

Mount Royal University
Department of Economics, Justice and Policy Studies

Subjugated Innocence:
Domestic Child Sexual Exploitation in Canada

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By

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Abstract

In this comprehensive literature review, the author examines child sexual exploitation from a Canadian perspective. The focus was on understanding what Canada's definition of human trafficking is, how Canada views the exploitation aspect and how that has translated into Canadian legislation. Victims of domestic child exploitation are almost always girls between the ages of 13-17 and most commonly Caucasian. This profile could be skewed by the clandestine nature of this crime and that what is known about victims is based only on police-reported data. Risk factors highlight that those who are most vulnerable are girls, Indigenous, runaway or throwaway youth and LGBTQ+. This literature review highlighted that there is a lack of understanding of how male youth, as well as Indigenous youth, are trafficked. It also highlighted that more is needed to be learned about the various forms of child sexual exploitation.

The second half of this literature review was investigative, in that it aimed to learn more about prevention and intervention programming, including how they work and apply knowledge to create effective and holistic programming. It then concludes with overviews of some noteworthy programs that assist Alberta victims specifically.

Land Acknowledgement

I want to acknowledge that as a student of Mount Royal University, I am privileged to attend an institute that sits on Treaty 7 Territory. I am currently residing on the traditional land of Moh'kinsstis, and the Treaty 7 territory of the Blackfoot confederacy: Siksika, Kainai, Piikani, as well as the Îyâxe Nakoda and Tsuut'ina Nations. This land is also home to the Métis Nation of Alberta, Region 3 within the historical Northwest Métis homeland.

The original spirit of treaty 7 is one of peace and cohabitation, not land surrender. My family of settler descendants are able to live on this territory and honour this land because of the hospitality of the Indigenous Nations and Peoples both past and present.

It is also critical to acknowledge the legacy of colonization and the impact it has had on both Indigenous peoples as well as settler descendants. Colonial ideals and white supremacy still define our society, oppressing Indigenous Peoples. All Canadians must acknowledge that we benefit from this oppression. We also must acknowledge that this oppression is unjust and that it needs to be eradicated from our society.

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Subjugated Innocence

Human trafficking is a worldwide issue where women, men and children face circumstances that seriously violate their human rights (Ibrahim, 2018). It is estimated that human trafficking is one of the most profitable criminal activities worldwide and that annually thousands of men, women and children are victims both internationally and within their home countries (Ontario Women's Justice Network (OWJN), 2018b; United Nations Office on Drugs and Crime (UNODC), n.d.a). According to UNICEF Canada (2017), 72% of trafficking victims are sexually exploited. Canada is both a transit and destination country for human trafficking and sexual exploitation, where most reported cases involved the sexual exploitation of women and girls (OWJN, 2018a; Dalley, 2010). Statistics show that most of the reported cases in Canada are domestic cases or cases where the entire crime occurs within Canadian borders (OWJN, 2018b).

Even though the world started to take notice of human trafficking in the 1930s, it was not until the United Nations (UN) Convention on the Rights of the Child was released in 1989 that the world began to pay attention to the child victim (United Nations (UN), 2020b; UN, 2020c). In 2000, the UN released the first child-specific convention that condemned child trafficking and child sexual exploitation (UN, 2020c). Despite it being 18 years since the UN agreed that children needed special protections within the Convention of the Rights of the Child, when it came to human trafficking, children were not considered as needing special protections (UN, 2020c).

Although there are multiple aspects of human trafficking or trafficking for sexual exploitation, this thesis cannot focus on all of it. Instead, it focused on domestic child sexual exploitation within Canada. It examined Canadian content created starting in 2000 onwards, as

that is when child sexual exploitation began to be widely considered, both internationally and in Canada.

This thesis gathered information, reports and secondary data from various sources while focusing on answering the following research questions:

1. How do youth victims of sex trafficking present in Canada, what are the common risk factors and common types of harm and traumatization for this type of victimization?
2. What intervention programs are available in Alberta for child and youth victims of sex trafficking?

Alberta is one province in Canada that has legislation that allows Child and Family Services and a police officer to apprehend and protect a youth who is involved, or at risk of being involved, in sex work and sexual exploitation. Understanding how this legislation fits within the broader context of child sexual exploitation and inside Canada emphasises the inherent value and need for legislation such as this.

Child sexual exploitation is an industry based on demand for victims. Understanding who the victims are, what risk factors lead to increased vulnerability of victimization, who the offenders are and how victims are targeted and victimized is important to understand to create effective policies, programs and laws that work to stop child sexual exploitation. In Canada, victims can come from all walks of life, but certain risk factors lead to increased victimization across all individual and collective forms of child sexual exploitation in Canada. This includes historic Canadian events such as colonization, residential schools, and laws that criminalized victims and people of colour, as well as the continued effects of colonization of Indigenous

Peoples in Canada makes them especially vulnerable. Despite knowing a lot of these specific risk factors for Canadian youth, there is no universal Canadian risk assessment tool available.

As trauma is a major risk factor, understanding how victims are traumatized will assist with understanding what programming needs to be made available, how it should be made available and what needs to be done to not only increase the success of exiting and recovery but to also prevent re-victimization. It is therefore important to understand who the exploiters are and what tactics they use to gain control of youth so that they can exploit them. This will allow programming to target these actions to break the hold that traffickers have on the victims. It is also important to understand who drives the industry by purchasing children for sexual acts. By understanding the ways that perpetrators purchase a child, the places that they commit these abusive acts, and what kinds of children are in demand will provide authorities with a clearer picture of how to investigate and how to catch both the trafficker and the customer.

The next focus of this paper is understanding how to prevent child sexual exploitation and assist those who have already been victimized with recovery and reintegrating into society. This is mostly achieved through government and non-governmental agencies that provide programming for victims and work to educate stakeholders and the public. This crime is pervasive in the shadows which makes it especially hard to battle. Agencies and groups that work directly within this sphere help to illuminate victims, perpetrators and customers through prevention strategies. These strategies include both risk mitigation and increasing global understanding to aid in identifying victims, which leads to the identification of traffickers and customers. Prevention requires a holistic multifactional approach that involves not just police

or these agencies, but also educators, extracurricular coaches and mentors, parents, youths and youth peers, stores and businesses, medical staff and security. The agencies primary goal for prevention is educating not just themselves but anyone with a role to play in fighting child sexual trafficking while providing preventative programs that mitigate risk factors and teach the child what healthy relationships are both with others and themselves.

Recovery and reintegration efforts by these agencies generally target the victim directly by offering harm reduction programming, crisis intervention and long-term programs that work to facilitate healing and prevent revictimization. They use all the information that was learned from the literature review to enhance their programming and tailor their resources to allow them to support the victims in the ways they need it most. They are based on notions of respect, dignity, empowerment and trauma-informed care. This paper then highlights some agencies who focus on working with child sexual abuse victims or those at risk.

For this paper, youth are defined as anyone under the legal age of eighteen years old at the time of the research. Sexual exploitation is defined as a subtype of human trafficking, where a person causes or forces someone else to provide a sexual act or service by engaging in conduct that could objectively be seen to risk causing that person to fear for their or someone else's safety should they fail to comply (Barnett, 2005). The terms trafficking and exploitation will be used interchangeably as child sexual exploitation is a form of sex trafficking in persons. Indigenous youth are any youth who self-identifies as being First Nations, Métis, or Inuit to the lands of Canada, and non-Indigenous youth are those who do not identify as Canadian Indigenous, including those from other nationalities, races or residence status.

The paper discusses the differences between human smuggling and trafficking by highlighting that exploitation is the key concept behind trafficking. It is key to understanding trafficking both on an international and domestic sphere to understand what exploitation is and how each faction goes about not just defining it but how they prevent it. This is especially true within Canada as there are separate *Criminal Code* provisions for sexual exploitation and trafficking-related exploitation. Once we understand what trafficking and sexual exploitation are, we can better understand the scope of the problem and the implications that result from that.

Methodology

The purpose of this review is to provide a pinpointed understanding of youth sex trafficking in Canada and how intervention programs play a role in prevention and recovery in Alberta.

This paper is a combination of a literature review about the current state and knowledge about child sexual exploitation in Canada and a look at what current intervention programming is available in Canada and Alberta. The purpose is to offer a complete and comprehensive understanding of what child sexual exploitation is, how it has evolved over time both internationally and within Canada, while also providing an understanding of the current landscape of intervention programming within Canada but specifically Alberta and how they work within Alberta's PSECA legislation.

Various academic and grey literature, as well as international, national, and provincial legislation, was gathered to be analyzed. This thesis begins with examining the international and Canadian definitions of trafficking in persons and how they differ.

All data for the literature review was collected from scholarly articles, government studies and surveys, official statistics, RCMP and other police agency reports, Provincial and Federal statutes, intervention agency annual reports and websites. The articles and data sources were gathered from scholarly article databases accessed via MRU's library, open-source repositories, Government, policing and intervention websites and annual reports. The sources were evaluated for applicability based on the scope of the data. The process for data to be analysed started with grouping the data into main and sub-topics, then it was critically assessed to highlight themes related to the research questions.

The data collected on programming for Alberta intervention programs was sourced from their websites and annual reports. The collection of data was focused solely on programs provided by both government and non-government organizations that directly target youth sexual exploitation victims in Alberta.

The paper then considers how relevant International legislation and statutes have evolved and how by Canada ratifying them has affected Canadian laws through statutes and legislation. It is also important to understand how Canadian laws have evolved independently and how they work within the other frameworks all of which intrinsically condemn human trafficking and specifically child sex trafficking.

Sexual Exploitation

Defining Trafficking

Human trafficking encompasses many types of harms. Terms like sexual exploitation and forced sex work are often used interchangeably but are actually different forms of trafficking activities that fall under the umbrella of human trafficking.

Many academics use the term smuggling and trafficking interchangeably when they are two different crimes. Trafficking always involves exploitation, which means that the victim is forced into doing certain actions, where they cannot freely consent to cross borders or boundaries. The key point is that the exploiter then maintains control over the victim through violence, threats, coercion etc. Smuggling is where someone is moved across a border, with consent, where the relationship is then ended once the border has been crossed (Ibrahim, 2018; OWJN, 2018b). Those who consent to be smuggled into another country could result in human trafficking, but trafficking is not smuggling because the relationship between the controller and the victim does not end (Ibrahim, 2018; OWJN, 2018b). This means the exploitation does not end, even if that person is being moved between or within borders (Ibrahim, 2018; OWJN, 2018b).

The UNODC (n.d.a) highlighted that there are three main elements within a definition for human trafficking. The first is the action, or what is happening; the second is the means, or how the action is being performed; and the last is the purpose, or the reason for the action (UNODC, n.d.a). This means it can involve recruiting, transportation, transferring, receiving, hiding or holding a person and exercising control via physical force or psychological control, where the perpetrator directs, influences and forces someone's movements, actions, and participation in things to exploit them (Ibrahim, 2018; OWJN, 2018a).

The Palermo Protocol is currently the only international instrument with an agreed-upon definition for trafficking in persons (Dalley, 2010). The 2000 Palermo Protocol defined the international definition of trafficking in persons:

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 (UN, 2000, p. 2).

The Canadian Council for Refugees (CCR) (2003) pointed out that this definition is inadequate as it does not include the full spectrum of incidents of trafficking that occurs within Canada such as sex work and child pornography. The Standing Committee on the Status of Women (2007) supported the CCR's stance, saying that the marked lack of clarity weakened the definition. Wijers & Lap-Chew (1999) pointed out that definitions should include but also go beyond incidents such as sex work, procurement, and transportation of victims to include coercive actions that create brothels and mail-order brides and that coercion should be emphasized as the element that turns actions from voluntary to 'trafficking'. The Canadian National Coalition of Experiential Women agreed by saying that all definitions must highlight that coercion was the basis of exploitation activities (Stewart, Robertson, Smyth & Casey, 2007).

The Palermo Protocol while limiting the definition in some of its wording, does an adequate job of ensuring that the reader understands that one cannot consent to the act of exploitation due to the very nature of the crime. The definition makes it clear that coercion is the tool used by perpetrators to control and force victims to participate in an exploitative action. The listing of specific actions and methods in which a perpetrator controls the victim is a double-edged sword. On one hand, by listing specific actions and methods of control the

definition is explicitly condemning these acts. This sends a clear signal to perpetrators and victims that these are unacceptable. The problem with this is that it limits its scope and adaptability over time. It is a well-understood fact that most laws are written in a semi-vague manner so that the laws can grow and adapt along with society and criminal methods. The listing of specific actions such as recruitment, coercion, or fraud within the Palermo definition creates a finite concept of trafficking thus retarding the growth potential of the provision to allow it to adapt to new understandings of trafficking and new methods that are used in trafficking. It has only been within the last 20-25 years that the world focus on human trafficking and exploitation began, about the same time that this definition was released (Colbourne, 2004). Since then the understanding of human trafficking has changed, yet the Palermo Protocol definition has not (OWJN, 2018a; UN, 2000).

Bill C-49 came into force in 2005 in Canada and created three specific provisions for trafficking in Canada for the first time (Barnett, 2005). The Bill also introduced a Canadian definition for human trafficking that is almost identical to that of the Palermo Protocol but is less restrictive in its wording allowing for more adaptability over time (Dalley, 2010). Under section 279.01, the *Criminal Code* defines trafficking as:

279.01 (1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence (*Criminal Code*, RSC 1985, c. C-46 at s. 279.01).

The statute includes concealment and holding as part of the actions of control, which allows for a broader interpretation of the law. The addition of concealment or hiding someone

from others against their will as well as the addition of holding or having possession of someone without their will expands the definition to include cases of kidnapping and stowing of victims. It opens the crime to now include hiding or keeping a victim for someone else to exploit, thereby ensuring that those who assist traffickers can also be prosecuted within Canada.

The Palermo Protocol lays out specific means of control, where the Canadian law says that exercising control, direction or influence are considered means of control. The *Criminal Code* has separated both youth and adult trafficking charges as well as setting different terms for punishment depending on the form of trafficking behaviour. The separation of adult and youth makes it clear that instances of human trafficking of youth are particularly denounced. The emphasis is further itemized by the higher mandatory minimum sentence of incarceration for convictions of violence used during trafficking such as kidnapping, aggravated assault (sexual or not), and when causing death. In other forms of trafficking without such violence, and for both adult and youth victims, there are other punishments with no mandatory minimum sentence of incarceration.

Exploitation

The focus of this thesis is the sexual exploitation of children, but what exactly does exploitation mean? Exploitation includes sex work, forced pornography, other forms of forced sexual services, forced labour, slavery and slavery-like practices, servitude, and organ removal (UNODC, n.d.b). It is at its core, a commercial exchange system where the 'goods' is a victim being induced in some manner to participate in exchange for something, be it currency,

housing, food, paying off a true or false debt, etc. The victim is usually not the one receiving any of the 'payments' from the exploitive services (Royal Canadian Mounted Police (RCMP), 2013).

Bill C-49 in Canada titled *An Act to amend the Criminal Code (trafficking in persons)* came into effect on November 25, 2005, creating the first human trafficking-specific provisions in Canada (Barnett, 2005). The bill essentially took trafficking in persons from a global context and ratified the UN Palermo Protocol into Canadian law. It created three specific provisions that focused on the prohibition of trafficking, the economic benefit and victim's identification documentation while also bolstering various other provisions as discussed above (Barnett, 2005).

It also laid out a specific definition for the term exploitation (Barnett, 2005). This resulted in there now being two individual exploitation provisions in the *Criminal Code of Canada*:

279.04 (1) For the purposes of sections 279.01 to 279.03, a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service
(*Criminal Code*, RSC 1985, c. C-46 at s 279.04)

It is important to note that the wording of this statute directly ties it to the trafficking provisions that were also created with Bill C-49. It also removes the transportation element, opening its use to any trafficking situation, be it internationally into Canada, or domestically

within Canada. Therefore, expanding the human trafficking provision to include activities where a victim is not moved at all.

