities. This commitment should be continued, but also targeted in the immediate future to raising awareness about how the upcoming Olympics present a trafficking risk for many vulnerable people.

- Raising awareness at the destination

More can be done to raise public awareness of the dangers of trafficking to people who are at a high risk and also to the general public. One lesson from the German experience has shown that a national public awareness campaign that informs people at risk of being trafficked and also educates the general public about trafficking and how to recognize it is a positive and effective prevention strategy. The Canadian government should support efforts by NGOs and faith-based organization such as The Salvation Army who are planning a public awareness campaign with posters, brochures and bulletins for the general public as well as training for frontline workers in how to identify victims of trafficking.⁷⁴

- Regulating and diminishing the demand for exploitation

Many countries have targeted industries or sectors that are unregulated and open to abuse in an effort to prevent trafficking by reducing the demand for exploitation. Following the examples of Sweden and the US, Canada could do more to focus on one of the most common areas of exploitation: prostitution. Further studies and action in regard to the links between prostitution and human trafficking in Canada would be especially recommended.

Sexual exploitation in British Columbia is already a problem and with the Olympic Games coming up this situation is likely to be exacerbated.⁷⁵ RCMP and other law enforcement bodies should pay special attention to the known areas of prostitution in Vancouver and in other parts of British Columbia.

Prosecution

The Canadian government has made good steps towards creating a legal framework that criminalizes human trafficking by enacting IRPA section 118, and Section 279 of the Criminal Code, but the EFC believes that more is needed.

- Enact Bill C-268, *An act to amend the Criminal Code to increase the minimum sentences for persons who are involved in trafficking children under the age of 18 years old* put forth by Member of Parliament Joy Smith

⁷⁴ Frank Stirk, "Christians unite to deter Olympics sex traffickers," Canadian Christianity, March 20, 2009.

⁷⁵ Faster, Higher, Stronger, *supra* note 23, page 7-8.

Bill C-268 proposes legislation that would ensure that individuals convicted of trafficking children would receive minimum sentences of five years for their crime. By enacting this legislation, the Canadian Government would be taking a positive step to catch up with other countries that have already enacted similar legislation expressing that exploitation of children is unacceptable and traffickers should be aware of the consequences of such deplorable behavior.

- Support law enforcement agencies and the RCMP in nationally coordinated efforts against trafficking

The RCMP created the Human Trafficking National Coordination Centre in 2005, and in 2008 the British Columbia Government opened the Office to Combat Trafficking in Persons. Both initiatives are necessary steps forward that should be commended. The government should support such endeavors and provide resources as necessary to improve specialized training of officers and agents working to combat trafficking in this capacity.

- Ensure sufficient personnel in law enforcement capacity

As taken from the German example, more police officers and front line workers should be available during the Olympic Games and receive training that allows them to identify victims of trafficking and procedural steps to take to address those situations.

Protection

Protecting victims of trafficking should take place in a holistic manner through a coordinated effort that includes civil society and law enforcement agencies in order to respond effectively and appropriately to the needs of trafficking victims once they have been identified. The British Columbia Office to Combat Trafficking in Persons has approached the responsibility of protecting victims in a manner that emphasizes the human rights of the victims and attempts to address their multiple needs such as health, housing, counseling and language needs.⁷⁶ Similarly, the Canadian government should:

- Increase support for NGOs and organizations like The Salvation Army that provide immediate shelter for victims, and make greater efforts to provide appropriate shelter;
- Ensure that sensitivity to victims in situations of exploitation should be an emphasized part of training for law enforcement agents, immigration workers, social workers and other representatives of the government;

⁷⁶ British Columbia, Office to Combat Trafficking in Persons, <http://www.pssg.gov.bc.ca/octip> (accessed on April 17, 2009).

- Include training related to undertaking risk assessments for victims in order to ensure that victims are not deported to inhumane conditions that support re-trafficking.

APPENDIX I

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000

Article 3

Use of terms

For the purposes of this Protocol:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

Article 4

Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

Article 5

Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
 - (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
 - (b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and
 - (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

II. Protection of victims of trafficking in persons

Article 6

Assistance to and protection of victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
 - (a) Information on relevant court and administrative proceedings;
 - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
 - (a) Appropriate housing;

(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;

(c) Medical, psychological and material assistance; and

(d) Employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Article 7

Status of victims of trafficking in persons in receiving States

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

Article 8

Repatriation of victims of trafficking in persons

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is

its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

III. Prevention, cooperation and other measures

Article 9

Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

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