It also opens this provision to include forced organ and tissue removal as a form of trafficking as well as situations of exploitation where actions such as deception and threat of or use of force are used (OWJN, 2018a; Ting & Showden, 2019; Barnett, 2005).

Sexual Exploitation

Canada also has a statute that is specific to sexual exploitation. This provision allows for prosecution of those who use their position of power or trust to influence or force the child (anyone under the age of 18) to engage in sexual acts with them or with another person. The *Criminal Code of Canada* under Section 153(1) for sexual exploitation is:

153 (1) Every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person, and who

(a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or

(b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person (*Criminal Code*, RSC 1985, c. C-46 at s 153 (1))

Sexual exploitation involves victims being induced into engaging in a sexual act for exploitation purposes (RCMP, 2013). Sexual exploitation is an international issue and is perhaps

one of the most extreme forms of sexual abuse (Fernando, 2002). It is often directly connected to other human rights issues such as poverty, gender relations, social exclusion, child labour, discrimination, racism, and sexual health through victim's circumstances (Fernando, 2002).

Sexual exploitation occurs in many forms, with a wide range of abusers and varies in the degree of impact it has on victims (Fernando, 2002). Sexual exploitation can present as sex work, exotic dancing, sex tourism, child pornography, pornography, trafficking for sexual purposes, escort services, child marriage, mail-order brides, and other forms of forced marriage (Hay, 2004; Fernando, 2002; OWJN, 2018a). These acts occur in massage parlours, private homes, hotels, back alleys, parks, truck stops, modelling agencies, exotic dancing clubs, escort agencies, karaoke bars, truck pads, and brothels, with only about 20% to 50% being visible from the streets, depending on the form (Dalley, 2010; Hay, 2004; RCMP, 2013).

Child sexual exploitation occurs in the same forms as adults, but most incidents occur in three forms; child sex work, child pornography, and trafficking for sexual purposes, such as sex tourism or sexual slavery (Fernando, 2002; Hay, 2004). Herrmann (1987) indicated that all forms of child exploitation are intrinsically interconnected to each other (as cited in Fernando, 2002). UNICEF Canada (n.d.) reported that worldwide that over 500 million children are victims of violence, exploitation and abuse annually. They continued that the estimated number of sexually exploited girls is over 150 million & 75 million boys (UNICEF Canada, n.d.).

In 1989, the UN Convention on the Rights of the Child was created and lays out the basic human rights for children (Dalley, 2010). In it, the UN defined a 'child' as any person below the age of 18 (Dalley, 2010). Since then, the term child has branched out and now includes terms

such as ‘youth’, ‘adolescent’, and ‘minor’, all of which will be used interchangeably in this paper (Dalley, 2010).

In 1996 at the World Congress against Commercial Exploitation of Children in Stockholm, dignitaries declared that commercial child sexual exploitation is not only a fundamental violation of children’s rights but also a contemporary form of slavery (Fernando, 2002; Hay, 2004). The Stockholm Declaration defined child sexual exploitation as sexual abuse where the child is considered a commercial sexual object, coercion and violence are used against children for control, and that it is a form of forced labour (Fernando, 2002; Hay, 2004). Fernando’s (2002) definition emphasised that the use of a child in sexual activities is primarily for financial remuneration or other economic profit. Herrmann (1987) adds that adults use the children to fulfil their sexual needs without regard for the children’s emotional or physical needs (as cited in Fernando, 2002).

The Scope of Trafficking

International

The Ontario Women’s Justice Network (OWJN) (2018b) estimates that there are over 2.45 million victims of trafficking worldwide regardless of age or gender and generates an estimated annual profit of 99 billion dollars for traffickers. Of those 2.45 million victims, 58% are believed to be victims of trafficking for sexual exploitation where 98% of those are women and children (OWJN, 2018b). UNICEF Canada (n.d.) estimates that worldwide over 500 million children are victims of violence, exploitation and abuse every year. They estimate that of those, over 150 million girls and 75 million boys are victims of sexual exploitation (UNICEF Canada, n.d.).

Canada

The RCMP (2004) estimates that there are between 1500 – 2200 people trafficked through Canada into other countries with an additional 800+ trafficked into Canada from other countries annually (as cited in Dalley, 2010). There is currently no measuring tool available in Canada or internationally that gives reliable information other than police-reported or court data of found victims and/or prosecuted offenders. The data we analyze, which is known as police-reported data, is data that has been brought to the attention of the police and includes only police-reported cases and incidents. This data is then collected from all law enforcement services across Canada and is submitted via the Uniform Crime Report to the Canadian Centre for Justice Statistics which then analyzes the data and reports it to the public annually through Statistics Canada (Goff, 2017; Statistics Canada, 2019).

The RCMP reports that between 2005 (when the *Criminal Code* sections for trafficking came into effect) and May 2019, there were 708 cases where human trafficking charges were laid, with 685 of those being domestic only incidents which were comprised of primarily sexual exploitation convictions (RCMP, 2019). Of those 708 cases, 260 resulted in successful convictions for either human trafficking or related offences, while 305 cases currently remain before the courts (RCMP, 2019). The RCMP (2019) reported that these 708 cases involved 484 victims and 485 accused.

Statistics Canada (2018) reported UCR data from between 2009 (when they started to measure trafficking-related crimes specifically) and 2016, there were 1220 incidents where a trafficking charge was laid, with 89% of those having the trafficking charge be the most serious violation (Ibrahim, 2018). Of these 1220 incidents, 58-89% of these included at least one charge

for sex work, 39% involved any level of assault charge, and 20% included some sort sex-related charge (Ibrahim, 2018). It was also reported that the three provinces with the most charges were Ontario at 66%, Quebec with 14% and Alberta with 8% (Ibrahim, 2018). These differences could be the result of increased detection as a result of justice department initiatives or it could be the result of there being more occurrences of trafficking happening within those provinces. Metropolitan areas (cities) with higher rates are Toronto and Ottawa reporting at 25% and then 11% respectively (Ibrahim, 2018).

Statistics Canada also reported during this same time frame, that 865 victims had been identified, with 95% of those being women; 72% were under the age of 25; 44% were 18-24 years of age; and 26% were under the age of 18 (Ibrahim, 2018). Statistics Canada did not report a specific number of those who commit acts of human trafficking, but they did report that of those arrested or charged 81% were males; with 80% of those who were between 18-34 years of age (Ibrahim, 2018). In 2016, there were 340 incidents reported, which was 0.02% of all reported criminal incidents for a rate of 0.94 per 100, 000 population, which to date has been the highest recorded rate for human trafficking (Ibrahim, 2018).

Alberta and Calgary

In Alberta, between 2009 and 2016, there were 90 cases of human trafficking violations reported to police, with Edmonton reporting 36 of those, Calgary reporting 31 and the remaining scattered across other cities and towns in Alberta (Ibrahim, 2018). Alberta ranked the third-highest province or territory in Canada, and for cities, Edmonton was in 8th and Calgary was in 9th place overall (Ibrahim, 2018). The RCMP (2010) reported that 400 youth were working for pimps in Calgary, with some being as young as 11 years old (Dalley, 2010).

According to S. Tavcer, a professor at Mount Royal University and P. Rubner, a Detective with Calgary Police, in 2014, there was 50 youth apprehended under Alberta's PSECA legislation both in Calgary and in Edmonton (personal communication, December 14, 2019). Tavcer & Rubner reported that of those 50 youth in Calgary, 93% were females, 8% was male, 42% were Caucasian, 30% Indigenous, and that the average age was 13.5 years old (personal communication, December 14, 2019). In Edmonton, all 50 youth were females where 40% were Caucasian and 36% were Indigenous, and that the average age was 16 years old (personal communication, December 14, 2019). A Ministerial Panel document on Child Intervention reported that Child Intervention saw an increase of 139 PSECA cases in 2013/14 to 160 PSECA clients in 2016/2017, indicating an increase of 17% (Government of Alberta, n.d.).

Issues and implications

It is difficult to provide accurate counts of human trafficking in Canada due to the very hidden nature of the crime (OWJN, 2018b). The measuring of human trafficking is also affected by survivors and witnesses who may be unwilling to come forward and the difficulties that law enforcement have of identifying victims as well as prosecuting offenders (OWJN, 2018b). It may be because for the public, there is a lack of public education resulting in a mass misunderstanding of what sexual exploitation is or how it presents. This is then coupled with an unclear understanding of trafficking within law enforcement, security, healthcare, and other social services including the ways that trafficking, exploitation and forced sex work present differently.

Since 2009, Statistics Canada has used the Uniform Crime Reporting Survey and the Integrated Criminal Court Survey to gather and analyze police-reported instances of human

trafficking (Ibrahim, 2018). While police-reported data is important to acknowledge and provides information on known instances and trends, this system does not provide any information on the reality of the problem of human trafficking in Canada from the unreported occurrences or dark figure of crime. The dark figure of crime is known within the discipline as unreported instances of crimes or deviance that remain undetected by the police and therefore do not result in an investigation or charge and are not included in police-reported data (Winterdyk, 2016).

This dark figure data could provide more information into how criminals operate, what happens to lure victims, recruit and transport victims, as well as providing insight into the reality of the crimes, and how human trafficking is both similar and different than other countries. It would also allow us to create a measuring system to test the efficacy of law enforcement efforts, law reform efforts and social services and programming efforts.

What can be understood from the police reported and court data is that in Canada, most incidents involved sexual exploitation of women and girls (OWJN, 2018a). End Child Prostitution and Trafficking (ECPAT) reported that human trafficking is on the rise in Canada, especially in large, travel-heavy cities like Toronto, Vancouver and Montreal (Hay, 2004). Some believe that the reason for the increase in incidents is because efforts to identify and combat human trafficking has gained more mainstream attention and recognition (Ibrahim, 2018). This also seems to be the case with the regional variances as discussed above which are equated to various levels of training programs, local public awareness campaigns, provincial policies, and victim assistance programming availability (Ibrahim, 2018).

In 2006, the Child Exploitation Coordination Center, the Canadian Police Centre for Missing and Exploited Children, the RCMP and the Missing Children's Registry combined to create the National Missing Children Services (NMCS) (Dalley, 2010). Their database holds incident reports, on runaway, and missing youth, recorded per incident and not per child, meaning that there are multiple reports for some children (Dalley, 2010). The Canadian Police Information Centre (CPIC) has revealed that over three-quarters of all missing children reports are reporting instances of runaways (Dalley, 2010).

The NMCS can be accessed by law enforcement agencies in Canada (via CPIC), the USA (NPIC) and foreign policing agencies (via INTERPOL) which allows for expedient assistance in cooperation and information sharing on a missing child (Dalley, 2010). This therefore has the potential to be a mechanism to track known instances of human trafficking as well as be a tool to both identify and disseminate possible victims of human trafficking in Canada, through Canada into other countries and internationally.

The issue is that many do not access the database, especially for runaways unless the investigation is very complex and involved cross-border movement (Dalley, 2010). For children described as throw-away children (unwanted and banished from home), tracking and counting are virtually non-existent, especially because it is extremely unlikely these children are reported (Dalley, 2010).

Runaway children are difficult for law enforcement to track and often end up living on the streets (Dalley, 2010). These children frequently run away to escape abuse making them particularly vulnerable to being exploited and/or trafficked (Dalley, 2010). Parents of runaway children also do not always report their runaway child due to fear of losing the child tax benefit

or facing any repercussions from the discovery of abuse (Dalley, 2010). Dalley (2010) highlighted that historically runaway boys are reported at lower rates than that of runaway girls and posits that this is likely due to patriarchal notions of boys being better able to take care of themselves.

Some youth begin to live independently at 16 which leaves these children with little to no oversight and support as well as no one to notice that they have disappeared or are at risk of exploitation (Dalley, 2010). All these instances result in the fact that many youths are not included in these national estimates, adding to the dark figure which also limits the reliability of any human trafficking measurement system. The system would also not include instances of youth who are smuggled into Canada for trafficking purposes. This combined with the lack of use from agencies makes the NMCS an insufficient tool to accurately provide a measurement of youth trafficking for sexual exploitation.

Legislation

International

The international stage began to take actual notice of child sexual exploitation in the early part of the last century (Fernando, 2002). While this paper is focused on Canada's response it is important to understand that the international community began the movement to acknowledge, legislate and advocate against child sexual exploitation. The international responses have been gradual but are still important.

International Conventions. The international condemnation of human trafficking started with the 1921 Convention of the Suppression of the Traffic in Women and Children, which was ratified by Canada on June 28th 1922, and was later consolidated into the 1950

Convention of the Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others (Fernando, 2002; United Nations, 2020a). The 1950 convention combines a 1904 slavery convention, the 1921 Traffic in Women and Children convention, a 1933 Traffic in Women of Full Age convention and all protocol amendments thereafter (UN, 2020b). The UN then produced the Universal Declaration of Human rights in 1948, followed by the Convention on the Elimination of All Forms of Discrimination against Women in 1979 and the Convention on the Rights of the Child in 1989 (UN, 2020b; UN, 2020c).

The Convention on the Rights of the Child was the UN's second attempt at really setting out protections for children. In 1923, Eglantyne Jebb drafted a document that laid out 5 points of protection for children making children's safety a community obligation which was then adopted by her UN predecessor in 1924 (as cited in Fernando, 2002). In 1959, the document was revised and adopted by the UN, becoming the first international instrument that focused on the rights of children alone, but ultimately, it lacked international influence and became more a statement of principles than a declaration (Fernando, 2002). It was 30 years later, and seven years after Canada's *Charter of Rights and Freedoms* was added to the Canadian Constitution that the UN adopted the Convention on the Rights of the Child. Then 18 years later, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child sex work and child pornography was adopted, as currently stands as the most recent international instrument of child protection (Fernando, 2002).

Both the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child sex work and child pornography as well as the Protocol to Prevent, Suppress and

Punish Trafficking In Persons, Especially in Women and Children (Palermo Protocol) were produced in 2000 (Dalley, 2010; UN, 2020c).

Both indicate that the world was now aware of this crime and was collectively standing against the atrocity. The Optional protocol in article one requires that states recognize sexual exploitation and trafficking of children as crimes against humanity, therefore placing these crimes in the same category as a war crime, such as genocide and enslavement (Fernando, 2002). One downside of this being declared within an optional protocol is that treaty states are not obligated to follow the protocol (UNICEF Worldwide, n.d.).

Canada signed the Palermo Protocol in 2000 and ratified it in 2002 with an amendment to the *Immigration and Refugee Protection Act* (UN, 2000; Ting & Showden, 2019). It was then ratified again into a domestic scope in 2005 with Bill C-49 *An Act to amend the Criminal Code (trafficking in Persons)* (Barnett, 2005).

Currently, 150 countries have signed the Palermo Protocol which means that 150 countries have committed to preventing child sexual exploitation, protecting victims and prosecuting those engaged in these atrocities (OWJN, 2018a). Of these 150 countries, 140 of them now have domestic human trafficking laws, which is in line with the protocol calling for countries to create some type of domestic legislation for those directly participating, attempting to, working as an accomplice or organizing for others to participate (OWJN, 2018a; UNODC, n.d.a).

In 2007, the UNODC launched the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) as a global body to promote fighting the atrocity, based on the agreements reached in the UN (UNODC, n.d.b). The initiative is a joint effort of the UNODC, ILO,

UNFPA, UNIFEM, and UNICEF aimed at increasing awareness and knowledge about human trafficking, fostering international and domestic partnerships and building state and NGO capacities through rights-based actions (UNODC, n.d.b.; UNODC, n.d.c.)

Other international bodies have also participated to globally condemn human trafficking and exploitation via their own declarations. The International Labour Organization (ILO) has also produced international declarations combating trafficking such as the Convention concerning Abolition of Forced Labour in 1957 and the Convention on the Worst Forms of Child Labour in 1999 (Dalley, 2010; ILO, n.d.). The World Congress against Commercial Sexual Exploitation met in Stockholm, Sweden in August 1996, where 122 countries, ECPAT, UNICEF, and other NGO's met and committed themselves to uniting as a single global force targeting commercial sexual exploitation of children (World Congress, 1996). They continued that while international cooperation, more effective implementation measures, and adequate allocation of resources are extremely important, the primary preventative forces are the state and families, (World Congress, 1996).

The biggest takeaway from the international community is that countries have taken a unified position against the atrocity of child sexual exploitation, working together to fight and implement international programming and networking to protect the world's children (Fernando, 2002). This is key to combatting all child exploitation in today's age of easy internet access, hidden online chatrooms, and globalized industry which has resulted in increased world travel.

Ratification. While many of the UN instruments (e.g. the Palermo Protocol and the Convention on the Rights of the Child) are not legally binding documents, the signing and

ratifying of the documents by countries means that the country is undertaking and carrying out obligations in their countries to prevent and reducing trafficking and to support victims. A country like Canada also embeds the international document into its legal statutes and human rights frameworks (Fernando, 2002). This universality then sends two messages out to the public. The first recognizes that some perpetrators are viewed as being enemies to the entire world community and that certain acts are universally condemned (Fernando, 2002). The other is that the world understands that they must work together as a single force that is stronger and more widespread than that of exploiters to effectively eradicate this atrocity.

In Canada, the Parliament has two branches, the executive branch which consists of the Governor General (representing the Monarch), the Prime Minister and his or her Cabinet, while the legislative branch adds the House of Commons, who are elected representatives and the Senate who are appointed by the Governor General on the advice of the Prime Minister (Parliament of Canada, n.d.). The legislative branch is responsible for the implementation of international treaties at a federal level while the negotiation, signature and ratification of the treaty are done by the executive branch (Barnett, 2008). The *Department of Foreign Affairs, Trade and Development Act* gives the Minister of Foreign Affairs the power to represent Canada's interests in negotiating international treaties but often acts in a supervisory role while the power is delegated to other ministers, deputy ministers or diplomatic representatives which have a direct interest and knowledgebase (Barnett, 2008). Once an agreement on the terms of the treaty has been reached by all parties involved, the Canadian representative usually in conjunction with the Minister of Foreign Affairs will request a review of an explanatory document detailing the treaty to the Cabinet and seeks approval, which when

granted allows for a representative to sign the treaty (Barnett, 2008). The signing of the treaty only signifies that Canada agrees in principle and declares Canada's intent to become bound by it, not that Canada is officially bound by the treaty (Barnett, 2008).

The next step is then ratification. This process starts with presenting an exhaustive document that includes all the formalities and implementation actions that are required for the treaty to come into force in Canada. Then the Cabinet permits the Minister of Foreign Affairs to act on their behalf to agree to ratify or assent to the treaty thus making Canada officially bound to the treaty (Barnett, 2008). When Canada assents to a treaty, there is no prior signature required, it is then a single step process, usually done because the treaty is already in force and the Cabinet can review the treaty and no negotiation between nations can take place (Barnett, 2008). Since 2008, the executive branch tables the treaties in the House of Commons as a courtesy which allows them to review the treaty and a memorandum that includes the primary issues, obligations, national interests, policy and implementation considerations (Barnett, 2008). The House of Commons then debates the treaty and provides the executive branch recommendations on what actions the House feels should be taken including ratification.

For Canada to fully ratify an international treaty, it must be implemented into domestic law, as Canada is a dualist model meaning that international and domestic laws are viewed as separate (Barnett, 2008). This is accomplished in one of two ways. The first is that a bill is drafted before it goes through the parliamentary legislative process (Barnett, 2008). The second is that Parliament declares that the treaty does not need specific legislation for implementations, particularly for international human rights treaties, stating that domestic legislation is already consistent (Barnett, 2008). For this to be declared officially, a review by the

Department of Justice is required to ensure that there are no amendments or new legislation is required at the federal as well as the provincial and territorial levels (Barnett, 2008).

International trials. Fernando (2002) pointed out that while many countries have ratified the UN protocols, the Country's domestic laws may be weak or unwritten which allows offenders to escape punishment. Fernando (2002) suggests that international law could step in and try the accused in the international court. However, this may be frowned upon by countries not wanting an international body dictating how they handle criminal trials. In a fact sheet, the United Nations Office of the High Commissioner for Human Rights (OHCHR) (2014) reported that there have been some International Criminal Tribunals that have reviewed trafficking-related issues in other countries and that under the Statute of the International Criminal Court there are provisions that allow an accused to be tried internationally. The report continued that the European Court of Human Rights (ECtHR) has also tried and issued judgements on trafficking cases (OHCHR, 2014). One of the most important is the *Rantsev v. Cyprus and Russia* (2009) as it provided a substantive list of important legal obligations for countries and the international stage, including obligations for prevention of trafficking-related exploitation and investigation diligence (OHCHR, 2014). The ECtHR reiterated that human trafficking and exploitation are form of slavery that contravenes the object and principles set out in the Convention of Human Rights because it threatens human dignity and the fundamental freedoms of its victims (European Database of Asylum Law, n.d.). The European Database of Asylum Law (n.d.) completed a case summary where they stated that the ECtHR declared that not only does each state have a responsibility to safeguard lives within their jurisdiction, each

state is required to take positive actions to protect individuals from trafficking and sexual exploitation by ensuring that they have:

- Instituted a comprehensive legal framework within state criminal, migration, and business regulations
- Taken operational measures to protect actual and potential victims
- Investigating internal instances of potential trafficking
- Allowing the victim or next-of-kin to be involved in internal investigations to the extent necessary to safeguard the victim's legitimate interests
- Communicate and cooperate with other states for transnational instances of potential trafficking.

Extraterritorial powers. Many countries now have laws that allow authorities in a perpetrator's home country to try them for child sexual exploitation activities committed in other countries. These often extend to actions such as purchasing a child prostitute while on vacation to distributing child pornography gathered from outside of the country (Fernando, 2002).

Australia has created extra-territorial provisions in 1994 for child sex tourism (Fernando, 2002). In Australia's *Crimes (Child Sex Tourism) Amendment Act of 1994*, Australian citizens who engage in sexual intercourse with someone under 16 years of age outside of Australia has committed an offence that they can be charged with when they return home, with a penalty of 17 years in prison (Fernando, 2002). The Australian act also allows for witnesses to give evidence by video from outside of Australia if they cannot afford to travel to Australia for court

or if there is a significant risk of psychological harm and distress to the witness (Fernando, 2002).

German extra-territorial provisions can result in nationals facing up to 10 years imprisonment for sexual activity with a child under 14 inside or outside of the country (Fernando, 2002).

The USA's *Violent Crime Control in Law Enforcement Act* of 1994, made it illegal for their nationals to conspire with someone outside of the US for the purpose of sexual activity with a minor, meaning that there does not need to be any direct contact or action with a minor for a charge to be levied (Fernando, 2002).

Canada

In Canada, Section 7(3.7) of the *Criminal Code* allows for Canadian citizens, or those present in Canada after the fact to be charged under Canadian law for acts or omissions that in Canada are considered an offence (*Criminal Code*, RSC 1985, c. C-46 s. 7(3.7)).

In Canada, provincial & territorial governments, First Nation Tribes, Indigenous agencies, and community organizations have all created various ranges of support services and public awareness campaigns (OWJN, 2018a). Nationally, Canada has focused on the 4-Pillars which includes, prevention of human trafficking by protecting victims, prosecuting offenders, and working in partnership with domestic and international bodies, such as INTERPOL (Government of Canada, 2012; ECPAT, 2016). The Government promised in 2012 to invest six million dollars annually, with two million going to RCMP & CBSA enforcement teams, one million each going to the RCMP National Coordination Center and Regional Coordination and Awareness teams, with the rest being divided between training programs, victim programming, and research grants

(Government of Canada, 2012). Despite all this, Canada is criticized internationally for lack of enforcement, gaps in victim protection, and operating under an overly broad definition for trafficking and sexual exploitation (ECPAT, 2016).

While Canada was one of the first countries to ratify the Palermo protocol, much of the policy creation has been done at the provincial level (Government of Canada, 2012; ECPAT, 2016). ECPAT (2016) claims that this has resulted in limited cooperation between provinces despite efforts to enhance collaboration between government agencies and NGO's as information sharing seems to be the start and stopping point with little to no cooperative actions. The varied levels of government present different powers that can be used to combat trafficking and child sexual exploitation. National level powers come from the *Canadian Criminal Code*, the *Immigration Act*, and the *Charter of Rights and Freedoms* (Malakouti-Nejad, 2012). Provincial powers are granted through provincial legislation such as highway and traffic acts, community safety programming, child protection and family welfare services (Malakouti-Nejad, 2012). Municipalities gain their power through street use regulation, sex work & sex work-related service regulation, and zoning regulations, which are less direct than national and provincial powers (Malakouti-Nejad, 2012).

Charter of Rights and Freedoms. According to Fernando (2002), Canada enshrined the UN Universal Declaration of Human Rights while aligning with the principles that eventually birthed the UN Convention on the Rights of the Child. This is easy to see when you compare the documents. Many of the articles have slightly different wording or order, but most of the principles reflect the same intentions. Some important rights include article 2 of the Universal Declaration of Human Rights is directly represented in the *Canadian Charter of Rights and*

Freedoms, Part 1 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (U.K.), 1982, C11, s 1, s 15 at section 1 & 15 which shows that no personal attribute or distinction will remove anyone's entitlement to equal rights and freedoms set out in either document (UN, 1948). This notion of universal and equal rights is found within the Convention on the Rights of the Child in article 2, making it the responsibility of the state to ensure that the child's rights are upheld, while also ensure that the child is protected against all forms of discrimination based on personal attributes (UN, 1989). Articles 3 & 4 of the Universal Declaration of Human Rights promises humans the right to life, liberty and security of person & the right to be free of slavery which matches with S. 7 of the *Charter*, and Article 6 of the Convention on the Rights of the Child (*Canadian Charter of Rights and Freedoms*, s 7; UN, 1948; UN, 1989). Section 12 of the *Charter* gives Canadian's the freedom from being subjected from cruel and unusual treatment and punishment which is also reflected in Article 5 of the Universal Declaration of Human Rights, as well as Article 3.3, 7, & 9 (*Canadian Charter of Rights and Freedoms*, s 12; UN, 1948; UN, 1989). Other freedoms that all three articles protect are what Canada considers to be fundamental freedoms, such as freedom of thought, expression, conscience, religion, opinion and belief (*Canadian Charter of Rights and Freedoms*, s 2; UN, 1948; UN, 1989).

Immigration and Refugee Protection Act (IRPA). In a 2002 amendment, provisions were added that specifically target human trafficking (Ting & Showden, 2019). This made it the first anti-trafficking piece of legislation in Canada (Barnett, 2005). The act under s. 118 prohibits abduction, fraud, deception, and use of, or threat of force or coercion to be used to force someone to immigrate to Canada (Government of Canada, 2012). The legislation is targeted towards cross-border trafficking and is an indictable offence punishable with a maximum of life

imprisonment and a fine of up to one million dollars (Ibrahim, 2018). It also includes provisions that allow for aggravating factors such as bodily harm, death, involvement with organized crime, etc. to be considered (Barnett, 2005). It has provisions that deal with controlling a victim's travel documents, be that selling or purchasing of them, where the offence is indictable and carries a maximum punishment of up to 14 years imprisonment (Barnett, 2005). It also has set some protections for victims by allowing them to have Temporary Resident Permits granted to those who have no legal status (OWJN, 2018a). In Canada, the first charges under S. 118 of the IRPA occurred in 2005 (Barnett, 2005).

Criminal Code provisions. Although Canada has been recognized as both a destination and a transit country, it has been noted that Canada has a relatively robust force of laws and resources available to fight human trafficking (Barnett, 2005).

Generic offences. Before 2005, there were no specific provisions that prohibited human trafficking (Barnett, 2005). This means that authorities were forced to use other criminal code offences such as kidnapping, forcible confinement, sexual exploitation, sexual misconduct, extortion, sex work-related offences, physical harm, assault, abduction, intimidation and organized crime-related offences to prosecute offenders (Government of Canada, 2012; Barnett, 2005). Today, due to the difficulty of gathering enough evidence due to the clandestine nature of the crime, many offenders have their charges dropped or plead down to these lesser related crimes (OWJN, 2018a).

After 2005, and Bill C-49, many other provisions have been amended to allow for greater scope and use in human trafficking cases. Some of these have been enacted to allow law enforcement enhanced opportunities to gather valuable evidence during investigations.

These include adding trafficking-specific provisions as a primary designated offence list to s. 183 which allows law enforcement to apply for a warrant for private communications or video surveillance, or to s. 487.04 which allows for law enforcement to file for a warrant to obtain DNA samples related to trafficking crimes (Barnett, 2005).

Most of the amendments since 2005 have been done to offer victims greater protections under the law. By adding the trafficking provisions to s. 490.011(1) means that those offenders who have been convicted are now required to register on the sex offender registry (Barnett, 2005). The amendment of 738(1)(b) has extended trafficking victims' ability to apply for restitution for not just bodily harm, but also psychological harm (Barnett, 2005). It has given judges an expanded ability in terms of publication bans for witnesses and victims under 18, as well as allowing them to mandate enhanced witness protection measures for victims (Barnett, 2005). Victims and witnesses under 18 are afforded more protection while inside the courtroom by amending s. 18 which allows them to now testify via CCTV from outside the courtroom or from behind a screen to reduce the stress and possible re-traumatization while also working to prevent the accused from attempting to directly or indirectly influence the victim or witness, such as an amendment to 715.1 which does not allow an accused to cross-examine a child, while another allows that child to have a support person while they testify (Fernando, 2002; Barnett, 2005).

Bill C-49. This bill, named *An Act to amend the Criminal Code (trafficking in persons)*, came into effect on November 25, 2005, creating the first human trafficking-specific provisions in Canada (Barnett, 2005). These three provisions focused on the global prohibition of

trafficking, the economic benefit and identification documentation while also bolstering various other provisions as discussed above (Barnett, 2005).

The first major section that was established was s. 279.01 which uses a similar definition as to the one found in the UN Palermo Protocol and makes human trafficking within Canadian borders, an indictable offence with a maximum punishment of 14 years to life imprisonment depending on the aggravating factors (Barnett, 2005). The provision considered aggravating factors such as kidnapping, aggravated or sexual assault, to cause death to, use of or threats of force, coercion and deception, abuse of power or position of trust to be considered (Barnett, 2005; OWJN, 2018a). This was the first time that Canada recognized that human trafficking is not only transnational but also domestic, and the provision, therefore, could be applied to interprovincial, inter-city and intra-city movements (Barnett, 2005). The provision was added into the section on kidnapping to show that methods such as kidnapping and coercion are considered a method used in human trafficking within Canada (Barnett, 2005).

Parliament also added a second little note under s. 279.01(2) which specifically made mention that no one can consent to be trafficked due to the inherent nature of the crime, that the victim is exploited and are therefore being deprived of their liberty of person which means that consent is not a valid legal defence (Barnette, 2005; OWJN, 2018a).

The next provision has to do with material or financial benefit. The point of S. 279.02 is to attack the profit stream of the industry at its source, as human trafficking has become one of the most profitable industries since the 1990's second only to the arms and drug trade, where the bulk of proceeds are derived from the exploitation of the victims via forced labour or sexual exploitation (Barnett, 2005). The provision marks the offence as indictable with a maximum of

14 years imprisonment for both those directly engaging in human trafficking but also for those who are more on the periphery by profiting in anyway (Barnett, 2005).

The third major provision is aimed at reducing the vulnerability of victims by making it illegal under s. 279.03 to take or destroy any type of legal travel, identity or immigration documents belonging to another person, be they genuine, fake, Canadian or international (Barnett, 2005). It is considered an indictable offence with a maximum prison sentence of 5 years, which is significantly less than the max found within IRPA (Barnett, 2005).

The last change that came from this bill is that created a definition specific to exploitation, while also removing the notion of transportation (OWJN, 2018a; Ting & Showden, 2019). The splitting of the two crimes makes it so that the trafficking definition found in S. 279.01 does not need a direct exploitation factor while allowing for coercion to be included, and allowing exploitation to include situations where deception, use of or threat of force can be used and allows for protections from organ and tissue removal situations that are not trafficking exactly (Barnett, 2005).

Bill C-268. During the debates in both the House of Commons and the Senate regarding Bill C-49, many members expressed particular concern about the vulnerability of children being trafficked (Barnett, 2005). Bill C-268, *An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)*, 3rd Session, 40th Parliament, (as Passed by the House of Commons 29 June 2010) came into effect by adding a specific provision under s. 279.011 that was identical to s. 279.01 but was specifically targeting trafficking in persons under 18 years old. The bill also reworded the amended provisions found in Bill C-49 that offered enhanced victim protections, ensured that offenders were included in

the Sex Offender Registry & the Dangerous & Long Term Offenders designation, while also expanding investigation and warrant applications include s. 279.011 of the *Criminal Code* (Bill C-268, 2010)

Bill C-310. In 2012, the bill amended the *Criminal Code* in two ways (Ibrahim, 2018). Bill C-310, *An Act to amend the Criminal Code (trafficking in persons)*, 1st Session, 41st Parliament, (as passed by the House of Commons 28 June 2012) added a (4.11) to s. 7 which allows anyone who outside of Canada commits an act that would be considered a crime in Canada under s. 279.01 – 279.03 will be considered to have committed that act in Canada as well. This act then establishes Canada's extra-territorial jurisdiction, allowing authorities to prosecute Canadian nationals who commit human trafficking-related crimes internationally (Ibrahim, 2018). It also amended s. 297.04 by listing specific factors that need to be considered when determining if a victim was exploited (Bill C-310, 2012).

Bill C-36. In 2013, a group of former and current sex workers filed a motion with the Supreme Court of Canada where they challenged that three sex work provisions in the *Criminal Code* as being contrary to S.7 of *The Charter* (Bateman, Hiebert, Knopff, & Russel, 2017). They argued that these provisions that targeted the supply chain of sex work, by preventing bawdy houses, banned people from living off the avails of prostitution and criminalized public communication for to purpose of prostitution, made sex work more dangerous by removing their ability to set up preventative security measures, thus violating their right to Security of Person under s. 7 (Bateman et. al, 2017; Act Alberta, 2019). The SCC was unanimous in their agreement with the sex workers that these three laws did prevent them from taking preventive actions, therefore, finding that they were contrary to S. 7 (Bateman et. al, 2017). The SCC then

found they could not be saved under S. 1 as the bawdy house and communications provisions were disproportionate and that the ban on living off the avails was overbroad (Bateman et. al, 2017, p. 300).

Bill C-36, *An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendment to other Acts*, 2nd Session, 41st Parliament, (as passed by the House of Commons 6 November 2014) resulted in the repeal of then S. 212 of the *Criminal Code* that dealt with limited or blocking the procurement of sex work which became 286.3. It also created new sex work laws, under s. 286.1 for solicitation, s. 286.2 for material and financial benefit, s. 286.3 for procurement, s. 286.4 for the advertisement of sexual services and s. 286.5 which lists immunities for material benefit as well as aiding and abetting (Bill C-36, 2014). These provisions, for the first time in Canada, criminalized the actual purchase of sexual services making sex work illegal (Department of Justice Canada, 2018). It also criminalized, for the first time in Canada, advertising the sale of sexual services in any format for those who are not attempting to sell their own sexual services (Department of Justice Canada, 2018). With research revealing a tight and predictive relationship between the demand of sexual services, sex work and human trafficking for sexual exploitation the government felt that it was best to criminalize sex work as it increases the demand of sexual services which results in higher rates of human trafficking which are also considered extreme human rights violations dressed up as sex work (Department of Justice Canada, 2018).

The bill also added the trafficking provisions, as well as sex work provisions to the list of offences that prohibit the accused from being able to access records that contain personal

information that the victim would have a reasonable expectation of privacy towards, such as medical, therapeutic, education, employment, social service records, personal journal and diaries (*Criminal Code*, RSC 1985, c. C-46 at para. 278.1; Bill C-36, 2014). It added mandatory minimums to all trafficking and all child-related sex work provisions (Ibrahim, 2018; Bill C-36, 2014). It extended the witness protections from Bill C-49 to include sex work offences of solicitation, procurement and material benefit (Bill C-36, 2014). It also amended s. 7 (4.11) to include solicitation because the repeal of S. 212 removed any extra-territorial jurisdiction regarding sex work, and specifically created a prohibition on international child sex work solicitation (Malakouti-Nejad, 2012).

Bill C-38. This bill, named *An Act to amend An Act to amend the Criminal Code (exploitation and trafficking in persons)*, was introduced in 2017 and is based on Bill C-452, which was assented on 18 June 2015, but never came into effect due to *Charter* issues with some of the proposed *Criminal Code* provisions that required the offender to serve all trafficking offences and any other offence arising from the incidents consecutively (Department of Justice Canada, 2017; Barnett, 2017). Many were concerned that this bill, when combined with Bill C-36 which added mandatory minimums to trafficking offences, could result in grossly disproportionate sentences which would then violate S 12 of the *Charter* by amounting to cruel and unusual punishment (Department of Justice Canada, 2017). Bill C-38 only amended one section of Bill C-452, by changing how these sections come into effect (Barnett, 2017). It says that all non-consecutive sentencing provisions will come into effect on the day that Bill C-38 receives royal assent, but that the provisions for the consecutive sentencing require a day to be

fixed by the Governor in Council, which has yet to receive a date, and therefore has not yet come into effect (Barnett, 2017).

Bill C-38 enforces Bill C-452 and it's an attempt to bolster the *Criminal Code* by easing the burden of proof for prosecutors for person to person exploitation and makes the trafficking provisions a reverse onus forfeiture clause (Barnett, 2017). The bill creates a legal assumption that if a person who is being exploited lives with or is in the habitual company of someone who is not being exploited, will be assumed to be a party to that person's exploitation in the absence of evidence to the contrary (Barnett, 2017). It changes the burden of proof to make it the responsibility of the accused to prove that property or money is not the proceeds of human trafficking, thus creating a reverse onus and expanding the court's jurisdiction over forfeiture of property under s. 462.37(2.01)-462.37(2.07) (Barnett, 2017).

Alberta

In Alberta, there are two major pieces of legislation that work to protect children. The first is the Child, Youth and Family Enhancement Act (CYFEA), which is the central piece for general child protection and is the main legal authority for Alberta Children and Youth Services (Government of Alberta, 2010). The CYFEA guides caseworkers and specifies circumstances where a child may need intervention, encouraging the use of less intrusive measure before a child is removed from a home and lays out that the main concern is always the child's survival, security and development (Government of Alberta, 2010).

The other Act deals directly with protecting exploited youth. It started as *Protection of Children Involved in Prostitution Act* (PChIP), in 1999 and was amended in 2007 to be the *Protection of Sexually Exploited Children Act* (PSECA) (Government of Alberta, 2010). PChIP, the

first of its kind in Canada, was intended to protect youth who were sexually exploited and was amended in 2001 to enhance those protections and ensure that their legal rights were upheld (Government of Alberta, 2010).

PSECA offers protection to children who face any kind of sexual exploitation or who are at risk of becoming sexually exploited. According to S. Tavcer and P. Rubner, PSECA is formed around the guiding principles that sexually exploited youth are victims of sexual abuse, that they require protection and support, that they have the right to be safe and that perpetrators must be held legally accountable (personal communication, December 14, 2019). Tavcer and Rubner indicated that the risk to the child could come from interactions with known sex workers, frequenting known areas for sex work, and/ or actively attempting to attract johns through their actions or appearances (personal communication, December 14, 2019). Tavcer and Rubner continued that youth may also engage in sexual services inside massage parlours, bawdy houses, escort agencies, or outside via street activities and on known sex work strolls, via the internet or other social media platforms (personal communication, December 14, 2019).

Types of PSECA Interventions. The first is a voluntary intervention, where the youth voluntarily agrees to apprehension into a secure facility group home with intervention supports (Government of Alberta, 2010). Tavcer and Rubner stated that is allowed for youth 16-18 to agree independently or with the guardian's permission if the youth is under 16 (personal communication, December 14, 2019). Tavcer and Rubner continued that if the victim is now 18+, but they were victimized while they were under 18, then they are still eligible to receive assistance voluntarily (personal communication, December 14, 2019). According to Tavcer and Rubner, this agreement is facilitated by the child or guardian signing a Voluntary Service

Agreement (VSA) (personal communication, December 14, 2019). At the time of apprehension, the child's legal guardian must be made aware of the apprehension and in some cases, Children & Family Services is their guardian due to prior involvement in services such as foster care or family intervention (Government of Alberta, 2010).

Those 18-24 years old can receive only voluntary support if they had an agreement immediately before their 18th birthday but cannot include being apprehended into a safe house (Government of Alberta, 2014). The agreements must include specifically what services will be made available, including a Transition to Independence Plan, living accommodations, support and assistance related to the necessities of life, with a length of maximum 6 months which can be renewed, up to the age of 24 (Government of Alberta, 2014).

The second type of intervention under PSECA is an emergency court-ordered apprehension which requires the police or Children & Family Services to bring before the court a request for judicial permission to apprehend the child, where the child/youth is not willing to go voluntarily (Government of Alberta, 2010). This court order allows police to use force to enter a premise to search for a child/youth to apprehend them and bring them to a secure facility group home with intervention support (Government of Alberta, 2010). A police officer or director of Children & Family Services can apply to a Judge or Justice, that they on reasonable grounds believe that a child/ youth is at risk and in need of protection (Government of Alberta, 2010). This could be that an offence against that child has already happened, or they have evidence to believe that the child is at risk (Government of Alberta, 2010; personal communication, December 14, 2019). At the time of apprehension, the child's legal guardian must be made aware of the apprehension, which may also be Children and Family Services.

Once confined to the group home the child can be confined up to five days initially for assessment and detox if needed. The director then has the option to apply for up to two more terms of apprehension up to 21 days each (Government of Alberta, 2010).

Group homes. The secure facility group homes are meant to provide a barrier between the youth and their exploitive circumstances, to provide stability, assessment and treatment, including detox services for drugs and alcohol (Government of Alberta, 2010). The treatment plan's purpose is to break the cycle of abuse in a safe and secure environment where supports such as drug & alcohol counselling, medical care, trauma and psychological counselling, education and life-skills supports are available (Government of Alberta, 2010). The safe house is required to be secluded and secured from the outside world and is actively staffed with awake personnel 24 hours a day, with available supports such as family contact access, medical professionals, Children and Youth Services workers, childcare professionals, youth mentors with lived street experience and a case-coordinator (Government of Alberta, 2010). Tavcer and Rubner indicated that the safe house is used to assess the child's physical and emotional well-being, their use of alcohol, drugs or other intoxicates, their risk of self-harm, and of engaging in sex work and the level of family involvement and significant others to best tailor what if any intervention services are needed, and which services would best aid the child (personal communication, December 14, 2019).

Extended Protection. PSECA also allows for the director, the youth or child's guardian to apply for a restraining order to protect the child from contact or association with the exploiter. The protection order prohibits them from contacting the child in any way both directly and indirectly (via social media, a third party, etc.) and prohibits them from specific areas of the

community (Government of Alberta, 2010). The legislation also protects the child via a publication ban on any information that could reveal the child's involvement with intervention services including both the child's and their family's names or photos should they appear in court documents for both PSECA and CYFEA (Government of Alberta, 2015).

There are some exceptions which include if the director believes publication is necessary for proper justice administration, if the child is 16+ and consents to only their personal information being released, and nothing about their family can be shared, if the court grants permission based on the child's or the public's best interest, or if the child is or becomes deceased (Government of Alberta, 2015). The publication ban also does not prevent parents from approaching the media to discuss the child's situation but the consent of the director a court order is required to publish the child's name or photo (Government of Alberta, 2015).

Discussion. PChIP was enacted in 1999, and within a few months, was being contested in court where it was argued that PChIP violated youth's *Charter* rights by allowing police to full discretion and power to pick up and detain into a protective safe house youth who were involved or suspected of being involved in sex work (Taylor, 2016). Although PChIP required the officers to demonstrate why the confinement was necessary, it occurred after the fact, at a maximum of two days later (Taylor, 2016). It was argued that this violated three sections of the *Charter* and it could not be saved under section 1: 7 (life, liberty and security of person); 8 (secure against unreasonable search or seizure); 9 (right not to be arbitrarily detained or imprisoned) (Taylor, 2016; *Canadian Charter of Rights and Freedoms*, ss 7-9). Judge Jordan, who presided over the challenge acknowledged the intention of the act as being a way to separate youth from their situations and provide social workers time to engage with the youth

and attempt to provide them with the necessary supports that youth require to exit (Taylor, 2016). Judge Jordan ultimately ruled that the impugned legislation did violate youths *Charter* rights and risked wrongful apprehensions thus risking further rights violations and potential traumas to youth (Taylor, 2016).

The Director of Child Welfare then appealed this decision in 2000, where it was overturned by Justice Rooke who felt that principle of *parens patriae*, which allows the Alberta government to assume legal guardianship duty to protect a child, justified the confinement to protect youth who are victimized by sexual exploitation (Taylor, 2016). Regardless, the Alberta Government amended the PCHIP legislation which became PSECA (Taylor, 2016). PSECA and PCHIP are governed by the same intentions but PSECA includes measures that ensure youth's *Charter* rights are protected by requiring the youth's voluntary involvement or a prior to apprehension court order (Taylor, 2016).

Bell (2011) highlighted that there seems to be some controversy surrounding PSECA apprehension, arguing that it may do more harm than good. In a study completed by McIntyre (2002) that studied 50 sexually exploited youth in Calgary revealed that youth may face increased levels of danger due to lost earning while detained (Bell, 2011). It was also found in McIntyre's (2002) research that many of the youth were angry about being apprehended causing early exits and feelings of alienation and distrust from the youth towards service providers (Bell, 2011).

Other provincial responses. Other provinces have also implemented similar acts. In 2000, British Columbia attempted to bring in the *Secure Care Act*, BC. Reg. 25/2000 that was meant to provide parents and social support services the ability to apprehend youth who are at

risk of seriously harming themselves, who are facing severe substance abuse and/ or are being sexually exploited. While the *Secure Care Act* received Royal Assent on July 6, 2000, the act was never put into force (Pon, 2019). The *Safe Care Act* passed the First Reading in 2019, the third private members bill since the *Secure Care Act* in 2000, which is aimed at allowing for children who are at high risk of serious harm due to issues of mental health, substance use, sexual exploitation or partner violence, to be apprehended (Pon, 2019). While this bill was admitted to be a response primarily to the high rates of youth overdosing in BC, the act allows a parent, child and family services or a safe care director to apply for a court ordered apprehension for a child between 12 and 19 years old who is at serious risk (Pons, 2019).

In 2002, Ontario enacted a similar bill called the *Rescuing Children from Sexual Exploitation Act*, 2000, S.O. 2002 C. 5 but while it passed the third reading was never proclaimed into law either (Artuso, 2012). The Act was intended to protect children from sexual exploitation and assist them in leaving sexually exploitative situations by allowing a police officer or social workers to apply for a court order to apprehend a child who is being or is at risk of being sexually exploited (*Rescuing Children from Sexual Exploitation Act*, ON Reg. 86/2000, ss 1, 4). It was later repealed on December 31, 2012 because the McGinty government felt that sexual exploitation was a complex problem that had changed overtime and was being adequately managed with current government programming and activities, especially because focus had shifted to online sexual exploitation (Artuso, 2012). In 2008, the Ontario government passed an act into force that requires anyone who suspects that they have viewed child pornography to report it to police (Clarke, 2008). *Child Pornography Reporting Act*, ON Reg. 37/2008, amends the Ontario *Child and Family Services Act* to include child pornography

definitions to protections afforded to children and youth who face sexual molestation and sexual exploitation found in various clauses within the *Child and Family Services Act*. It also adds a duty to report for child pornography under subsections 72(2) & 72 (3) (*Child Pornography Reporting Act*, 2008).

Saskatchewan enacted the *Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act*, SK Reg. 2/2002 with the intention of protecting children who have been or who are at risk of being sexually abuse, including involvement in sex work and sexual exploitation. It includes a duty to report clause, and also allowed for a social worker or police officer can apply to the courts for an emergency protective intervention order which prevents an abuser or exploiter from either directly or via a third party contacting and communicating with the child for a period of 30 days, but does not include an apprehension provision (*Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act*, 2002, ss 4, 5, 7).

Victims

It is estimated that every year there are one million children worldwide who are victims of sexual exploitation, a multi-million dollar a year industry (Fernando, 2002). Children are supposed to be nurtured and protected not abused & raped so that someone can make money, that is truly the definition of an atrocity (Fernando, 2002). Children are vulnerable due to their age, mental immaturity which means that they are unable to care for themselves independently which should inspire adults to ensure that they have equal rights and that they merit special protections (Fernando, 2002). The reality of it is, children who are the most vulnerable are often the ones most lured within and across borders for sexual exploitation and often forced into a modern form of slavery; child sex work (Fernando, 2002). Hay (2004)

highlighted that roughly 10-12% of those sexually exploited in Canada are under 18 years old and that the continued rise in this percentage is due to increased numbers of homeless youth.

In Canada, victims of sexual exploitation are usually Caucasian females between the ages of 14 to 22 years old and Canadian citizens (RCMP, 2013). Their average age of entry is 14 – 17 years old (Fernando, 2002). It has also been found that 70-80% of currently working as adult sex workers entered the trade before the age of 18 (Fernando, 2002). These women tend to come from physically, socially, or economically vulnerable positions, such as those living in poverty, ethnic minorities, low-income, homeless, LGBTQ+, who have health issues such as HIV, are disabled, have learning disabilities or face mental health conditions such as depression, bipolar disorder or substance and alcohol addictions (Ibrahim, 2018). The most at-risk groups face social isolation, family problems, mental health disorders, and low self-esteem (Dalley, 2010). Issues such as isolation and family problems often represent issues of abuse, lack of support, lack of parental attachments leaving mentally immature youth with no support and no positive role model who can guide them through adolescence and help them learn to protect themselves. These same issues often leave the youth feeling lonely, feeling unloved and unworthy and they begin to look for someone who can give them love. They then become easy targets because they have little understanding of manipulation schemes, no one to protect and guide them, and leave them desperate and with low self-esteem that they will put up with abusive, dismissive and unfair treatment. These girls and young women come from some of Canada's most socio-economically disadvantaged groups which include Indigenous girls, teenaged runaways, throwaway children, and children in protection (Government of Canada, 2012).

With the increase of internet chatrooms and social media, victims are increasingly coming from relatively stable backgrounds because exploiters are luring the youth (RCMP, 2013). Online luring is a form of grooming that involves an adult manipulating a child online to increase compliance to their demands and to sexually exploit that child (Cybertip.ca, 2012). Online luring often pressures the child into sharing explicit photographs of themselves and always leads to some type of sexual behaviour between the child and the offender (Cybertip.ca, 2012). Online luring behaviours include exposing the child to sexually explicating materials, extortion, threats of sharing the youths explicit photographs or offline violence, and behaviours that are meant to break down the child's personal boundaries and normalize sexual behaviours such as using sexually explicit comments, flattery and asking questions about their sexual development (Cybertip.ca, 2012).

Once a young woman has become a victim, they are often isolated and controlled by threats and abuse (OWJN, 2018b). Traffickers utilize language barriers, mistrust of police combined with psychological techniques such as isolation, shame, manipulation and grooming, physical force, abuse and economic control to prevent the victim from attempting to escape or approach the police to report the victimization (OWJN, 2018b; Ibrahim, 2018). Victims who are forced into sex work often have all profits taken from them and traffickers will deliberately force victims to participate in humiliating or illegal acts and then use the threat of revealing their activities to police or their families to prevent victims from reporting (Ibrahim, 2018; RCMP, 2013).

Those most at risk of victimization are those individuals who need financial support and who are seeking love and affection (RCMP, 2013). It is therefore easy to see why children are

often victims. Especially children who experience socially toxic environments such as violence, poor nutrition, lack of appropriate medical care, child labour, little to no access or attendance in school, and persistence poverty (Fernando, 2002). Youths who experience these types of home life can turn to life on the street leaving them more vulnerable to recruitment and control tactics used by traffickers and pimps (RCMP, 2013).

Especially Vulnerable Groups

Female youth. Much of the vulnerability for young women in Canada is rooted in social and economic inequalities, which results in lower wages, less access to education, health care, legal services and political power (OWJN, 2018a). Other factors that specifically affect girls include social isolation, developmental deficits, language barriers, low socio-economic conditions, drug dependency and abuse (OWJN, 2018a).

Male youth. Male youth are also at risk, but the extent is currently less known as there is a lack of reliable information available (Dalley, 2010; Ting & Showden, 2019). For Canadian boys who enter sex work, the average age is 15 years old (Fernando, 2002). McIntyre and Miller's (2016) research of 157 male youth victims of sexual exploitation in Western Canada, showed that male youth exhibited common risk factors such as a history of child abuse, sexual abuse, dysfunctional families, domestic assault, histories of running away, minimal support and education around experiencing puberty, previous involvement with police and the justice system as either a victim or young offender, disrupted education, including a high risk of dropping out before completing high school. Interestingly, McIntyre (2002) revealed that often male youth become victims of sexual exploitation earlier, youngest in their study was eight

years old, and are victimized roughly twice as long compared to female victims (McIntyre & Miller, 2016).

McIntyre and Miller (2016) reported that overall, the main draw for the male youth was economic survival as many participants were either too young to legally work, lacked employment skills and work experience, which affected males not only under the age of 18 but appears to be a significant risk factor for adult males as well between the age of 18 to 25.

While both the girls and boys may face the same negative home lives and circumstances that inevitably lead them to exploitation, there appears to be an over-representation of homosexual boys being exploited because many been kicked out of homes (Fernando, 2002). Most female sex workers end up entangled with pimps and controllers, whereas male sex workers usually end up working without a pimp and therefore seem to escape a lot of the pimp or controller related violence and manipulation (Fernando, 2002).

This results in the sexual exploitation of boys being less visible and appears to have less further victimization and control methods, but Dalley (2010) points out that there is little information on Canadian sex trafficking of boys specifically due to how covert the crime is and therefore lack of reporting. Dalley (2010) chalks up the lack of information as being the result of the fact that there is less demand for boys while boy's victimization being less visible.

McIntyre & Miller (2016) feel that the issue is that male youth are being ignored in favour of female youth and agree in their paper with ECPAT that the issue is that law enforcement and service providers are essentially discounting male youth as victims and primarily identifying them as exploiters, pimps, or buyers and labelling them as being active or willing participants. They pointed out that current research into vulnerabilities for females

includes topics such as childhood mistreatment, trauma, substance abuse & addiction, and over-all basic needs insecurity (McIntyre & Miller, 2016). They continue that the current research for boys is focused on sexual orientation and safety risks such as HIV, violence, leaving a large gap in understanding, thus under-representing male youths and leaving them largely invisible (McIntyre & Miller, 2016).

LGBTQ+ youth. Transgender and Two-Spirit youth are over-represented in the sex trade in Canada as well (Ting & Showden, 2019). Hay (2004) reported that LGBTQ youth are five times more likely to turn to sex work than straight and cis-gendered youths. Much like the males, transgender youth are often rejected by their families, become victims of hate crimes and rape, and often face further persecution and discrimination that prevents them from attaining employment and housing (Fernando, 2002). Transgender youths, much like cis-gender male and female youths come from home lives riddled with abuse, where they are then kicked out for being transgendered (Fernando, 2002).

Runaway, throwaway or independently living youth. Due to the lifestyles of many of these children, they are considered to be a particularly high risk of recruitment and exploitation as they are easy targets due to inexperience, having no support system, or because they lack awareness of the realities of luring and manipulation (Dalley, 2010). Many of these youth end up on the streets where they are required to live in survival mode where the subject themselves to high-risk situations in exchange for money, shelter, gifts or drugs needed to survive (Dalley, 2010). These youth all lack supervision from adults, tend to fly under the radar of authorities, are developmentally unprepared to deal with the dangers of the streets, drug additions, and manipulation and control from others (Dalley, 2010).

Youth living independently have a high attraction to exploiters because they have no one who will notice they are missing for a while, tend to live in low-income housing or shared apartments which make interaction and access easier (Dalley, 2010).

Throwaway children are those who are not wanted and are banished from their homes or care centres, often living independently on their own, bunking with others, living on the streets, or with 'sugar daddies' (Dalley, 2010). These living circumstances put throwaway youth in a vulnerable position because they end up having a lot of movement, little protection and contact, and keep them especially under the radar of authorities (Dalley, 2010). Currently, unlike missing or runaway children, there is no measuring tool for throwaway children, and many are not reported as being gone (Dalley, 2010). Dalley (2010) reported that an estimated 1300 children of the 55 000 missing children reported annually are trafficked into sexual exploitation. It is estimated that over three-quarters of all the runaway reports filed annually report for chronic runners, who more often run from family residences or foster homes (Dalley, 2010).

Chronic runaway children are at a high risk of recruitment and kidnapping because of this pattern because they are often inexperienced, suffering from home-life traumas that make them especially vulnerable (Dalley, 2010). Research has shown that between 70-98% of runaway youth have experienced physical, sexual, emotional, or nutritional abuse before leaving (Dalley, 2010). This relationship between runaways, abuse and sexual exploitation has shown to be consistent and of specific risk to Indigenous communities.

Indigenous youth. There is little information specifically about Indigenous youth sexual trafficking, which may be the result of previous history focusing on Caucasian females, but what

is known is that Indigenous youth are disproportionately represented as victims of child sexual exploitation (Hay, 2004; Dalley, 2010).

According to the 2016 Census data, Indigenous people make up 4.9% of the total population of Canada, but in some communities, mostly in urban centres in western Canada, they can make up to 90% of youth sex workers (Statistics Canada, 2017; Dalley, 2010; ECPAT, 2016). According to Hay (2004) in some areas of BC, Indigenous youth account for 14% to 60% of sexually exploited youth depending on which community is consulted. Dalley (2010) did not include any specific numbers but did note that her research revealed that there was a dramatic increase in the number of Indigenous youth victims found in and around urban centres in Western Canada. ECPAT (2016) reported that some areas in Canada may have up to 90% of their sexually exploited youth identify as Aboriginal. While the source from the Native Women's Association of Canada (NWAC) used by ECPAT was unable to be found, newer papers by the NWAC (2014) referenced seven different studies that indicated that Indigenous youth are severely overrepresented as victims of sexual exploitation in Canada. In another NWAC (2019) release, they reported that Aboriginal girls represent roughly 50% of Canadian trafficking victims in Canada despite Indigenous girls representing only 4% of the Canadian female population. Another study which interviewed 157 only male youth victims of sexual exploitation in Western Canada reported that 61% of the study's participants identified as Aboriginal (McIntyre & Miller, 2016).

There is also a gap in understanding the effects of child sexual exploitation on the Indigenous communities and youth specifically (Government of Canada, 2012). Authors like Ting & Showden (2019) argue that Indigenous activity in the sex trade is not always sexual

exploitation. They argue that labelling all sex work as exploitation actually harms Indigenous youth further as sex work is a legitimate response to the vulnerability and trauma that Indigenous youth face due to colonization and continued marginalization in society (Ting & Showden, 2019). Ting and Showden (2019) are essentially arguing that this instant labelling of youth who work in the sex trade as being exploited removes their autonomy and their ability to navigate the world which is riddled with historic trauma, discrimination and a distinct lack of access to resources, especially when youth live on poverty riddled reserves. They argue that for many youths from these remote reserves, trading sexual favours for transport, food and shelter between the reserve and cities where they need to go in order to access education, medical care, social supports and other basic necessities (Ting & Showden, 2019).

They continue that this blanket labelling legitimizes state power, patriarchy and colonialism further because it labels Indigenous youth as victims, removes their autonomy and essentially shames them but does nothing to provide other safer non-sexual options such as affordable transit or bringing these desperately need services to the reserves (Ting & Showden, 2019). Ting & Showden (2019) see the movement of youths between reserves, cities, and rural areas being economically driven and emphasizes that Indigenous experiences are unique and shadowed by colonialism, bias and systemic racism. Other researchers view colonialism and Indigenous nomadic lifestyles as risk factors for victimization.

Dalley (2010) argues that the movement makes it hard for authorities to keep track of these youth and the constant moving also makes it easier for traffickers to move the girls with a reduced risk of detection. Hay (2004) pointed out that there are many reasons for movement from reserves to urban areas but that many of these Indigenous youth face isolation, culture

shock, poverty, high unemployment rates, homelessness, substance abuse and overt and systemic racism that puts them at risk to be exploited. Fernando (2002) believes that these circumstances are what makes Indigenous youth, particularly vulnerable to manipulation and recruitment tactics.

One agreed-upon risk factor that is inherent to the Indigenous populations is the effects of past and on-going colonization. Colonization was essentially a cultural genocide, where Indigenous were discriminated against, faced with multiple forms of systemic oppression, governmental control and forced into a cycle of poverty, abuse, family system breakdowns and violence (OWJN, 2018a; Dalley, 2010; ECPAT, 2016). This has resulted in intergenerational trauma, where family systems are broken apart, coping mechanisms turned destructive with drug and alcohol dependency, domestic abuse etc. (Hay, 2004).

Dalley (2010) highlighted that low self-esteem, physical, sexual and psychological abuse, limited job opportunities, homelessness, fragmented cultural and family systems, lack of role models and attention of elders are all significant risk factors which can push or pull youth into exploitative circumstances.

Ting & Showden (2019) point out that multiple Indigenous youths report that they have had contact with Children and Family Services, and liken those colonial notions of Aboriginal youth being considered vulnerable results in increased involvement with Children and Family Services as well as disproportionate apprehensions. They point out that many Indigenous people view the Child and Family Services as an extension of the residential school system (Ting & Showden, 2019). This is a stance supported in a report about Indigenous youth and the welfare system in Canada as well as in the Truth and Reconciliation Commission of Canada

(National Collaborating Centre for Aboriginal Health (NCCAH), n.d.a; Truth and Reconciliation Commissions of Canada, 2015).

In the NCCAH (n.d.b) noted that one of the barriers to understanding the scope of the over-representation of Indigenous youth in child welfare was that there is no national system and many provinces and municipalities have multiple agencies. It was reported in the 2003 Canadian Incidence Study of Reported Child Abuse and Neglect that Aboriginal children reported that the rate of involvement with child welfare services was 49 per 1000 for Aboriginal children which were significantly higher than 19.8 per 1000 for non-Aboriginal children (NCCAH, n.d.b). A study by Blackstock, Loxlely, Prakash, & Wien (2005) found that 10.23% of First Nations youth are removed from the home while 3.31% of Métis children were removed, which is significantly higher than the removal rate of 0.67% for non-Indigenous children (NCCAH, n.d.b). A Statistics Canada study reported that 3.6% of foster care youth under the age of 14 were Indigenous, whereas the rate of non-Indigenous youth was 0.3% (Truth and Reconciliation Commission of Canada, 2015).

Dalley (2010) felt that colonization was a direct contributor to Indigenous youth violence and criminality because it resulted in the break down of the family unit increasing domestic assaults, abuse, substance and alcohol additions. A Department of Justice Canada (n.d.) report found that Indigenous people are overrepresented as both victims and offenders in the Canadian criminal justice system. In 2014, 28% of Indigenous people reported that they were victims of a crime in 2013 compared the 18% who were non-Indigenous (Department of Justice Canada, n.d.). During 2016 to 2017 Indigenous youth offenders made up 50% of all youth custody sentences (Department of Justice Canada, n.d.). According to the Department of Justice

Canada (n.d.) the 1996 Report of the Royal Commission on Aboriginal Peoples found that the biggest contributor to this over-representation was the result of colonial views on assimilation, and the resulting intergenerational trauma that Indigenous youth face. Dalley (2010), as well as Ting & Showden (2019), agreed by stating that the disproportional representation of Indigenous youth in the justice and child welfare systems is a result of the family and community breakdowns, substance use problems, learned violence which results in a higher level of aggression, combined with housing facilities & prisons being prime recruitment grounds as well as exposing at-risk youth to further criminality and substance abuse situations.

Colonization has resulted in overt discrimination and racism, barriers to education, medical care, job attainment, homelessness, and Indigenous youth to lose faith in the western government and policing which ultimately has combined to create a lack of solid stable ground for Indigenous youth to foster success (Dalley, 2010; Ting & Showden, 2019; ECPAT, 2016). The risk factors are not only represented in Indigenous youth independently as per their general home circumstances just like non-indigenous Canadian youth, but colonization has only further strengthened the impact of these risk factors on Indigenous youth's lives further ensuring their vulnerability. How this compounding of risk factors as well as how child sexual exploitation affects the Indigenous community and reserves has only anecdotal evidence (Government of Canada, 2012).

Risk factors

Much of the current discourse regarding risk factors categorize them in two ways. The first way is through push/pull factors. These are factors or circumstances that youth may face that "push" or "pull" them into the potential for exploitation.

Push factors would include factors that push at-risk youth away from their current reality into what seems to be a better life. Push factors are typically poverty, gender inequality, violence at home, abuse at home, unemployment and limited access to educational or social assistance opportunities and programs (OWJN, 2018b). Other push factors include inadequate social programming access and education regarding luring and other warning signs (Dalley, 2010). Programs that work to increase the youths' self-esteem, empower them through knowledge and provide them with the ability to stand up for themselves, learn what manipulation and luring behaviours are, while also teaching them what healthy relationship is, go a long way into providing the youth with the tools that he or she may need to protect themselves. Programming such as this is important to ensure that youth can grow up safe, secure and protected, while also providing them with the skills to help protect themselves well into their adult lives. Other push factors pertain more to international sexual exploitation and less to Canadian circumstances, such as political instability, war, and conflict situations (OWJN, 2018b).

On the other hand, pull factors are situations and circumstances that pull at-risk youth towards another place or perceived better life. Pull factors appear to explain the motivations behind why the crime is committed and what drives perpetrators towards engagement. Common pull factors include demand for sex of child sexual exploitation, the promise of money & jobs, and the promise of a better life for both the perpetrator and victims (OWJN, 2018b). Often exploiters do not actively engage in the sexual abuse aspect of sexual exploitation, their main goal is to exploit someone for monetary gain, which is often also the main focus of many

victims who often face homelessness, employment barriers and struggle to provide themselves with the basic necessities of life (Fernando, 2002).

Dalley (2010) pointed out that the globalized free-market economy is the main driver for exploitation stating that the increased demand for cheap labour as well as goods and services combined with the globalized communication abilities because of the internet, facilitates communication and victim luring. This highlights the notion of risk in a way that separates the victim's risk factors, such as poverty and economic inequalities while also considering what drives the need for victims. Especially when it appears, at the extreme simplest form, the biggest focus for offenders is to make money, which most victims are also looking to find a way to make money. What separates the offenders from the victims is that the offender's motivations are selfish and greedy, while the victims are looking to survive only. Girls are also more likely to turn to sex for survival than boys, which could be because girls are in higher demand for sex work, and are easier to control and be snared by a pimp, whereas boys tend to bunk with friends, or sugar daddies which not getting connected to pimps who exploit them (Dalley, 2010).

Another way research seems to categorise the risk factors is by organizing them into societal, family, and individual factors (Dalley, 2010; Fernando, 2002; Hay, 2004). These factors pertain more towards a risk assessment style of understanding child sexual exploitation and acknowledges that someone with multiple risk factors may not become a victim. It considers the probability of victimization based on stacking of factors and the individual youth via a risk assessment. Risk assessments offer a probability based on known factors that relate to the individual, but it highlights the idea that not everyone who has these factors will become a

victim (Bartol & Bartol, 2017). The push and pull factors, while based on data, seem to be less scientific and more opinion based. Risk assessments, on the other hand, can be both based on clinical opinion and an actuarial or statistical foundation (Bartol & Bartol, 2017). One thing to note is that there is not a known or widely used risk assessment tool for sexual exploitation victimization.

Risk factors for child sexual exploitation are solidly researched and agreed upon by multiple researchers such as Dalley, Fernando, and Hay. Dorais believes that the biggest risk factor is the transition between childhood and adulthood itself (Dalley, 2010). Dorais posits that the additional stressors of parental expectations, school relationships, academic pressures, family conflict, drug and alcohol abuse by the youth or within the family, basic need requirements, and restrictions on freedoms and movements result in youth being especially vulnerable to controllers, unsafe environments, manipulation and the creation of dependency relationships (Dalley, 2010). When this is combined with the fact that youth at this stage of life are inexperienced and immature and unable to recognize the manipulation (Fernando, 2002). This lack of experience in addition to low self-esteem, the fact youth may be searching for love and someone to care for them renders youth easy targets and the youth find themselves trapped, unable and unprepared to cope and find a way out of the situation (Dalley, 2010).

The 12th report released by the Standing Committee on the Status of Women argues that poverty is not a direct risk factor for child exploitation (Dalley, 2010). The committee argues that it is family dysfunction such as violence, mental illness, sexual, emotional & physical abuse, drug & alcohol abuse, recurrent school and social failures that are the biggest predisposing factors (Dalley, 2010). This argument appears to be in line with Dorias' theory as

well as the accepted list of risk factors. The risk factors appear to be themed around marginalization, discrimination, trauma, and family issues that serve to remove or impede the youth from having a solid support system and having access to basic needs and an environment that will allow youth the ability to succeed in life.

Table 1

Risk factors for child sexual exploitation

Societal Risk Factors	Family Risk Factors	Individual Risk Factors
<ul style="list-style-type: none"> • Gender inequaility (Hay, 2004) • High youth unemployment (Hay, 2004) • Racism & discrimination (Hay, 2004) • Economic and social marginalization (Fernando, 2020) • Computer use & Technological advancements (Hay, 2004) • Poverty (Fernando, 2002) • Urban rural migration (Fernando, 2002) • Social and legal persecution (Fernando, 2002) • Violations on the rights of the child (Fernando, 2002) 	<ul style="list-style-type: none"> • Intergenerational trauma (Hay, 2004) • Domestic violence (Hay, 2004) • Family drug and alcohol abuse (Hay, 2004) • Family sexual, emotional & physical abuse (Hay, 2004) • Attachment disorders (Hay, 2004) • Inadequate supervision, affection or attention (Hay, 2004) • Poor parenting (Hay, 2004) • Dysfunctional families (Fernando, 2002) • Single-parent families (Hay, 2004) 	<ul style="list-style-type: none"> • Early life traumas resulting from abuse, neglect or deprivation (Hay, 2004) • Homelessness & running away (Hay, 2004) • Learning disorders (Hay, 2004) • Neurological disorders such as FASD (Hay, 2004) • Lack of education/ drop out (Fernando, 2002) • Being LGBTQ+ (Hay, 2004) • History of criminality (Fernando, 2002) • Addicted to drugs or alcohol (Fernando, 2002) • Suffering from AIDs or HIV (Fernando, 2002)

Note. This chart is a snapshot of some common risk factors by risk category for child sexual exploitation. It does not provide an exhaustive list of all risk factors.

Societal risk factors. These are risk factors are those that look at the large-scale risk factors that have to do with society and social interactions. They deal with things like socialization, deviance, gender stratification, race and ethnicity, economics and politics, urbanization, discrimination, traditional norms and mores within society, social expectations, gender roles, etc. (Macionis, Jansson & Benoit, 2013). These risk factors tend to take on a sociological perspective and often have to do with marginality, and often pertain to those who live on the edges of society such as women, children, Indigenous, LGBTQ+ and the elderly (Macionis et al., 2013). These factors can include things like public policy, economic position, scientific practices, but are generally based on social structure and social functioning (Macionis et al., 2013).

Family risk factors. These are relationship and family-structure based factors that may result in a youth being at higher risk of being sexually exploited. For this paper, this includes issues such as family structure, parental attachment, parenting style, intergenerational trauma, family histories of addictions, abuse or domestic violence; essentially anything that can be connected to family and the child's community members. This includes friends, extended family, religious leaders, teachers and extracurricular activities and supports, such as interactions with police and family services.

Individual risk factors. These are factors that are specific to the individual who is at risk of being sexually exploited. For this paper, these factors are anything that the child is currently directly facing and directly affects them which can include things like mental health disorders, learning disabilities, physical disabilities, addictions, skills, interests, behaviours, deviance and current life circumstances such as employment, living situations, etc. Some of these factors may

be group dynamics, such as being LGBTQ+, the risk factors may be completely dependent on that child and their actions or behaviours, such as deviance or criminal activity.

Trauma

Victims face a lot of trauma before, during and after the fact as well. They often experience abuse, control, manipulation etc., while being exploited. Dalley (2010) pointed out that women who are involved in the sex trade face an increased amount of physical assaults and psychological trauma. It has been acknowledged, that most of the domestic sexual exploitation of youths is performed as forced sex work by pimps.

Victims of youth sexual exploitation often experience high rates of violence, are at an increased risk of being victims of homicide and suffer from physical and mental health issues, such as depression, eating disorders, PTSD, anxiety, sexually transmitted infections, disassociation, and many commit suicide (Hay, 2004). They often live and work in horrific conditions, face fatal consequences for defiance and escape attempts, are chained up, locked in small unclean rooms, starved, and denied basic medical and hygiene products (Malakouti-Nejad, 2010; Government of Canada, 2012).

They face medical issues like contracting STI's, hepatitis, bladder infections, severe weight loss and malnutrition, dental and oral health issues, unwanted pregnancies, physical injuries including brain traumas, and drug addictions and addiction-related complications (Malakouti-Nejad, 2010). Victims often are unable to seek medical care for any illnesses, cannot purchase any health-related products because their exploiters control all aspects of their lives and they see none of the money they earn (Malakouti-Nejad, 2010).

The youth also face numerous mental health issues such as developing personality disorders, anxiety, anxiety-related disorders, PTSD, phobias, agoraphobia, panic attacks, OCD, depression, disassociation, migraines, and trust issues and they are more likely to face violence and the risk of being murdered, with a higher likelihood of their murder going unsolved (Fernando, 2002, Malakouti-Nejad, 2010).

This results in many youth victims engaging in self-destructive behaviours, allowing others to control them, known as learned helplessness, accepting that their only worth is that of a business commodity, feeling entrapped, not recognising that they are being groomed, and not knowing where to access support mechanisms to escape the abuse, all of which complicates treatment and healing. (Dalley, 2010, p. 9).

Perpetrators

Exploiters. There are two types of perpetrators who engage in the various forms of sexual exploitation: the exploiter, and the customer. Exploiters are those who can transport the youth to and from places and cities, arrange the exploitation for profit (Fernando, 2002). Exploiters often do not have sexual contact with the child, but they are the main controller for the child and facilitate the child's exploitation (Fernando, 2002). They hold the power and take unfair advantage of the child due to imbalances for social, political, economic, physical, psychological, or emotional power differences (Fernando, 2002). Exploiters gain their profits by robbing their victims of human potential, human dignity and freedom, using methods like taking away identity documents, abuse, threats, intimidation, violence and isolation (Government of Canada, 2012).

There are three categories of control methods exploiters use: social isolation and deprivation of agency; restricting movements, access and supplies; and the use of violence and threats (Malakouti-Nejad, 2012). Most exploiters (who have been arrested) in Canada are males between 19 to 32 years old with various ethnicities and often live solely off the avails of sexual exploitation (RCMP, 2013; Fernando, 2002). Exploiters can include pimps, madams, escort agency owners, “big sisters” who influence youth into the sex trade, street gang leaders, etc. (Fernando, 2002; RCMP, 2013). They can work independently, with a small network of trusted individuals, or within a larger transnational organized crime network (Dalley, 2010, p. 46). Dalley (2010) reported that many of these youth are recruited by friends, parents, siblings, older men and fake boyfriends, not just gang leaders, and other working girls.

Females are also increasingly becoming involved as exploiters, both as the main exploiter, as a partner or as a way for them to move away from being an exploited victim (RCMP, 2013). Compared to most other crimes, females are disproportionately involved with human trafficking (UNODC, 2009). Females often pair up with at least one male and can be relationship-based (RCMP, 2013). Some exploiters are even under the age of 18, often female, and work in a partnership with an adult (RCMP, 2013). There is about an even split between those who work independently and those who work with others such as friends, trusted associates, family members, significant others, or other females involved in sex work (RCMP, 2013).

In some cases, exploiters involved in domestic sexual exploitation are associated with street gangs but exploitation does not seem to be an activity of street gangs, thus indicating that exploiters may be involved in multiple areas of criminality and not just exploitation (RCMP,

2013). Exploiters can work as part of an organized crime or family network which have been found to be a significant supplier of women and youth victims for sexual exploitation purposes (OWJN, 2018b). There are sparse data on organized crime involvement within Canada, but it does seem to run parallel to the way organized crime network run child exploitation rings internationally and often they have a very similar operating scheme, mainly focusing on high-end sex trades and other forms of sex work (Dalley, 2010).

Purchasers. Customers are those who engage with the child in an exploitive way by “purchasing” the child for a sexual act. They can come from various races, religions and professions and can include men from all areas of life and professions and may be married or not (Fernando, 2002). Customers are also interested in victims of all ages, but statistics are showing that it is increasingly younger children, some as young as 11 years old who are often exploited for sex (Fernando, 2002).

The customers often will meet with the victims in hotels/private residences, are primarily sourcing youth through online advertising and external agencies such as escort and dancer placement agencies (RCMP, 2013). Customers are the driving force that keeps youth sexual exploitation in demand, they are both the reason and the support of the sex crime industry (Dalley, 2010,).

Recruitment

Exploiters play on children’s insecurities and weaknesses in a gradual and well-organized way to pull them into sexual exploitation (Hay, 2004). The exploiter will use schemes to luring youth into a ‘better way of life’, by gaining the child’s trust, and then using psychological

control techniques, threats, intimidation and violence to gain and maintain control of the child (Dalley, 2010; RCMP, 2013).

Schemes can include both male and female peers who befriend or build a romantic relationship and then uses isolation, drug addiction, violence, blackmail etc. to gain control of the child both in real life and online (Hay, 2004; OWJN, 2018b; RCMP, 2013). Children can be lured via staged parties, community venues, arranged situations, discreet meetings, fake relationships, establishing of dependent relationships and alleged gang recruitment (Dalley, 2010).

Youth are often directly contracted by exploiters or via mutual friends (RCMP, 2013). Exploiters will target youth in areas such as shopping centres, bus & train stations, fast-food restaurants, youth centres, clubs and entertainment hangouts, shelters, libraries, schools, social media, internet chatrooms, safe-use sites, youth shelters, youth detox and containment centres, group homes, and youth mental health facilities (Dalley, 2010; RCMP, 2013; Hay, 2004).

Exploiters often move the youth around within and between cities, provinces, situations, crack houses, and countries to maintain control of the child (Dalley, 2010). They can be controlled via direct force such as abductions, rapes, forcible confinement, assault, burnings, drug addiction and through indirect forms of coercion such as manipulation, shame, isolation, controlling all aspects such as where they live, work, whom they speak with, wear, when to wash and eat, blackmail, feelings of entrapment, removal from family and threats of harm to the family (OWJN, 2018b; Dalley, 2010; Hay, 2004).

Interventions

When it comes to battling child sexual exploitation, there are two essential pathways, preventing victimization and aiding those who have already been victimized. Both are vast, multifaceted, and as complex as the individuals they target.

Prevention

When it comes to preventing child sexual exploitation, a multidisciplinary approach is needed, and strategies need to be implemented at all stages from awareness to re-victimization (Hay, 2004; Government of Canada, 2012). Within the prevention framework, there are some key principles that should guide all work, policy creation and interaction. The first few should mirror the strategies that formed the basis of the PSECA legislation, that sexually exploited youth are victims of sexual abuse, that they require protection and support, that they have the right to be safe and that perpetrators must be held legally accountable (personal communication, December 14, 2019). It is also crucial that service providers remember is that some sex work is choice-based and therefore legitimate because acting otherwise removes power and choice from the victim (ACT Alberta, 2019).

It is also key that it be understood that offenders may be a part of the victim's community, which means that not only does this emphasize the critical need for safe shelter, mental health and other services, but also anti-oppressive practices should be the core of any program to allow the victim to own their story and recovery (ACT Alberta, 2019). The next core tenant for all programming, both preventative and recovery based, should focus on victim-centred services that empower the victim, build an unyielding rapport with service providers that starts and ends in dignity, compassion and care with all actions aimed at harm reduction

and trauma-informed care, with support extending from beyond initial crisis and exiting needs to create a holistic support system that is based on the individual victim, their life and current circumstances not just the victimization (ACT Alberta, 2019).

Many prevention strategies materialize as preventative actions and programming, which aim to guide at-risk youth away from engaging in sex work, programs that target self-esteem, alcohol and drug use campaigns and recovery programming, school retention programs, physical and psychological abuse programs, education programming about internet safety, grooming and sexual exploitation for the public, youths, families and front-line workers (Fernando, 2002; Hay, 2004). Other areas of protection provide programming and assistance around mitigating and addressing issues of poverty, lack of access to education and medical care, domestic violence, drug dependency, colonization, intergenerational trauma, self-harm and suicide on Aboriginal reserves especially as First Nations youth are at particular risk of victimization (Dalley, 2010).

One of the most key strategies of prevention that has been a major focus over the last 20 years is education around trafficking and sexual exploitation. It has been especially important for agencies and anti-trafficking task forces to target educating the front-line workers on sexual exploitation, the signs and strategies for diversion (Government of Canada, 2012). Some experts believe one of the barriers to exiting as subsequently one of the reasons behind why there is such a large dark figure for trafficking and sexual exploitation is that doctors, nurses, police, security and service workers are all operating under misunderstandings of what trafficking and child sexual exploitation is, how it presents and that risk factors and luring techniques that are used (Malakouti-Nejad, 2012).

These misconceptions then suffuse programming for prevention and recovery which results in service providers distrusting police and medical staff which breaks down the communication, quality of care and protection for victims (Malakouti-Nejad, 2012). This is a serious problem as the majority of victims approach social programs for assistance, and very few come in contact with police, meaning that the problems go beyond just understanding the scope of sexual exploitation, as it only reinforces victims distrust of the police, leaves many of these offenders unchallenged and keeps the industry cloaked and elusive, which also impacting the ability of law enforcement to gather evidence (Malakouti-Nejad, 2012).

Healthcare workers are an invaluable member of the multidisciplinary effort as they can connect individuals to programming and spot victims, which makes them being aware with the areas sex trade and understanding trafficking and sexual exploitation critical (Hay, 2004; Colbourne, 2004). They need to receive regular training of warning signs of luring, be able to recognize signs of drug and sex addictions and have on-hand resources and relationships with services and police (Hay, 2004).

Education for outside industries is also important, especially for private security and other businesses. Security guards are often assigned one specific site and they learn how people flow through and who the regular individuals are. This puts them in a unique position to notice activity within their site that is consistent with sex work rings and underage john exchanges. They are then able to gather information, such as descriptions, license plates, time and CCTV footage that then could be used by police to investigate. This is especially important as security guards work in malls, hotels, medical centres and hospitals, shelters, clubs, youth

centres, near or at train stations and bus terminals which are all prime recruiting and exchange locations (Dalley, 2010; RCMP, 2013; Hay, 2004).

Security guards also come in contact with a variety of at-risk populations in their everyday work situations, be they homeless, throwaway youths or runaways, youth attending alternative or regular schooling programs, travelling with other at risk-peers, interacting and hanging out with known prostitutes or pimps, between safe-use sites and support programs. This puts security guards at a prime position to notice youth at risk and leaving them the potential to provide access to programming, and alert police units and Child and Youth Services to at-risk abused or exploited children.

The international business community is also considered a soft power against trafficking and child sexual exploitation which can have huge impacts on the industry's ability to grow and on-demand (Fernando, 2002). For example, in Saskatchewan, the Hotel and Hospitality Association (SHHA) is collaborating with RCMP and instituting training programs around sexual exploitation and human trafficking as well as appropriate responses (Pillar, 2020). Hotels and motels are often used by traffickers and sexual exploiters to set up encounters between victims and purchasers and this training is attempting to train staff on warning signs, evidence to gather, and when to alert authorities. (Pillar, 2020). This is especially important as the RCMP estimates that there are around 16, 000 victims of human trafficking in Canada and that the industry generates approximately \$336, 000 CAD from a single victim who is re-sold and exploited multiple times (Pillar, 2020). Unfortunately, less than one per cent of these victims are ever rescued because the police are unable to identify these victims but by using industry employees would increase the chance of a victim being brought to light (Pillar, 2020).

Educating both the youth, their families and the general public would suppress by clearing up any misconceptions about what trafficking and sexual exploitation are but it would also give youth and parents the tools to spot and resist grooming and luring tactics while also teaching youth about healthy relationships and sexuality (Hay, 2004). Public awareness campaigns aid society by making it clear that sexual exploitation and sexual abuse of a child is unacceptable and will not be tolerated, it tells youths that they have the right of personal safety while providing potential victims with information on programming and supports (Colbourne, 2004). By targeting youth, families, the general Canadian public, Aboriginal communities, foreign workers, migrants and employers with these add campaigns, be the generalized or specific it creates a general understanding that these actions are atrocities, will not be tolerated, and illuminates not only the industry but potential victims by creating more eyes and ears that can spot the signs (Government of Canada, 2012).

Even educating potential offenders is seen as an important preventative measure. Julia O'Connell Davidson pointed out that reaching potential offences before the crimes have been committed may prevent some from engaging in child sexual exploitation by altering their understanding and views about sexuality (Fernando, 2002). The point of these programs is to inform them what the consequences are for the victims thereby impacting their desire to participate (Fernando, 2002). Other educational alternatives act as both a punishment for offenders and a warning to potential offenders by exposing them publicly but removing their ability to be anonymous which then sparks shame campaigns, possibly affecting their jobs and employment opportunities, their reputation, and affects their personal relationships (Fernando, 2004). Police create these by releasing the names of offenders that they have arrested to news

stations, but keep the identity of victims private as seen in a CTV news report where three Calgary men's names were released to the public who have all been charged with various sex work, weapons, and human trafficking charges (Franklin, 2020).

The next big tenant of prevention is programming, which as mentioned above, includes programs that attempt to mitigate the risk factors that youth face that make them vulnerable to being exploited. These programs generally are open to a youth who is experiencing a specific or a set of risk factors that could result in them being at risk of being a victim of many different kinds of crimes or even being at risk of committing other crimes, such as engaging in organized crime or other deviant behaviours. Risk factors are a complicated web of increased vulnerability, victimization and deviance that is not the focus of this paper. What these programs do have in common, be they preventative or recovery, is that there is a significant amount of critical importance that of partnerships between police, industry & business, medical services, service programs, government for both intra-city, inter-city, inter-provincial, national and internationally.

As demonstrated above, all of these services need to create strong partnerships to not only effectively battle against trafficking and sexual exploitation, but this collaboration will create robust and vast knowledge base around sexual exploitation and human trafficking, illuminate the victims and perpetrators, and provide victims with a holistic, comprehensive and effective set of services that will allow them to break past the victimization and succeed at life (Government of Canada, 2012). It will also facilitate more effective usage of each contributors' resources such as Interpol creating a database of information of sex tourists and paedophiles which could be accessed by all nations seeking to prosecute and investigate (Fernando, 2002).

This then could also encourage police both domestically and internationally to access the National Missing Children Service, which is currently only really used when an investigation into a missing or runaway child is complex and involved cross-border movements which then facilitates networking between states and collaboration between law enforcement agencies (Dalley, 2010). This then could promote better information sharing between groups further strengthening the force against sexually exploited and trafficked children.

This collaboration process is slowly increasing as states, and police forces and provinces create taskforces and legislation that encourages information sharing, collaborating with social programs, service programs, education boards etc. For example, the RCMP have a national anti-trafficking task force, which works with provincial anti-trafficking task forces, public safety's anti-trafficking task force and national, provincial and city-based prevention and recovery services. Many provinces have independent strategies that work with or are based on Canada's National strategy plan to end human trafficking which all aim to increase awareness for the public, medical staff, police, educations, industry and youth and their families, increase collaboration and networking within and outside of Canada and improve access to services and supports (OWJN, 2018a).

Recovery

It is easy to see that recovery and prevention programming have a lot of overlap, but that they are both essential individually. Almost all trafficking-related UN declarations emphasized recommendations calling for states to strengthen and implement national social and economic policies, and create programming that targets children at risk of being exploited by boosting programs that reduce poverty promote gainful employment, and other supports

(Fernando, 2002). It appears that Canada has done this, as evidenced by the sheer number of pieces of legislation that have come out since 2005, the number of national and provincial police task forces and the multitude of both governmental and non-governmental organizations that provide funding, programming, treatment and aid in the battle against human trafficking and child sexual exploitation.

There are three focus categories for recovery and reintegration intervention programming. While these programs inherently need to be based off the same intrinsic victim-centred and trauma-informed care models as listed for prevention programming, recovery programs need to focus more on immediate support for harm reduction and crisis intervention (Fernando, 2002). The third category is long-term support services which are critical to preventing re-victimization.

Harm reduction strategies here need to be aimed at supporting victims such as youth prostitutes while still being involved in the industry, meaning that these programs need to target reducing violence, increasing access to medical care, and mitigating the dangers of the sex trade and associated lifestyle (Fernando, 2002). Immediate supports to assist in harm reduction could include programs such as free sterile needle distribution, free naloxone kit distribution, free condoms, free clinics and community health busses (Fernando, 2002).

Crisis intervention strategies need to specifically target victims who are experiencing a crisis and require physical or emotional assistance or who are experiencing horrific trauma (Fernando, 2002). These supports would include things such as abortion services, rape services, emergency shelter, detox programming, after-trauma care and support networks (Fernando, 2002).

One more consideration that seems to be overlooked in scholarly literature is that this programming needs to extend beyond emergency crisis situations and needs to extend into long term supports that assist in recovery and reintegration into society. This extended recovery programming is not often talked about but research into individual programs within Canada and Alberta has shown that a lot of supports consider that a victim is more than just their trauma and victimization and that it is likely their history and previous trauma's that left them so vulnerable to being sexually exploited or trafficked.

Sexually exploited youth are disproportionately victimised compared to other youth which means that both harm reduction, crisis interventions and long term programming is critical as they often are in desperate need of medical services, shelter, substance detox and abuse treatments, crisis counselling, anger management, life skills training and other supports (Fernando, 2002). This is especially true as risk factors for youth under 18 and those who are 18-24 can shift dramatically as the latter category appear to face diminished support programming availability while also facing increased responsibilities, financial pressures and less familial supports (ACT Alberta, 2019).

While prevention strategies have more of a 50/50 split between programming for the victim and everyone else, recovery and reintegration strategies directly target the victim, which is facilitated via intervention programming. These groups go by various titles and can vary based on their locations, capacities, motivations and targeted programming but they all share the common goal of eradicating child sexual exploitation and providing the supports that victims need to rise above the trauma (Baxter, 2007). These groups generally operate based on varied goals and methods, are shaped by the current discourse about child sexual exploitation,

current world events, and actions of individual workers, collective actions, events and geopolitical climates of the time (Baxter, 2007). Intervention groups can include child advocacy, social services, NGO's, community programs, victims' services, crisis and suicide hotlines and medical clinics and networks.

These groups generally work independently and collaborate internationally to fight child sexual exploitation in various ways, be it by providing victim services, anonymous ways to report possible offenders, websites, and victims of child sexual exploitation, to those whose sole goal is to create better communication between other groups, police, government etc. (Baxter, 2007). Baxter (2007) pointed out that because these groups and organizations receive governmental funding it can be extrapolated that this means that the government is supporting these groups actions of policing. Some organizations work on a global scale such as ECPAT and UNICEF to promote the protection of sexually exploited children (Fernando, 2002). Other groups work domestically and various scales such as sexual abuse groups, who not only assist children who are molested but also offering programming for youth who are sexually exploited either domestically or internationally.

Many of these groups, regardless if they are proactive or reactive, are often the first and only contact victims have with assistance programming which means that these programs end up laying the groundwork for assisting the youth in escaping, which requires that they work with law enforcement, whether the youth agrees to report or not (Baxter, 2007; Malakouti-Nejad, 2012). These programs are designed and run in a way that they become safe havens with the workers acting as advocates for the victim (Malakouti-Nejad, 2012; Baxter, 2007).

Many of these groups face a lack of funding which creates a significant obstacle in fighting child sexual exploitation (ECPAT, 2016). While many can apply for funding through the Department of Justice Victims Fund, or other investment initiatives to end violence against women and girls, the lack of funding results in limited supports for victims (Government of Canada, 2012). While some funding comes directly from the government and national level organizations, provincial victim supports are disjointed when it comes to child sexual exploitation victims but they do provide things like access to shelter services, emergency financial assistance, housing supports, short-term counselling and court assistance programs (ECPAT, 2016; UNODC, 2009). NGO supports at a provincial level includes recovery services, mentoring programs for at-risk children, and online chatroom monitoring (ECPAT, 2016). Support does not necessarily need to be monetary as programs, organizations, business and the government can show support through government-issued press releases and adopting recommendations.

Canadian Intervention Groups

There are many amazing nation-wide intervention groups, both government-run and NGO, that both specifically target human trafficking and sexual exploitation. The organizations listed below are only some of the groups who are working tirelessly to stop child sexual exploitation both within Canada's borders and outside of them.

RCMP Human Trafficking National Coordination Center (HTNCC). Established in 2005, it is a government and civil society partnership between industry, government, support programs, and law-enforcement whose goal is to collaborate between domestic and international agencies to facilitate partnerships, monitor and contribute to investigations,

contribute research and provide analytical and intelligence services both domestically and internationally (ECPAT, 2016; Cybertip.ca, n.d.; Malakouti-Nejad, 2012). They operate with five main priorities in mind which include developing tools, protocols and guidelines to facilitate investigations, bolster partnerships and communication, coordinate on international and domestic initiatives such as national awareness campaigns, and coordinate intelligence and dissemination of it (RCMP, 2019).

Public Safety Human Trafficking Taskforce (PSHTT). The task force was established to facilitate the National Action Plan to Combat Human Trafficking and is responsible for coordinating federal anti-trafficking responses and creating annual progress reports for the public (Public Safety, 2012). The task force has also been tasked with strengthening partnerships through engagement with stakeholders, via online consultations and roundtables, dissemination of operational handbooks for police and prosecutors and working with the NTNCC to continue Awareness campaigns across Canada (Public Safety, 2012).

Canadian Centre to End Human Trafficking (CCTEHT). Established as the national ‘backbone’ organization, it aims at ending all types of human trafficking in Canada by mobilizing collective action and system change (CCTEHT, n.d.). The created the first multi-lingual, national hotline that is operating 24 hours a day, which connects victims to law enforcement, emergency shelters, transitional housing, long-term supports, counsellors, and other trauma-informed services in more than 200 languages and accessible to deaf and non-verbal victims (Public Safety, 2020).

National Child Exploitation Crime Centre (NCECC). RCMP run in collaboration with Cybertip.ca, the NCECC is the point of contact for investigations into online child sexual

exploitation for policing agencies both within Canada and internationally (RCMP, n.d.). They are a member of the Virtual Global Taskforce which is an international law enforcement alliance that aims at increasing the number of children protected by isolating and arresting more offenders through an increased international law enforcement collaboration (RCMP, n.d.). Domestically it provides services such as immediate responses to at-risk children, managing multi-jurisdictional cases, understanding legislation, extradition orders, and statistics, providing training for police officers, working in undercover operations, victim identification, and gathering and managing of intelligence and coordinating investigations (RCMP, n.d.).

Canadian Women's Foundation (CWF). A national leader, they launched in 1991, in the gender equality movement and preventing gender-based violence, they provide support via funding, researching, advocacy and knowledge-sharing intending to effect systemic change (CWF, 2020). They provide funding for anti-trafficking and anti-sexual exploitation programs, as well as target programming in northern Aboriginal and Inuit communities which often have little to no service programming (CWF, 2020; CWF, 2017).

Women and Gender Equality Canada (WAGE). Previously Status of Women Canada, the name change was the result of *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence*, the strategy integrates multiple programs to provide prevention, support of survivors and families and promotion of a responsive legal system (WAGE, 2018). The strategy is attempting to fill gaps in programming and focus for diverse and vulnerable populations such as women and children, Indigenous Peoples, LGBTQ+, disabled, newcomers, and children and youth, but collaborating with Public Safety, the Public Health Agency of Canada, the Department of Defence, RCMP, Indigenous Services Canada, Crown-Indigenous Relations and

Northern Affairs Canada, the Department of Justice, Statistics Canada, and Immigration, Refugees, and Citizenship Canada (WAGE, 2018). They are providing funding to these programs as well as the NCECC (Wage, 2018).

Little Warriors. A national agency based in Alberta focused on awareness, advocacy, prevention and treatment of child sexual abuse, including sexual exploitation (Little Warriors. n.d.a). They provide a comprehensive list of programming and support lines for each province listed on their website (Little Warriors, n.d.b.). They provide information about the prevalence and frequency of child sexual abuse, created the Be Brave Ranch in the fall of 2014, which offers trauma-informed, family-oriented treatment program based that incorporated proven therapies for children (Little Warriors, 2019). The ranch takes girls and boys who are between the ages of 8-16, where they receive more than 200 hours of multi-modal therapy over a one-year time span, where children are encouraged to form close relationships with their peers (Little Warriors, 2019). The children then return to ranch three times for 12-day spans where they can continue their therapy and reconnect with their peers (Little Warriors, 2019). The children are given access to therapies such as Trauma-Focused Cognitive Behavioural Therapy, Individual and Group therapies, Indigenous Elder Support and Cultural Teachings, Sensory based interventions, and recreational activities (Little Warriors, 2019).

Alberta Intervention Groups

Like with the national groups, there are seeming an innumerable amount of hardworking, important groups that assist victims and work to prevent child sexual exploitation. Many of these programs work in collaboration with each other, and many sexual abuse

programs provide services to victims of sexual exploitation and trafficking even if they do not specifically disclose this fact.

Child Intervention. Part of the Alberta Government's Child and Family Services group, they operate in 7 designated regions and on 17 delegated Indigenous Reserves in Alberta governed and given powers by the CYFEA, PSECA, Drug-Endangered Children's act and Protection Against Family Violence Act (Child Intervention, n.d.a). They embody principles like youth have the right to physical and emotional safety, security and well-being, to be safe from sexual abuse and protected from sexual exploitation, and that child sex work is a form of sexual abuse (Child Intervention, n.d.b.). They work to provide community services to families and youth such as safe housing, medical and psychological assistance, addiction, mental health, and other counselling services, education, culture support and life-skills programs (Child Intervention, n.d.b.).

ACT Alberta. An NGO that identified and responds to all forms of human trafficking in Alberta (Act Alberta, 2019). They coordinate services for victims, provides training for front-line service providers, engages and educates the public, researches and collects data about HT, manages a Victims Assistance fund, assists in provincial & national policy development, creates community-based responses to trafficking, collaborates with government agencies, law enforcement, and other NGO's to identify, respond, and support victims in Alberta (Act Alberta, 2019). They also facilitate Calgary's Community Action Plan for Human Trafficking (CCAP) project that is working to create and implement a multi-sector plan to address and stop human trafficking and sexual exploitation within Calgary (Act Alberta, 2019). They manage a Victim Response Team which provides face-to-face support, court preparation and attendance

supports, assistance with residency applications, work permits, and other legal tasks, coordinated referrals for any resources including shelter, basic needs, legal and trauma counselling, connections with enforcement and regulatory bodies such as Employment Standards, Service Alberta, and law enforcement such as CPS and RCMP, language interpretation services (Act Alberta, n.d.). They work both inside RCMP detachments, but also within other non-profit agencies (Act Alberta, n.d.).

Calgary Communities Against Sexual Abuse (CCASA). As Calgary and Area's primary sexual assault and sexual abuse crisis and education service, they provide specialized and individualized services for victims, their families and the community through safe, accessible, and professional services of crisis intervention, counselling, education, outreach, police and court supports and a volunteer and leadership program (CCASA, n.d.). They have been providing services for over 20 years and aid anyone regardless of the race, ability, religion, sexual orientation or gender (CCASA, n.d.).

YWCA Calgary. A well-known Calgary agency, they help to prevent sexual exploitation of youth through risk mitigation such as housing services, counselling, employment skills training, assisting women and children in escaping sexual, domestic and physical abuse situations (YWCA, n.d.). They are one of Calgary's longest and largest service providers who primarily serve women and children with the mission to assist clients with meeting immediate needs then working with them to facilitate positive change in their lives by intervening, empowering and leading in areas that a woman needs it most (YWCA, 2019).

SAGESSE. A non-profit whose focus is on providing services for victims or those at risk of domestic violence and victims involved in sex-work through capacity building workshops,

education for victims, their support networks, and the public, and are the main agency who is apart of the Calgary Domestic Violence Collective (Sagesse, n.d.b). The agency started with providing services for women leaving first stage shelters and has since grown their services (Sagesse, n.d.a).

Calgary & Area Child Advocacy Centre (CCAC). A non-profit that works with partners such as AHS, the Alberta Justice and Solicitor General, CPS, Children's Services and RCMP to provide holistic services for assessment, investigation, intervention, and support for child abuse victims (CCAC, n.d.). Their focus is on the most complex, severe and urgent cases via an integrated program that allows investigators, medical teams and counsellors a big-picture overview in one session thereby reducing re-traumatization (CCAC, n.d.).

RESET Society of Calgary. A 24-hour year-round agency that provides long-term comprehensive programming for women 16+ who have been sexually exploited or trafficked (Reset Society of Calgary, n.d.a). They also offer programming for pregnant women, women with children and women who have co-occurring issues such as addiction, trauma and homelessness while collaborating with other agencies across Canada (Reset Society of Calgary, n.d.a). They offer 2 stage housing programs, EXIT life-skills training, therapeutic recreational programs, access to mental & physical healthcare providers, women's health and wellness program, employment skills, educational guidance, support & long-term community support (Reset Society of Calgary, n.d.a). Their programming recognized that a woman's basic needs must be met so that she can build up her strength and resilience for a successful exit as often it takes up to five or six attempts before succeeding (Reset Society of Calgary, n.d.b). They also

focus on issues that present due to intergenerational trauma as 25-40% of their clients are Indigenous (Reset Society of Calgary, n.d.b).

Alberta Law Enforcement Response Teams (ALERT). A law enforcement team that runs the Alberta Internet Child Exploitation (ICE) unit which investigates internet-related exploitation issues such as child pornography, child luring, invitation to sexual touching, sextortion, etc. (ALERT, n.d.). They also work within the community to reduce harm via public education programs, prevention initiatives, internet safety campaigns, monitoring instant messaging and chat rooms, social media, and online gaming chats including virtual MMORG and virtual worlds (ALERT, n.d.). They provide internet safety and signs of luring information for parents on their website (ALERT, n.d.).

Zebra Child Protection Centre. An Edmonton based non-profit that is comprised of over 50 professional from 6 organizations, including AHS, the Child at Risk Response Team (CARRT), EPS, Children's Services, RCMP, and Zebra staff & volunteers, with off-site partnerships with the Alberta Crown Prosecution Services, Alberta Education, Alberta Justice, and Child & Adolescent Protection Centre (Zebra Child Protection Centre, 2018). The team facilitates various stages of support for children who are victims of sexual abuse, including a 24-hour crisis response team, providing medical, forensic interviewing, a child safety plan, clothing, pyjamas, snacks, on-site mental health and medical care as well as community support referrals (Zebra Child Protection Centre, 2018). The next stages include advocacy and support services beyond the initial intake, including care calls and emotional supports for caregivers, court specific supports such as emotional support animals, recorded forensic interviews, and a Zebra funded child-friendly court waiting room (Zebra Child Protection Centre, 2018).

McMan Youth, Family & Community Services Association of Calgary. A comprehensive child and family advocacy agency in Calgary, they provide support via housing, community groups, education, family development programs, skills groups, counselling services, drug and addiction treatment, mental health programming, Indigenous-specific programming as well as assisting police with youth apprehended under PSECA and CYFEA (McMan, 2019; McMan, n.d.). They provide youth and their families with individualized case planning keeping the youths or the families specific needs in mind, providing education about prevention and interventions that support healthy life choices and development (McMan, n.d.). All programming is available to youth between 12-18 and families who are referred under PSECA or CYFEA, voluntarily by parents, the youth, community members, schools (McMan, n.d.).

Eleanor's House. A program provided by Boys and Girls Clubs of Calgary, Eleanor's House, located in Calgary, is a voluntary residential transitional program for youth who are at-risk or involved in sexual exploitation (Boys and Girls Club of Calgary, n.d.a). The program targets youth between 13 – 17 who are currently involved or at risk of sexual exploitation and are referred through Calgary Region Child and Family Services under PSECA. (BGCC, n.d.a). There is also a Child Sexual Exploitation screening tool available on the website for parents who are concerned that their child may be a victim (BGCC, n.d.a).

Grimmon House. Also provided by Boys and Girls Clubs of Calgary, is located outside of Didsbury and provides a residential treatment model for youth 13-17 who are at risk of or involved in sexual exploitation (Act Alberta, 2019; RESET, 2018). It has all the same requirement and admittance as Eleanor's House and all intervention supports are based on the three pillars of trauma-informed care, circles of courage and stated of change models (Act Alberta, 2019).

Boys and Girls Clubs of Calgary (BGCC). A well-known community program established in 1939 that supports more than 4500 vulnerable Calgary children and youth yearly, with programs like housing & shelters, community clubs and camps, education and employment skills, indigenous initiatives, and community-based care supports intending to assist youth to develop confidence, gain skills, and experience success (BGCC, n.d.b.).

The Métis Child and Family Services Society. An Indigenous only centred program provided by Indigenous leaders and service workers, it provides two programs of note. The Community Follow up Program works in collaboration with Alberta Child and Family Services, to provide ongoing supports such as advocacy, youth work, informal counselling and community referrals to Indigenous children and youth who have been identified as being at risk of being sexually exploited (Métis Child, n.d.b.). The other is the SNUG program, which is a harm reduction program provided in conjunction with Edmonton Police, MCFS, Edmonton food bank, Women's Emergency Accommodation Centre and AHS to provide youth and young persons involved in sex work with ongoing supports such as food and clothing, basic needs, informal counselling, advocacy, addictions assistance, safety planning, STI testing, emotional support and community services referrals as well as guidance for exiting (Métis Child, n.d.a).

Pace Community Support, Sexual Assault and Trauma Centre (PACE). This agency focuses on the first-time offender via the Sex Trade Offender Program (STOP) which is a post-court diversion full-day program where offenders learn from survivors, their families and communities about how they are harmed by sex work and sexual exploitation, the laws around sex work, street life realities, about pimps and predators, the health risks to victims (PACE, n.d.a). They also provide sexual assault and trauma programming to victims such as talk

therapy, EMDR, two kinds of Family Systems Therapy, Somatic Processing Cognitive Behaviour Therapy, Dialectical Behavioural Therapy, group therapy and Mindfulness (PACE, n.d.b).

Conclusion

The first section of the paper was devoted to addressing the research question about the scope of child sexual trafficking from a Canada and Alberta context. It explored how Canada defines trafficking and exploitation and compared that legislation to the international pieces of legislation. The key takeaway from this is that trafficking at its core is the exploitation of a person for some kind of gain. Exploitation means that there is an exchange of a good (i.e., a human being) for something else, be it services, material, financial, or a basic need.

In Canada, we see two forms of exploitation. The first is sexual exploitation as found at s. 153.1 of the *Criminal Code*, which defines exploitation as anyone who uses a position where they have power over, trust or a responsibility to provide who then uses that position to force the child into sexual activity with either themselves or another whether or not they have been trafficked from one place to another. The other exploitation charge is related to trafficking in the *Criminal Code* under s. 279.01, which defines exploitation for the purposes of human trafficking as someone forcing another person to provide a service or labour using conduct that makes the victim fear for their or another person's safety or life if they do not provide that service.

Canada has been recognized internationally as being both a destination and transit country for trafficking but the actual scope of international or domestic victims of sex trafficking is unknown because only police-reported cases are the only measuring tool that is used within Canada (Dalley, 2010; Ibrahim, 2018). Statistic Canada (2018) data shows that the rate on

incidents is increasing year over year, but it cannot be said if the reason is that there are more victims or if police are only increasingly being able to catch traffickers.

The lack of understanding of the scope of child sexual exploitation represents the enigma of this offence. The business of trafficking by its very nature is clandestine and cloaked in shadow. This could explain why it took so many years to really understand the offence and why it took so long for laws to be established and the world to truly stand up and take notice. It also means that finding victims is next to impossible for law enforcement, especially because traffickers instil a deep-seated fear of the police in victims, which only adds the dark figure of crime.

Canada has been a member of the United Nations for the majority of all introductions of international conventions and responses to human trafficking and thus has signed on to ratify almost all of them into Canadian law. This means that these international conventions have significantly influenced the creation of Canada's response to both international and domestic human trafficking. Therefore, it is essential that Canadian stakeholders have an understanding of how these conventions work as they reach a majority of the world's efforts at combatting child sexual exploitation. International conventions can also act as a legal way to prosecute traffickers who are unable to be tried in Canada due to any legal gaps in our laws.

This project also uncovered how Alberta's PSECA legislation provides authorities and Child and Family Services with an opportunity to remove those most in crisis due to being exploited or at risk of being exploited. While some youth may access supports under PSECA voluntarily, there are youth who are so traumatized, so abused, manipulated or controlled that they cannot utilize voluntarily services; especially if the person who is facilitating their

victimization also happens to be their guardians. PSECA allows for these youth to be removed legally and be placed in secure safehouses to break the contact between the youth and the trafficker(s) and exploiter(s) so that they can detox from drugs and alcohol if needed, or get emergency crisis intervention in the form of counselling, be reunited with family if that is in the child's best interest and allow the child the chance to break away start new.

Victims are at the center of the industry as well as this paper. Victims can come from any walk of life and face various risk factors. On the collective scale, there is not a specific victim profile, only that they are under the age of 18. Things tend to change a bit depending on the form of sexual exploitation has taken. For example, victims who are exploited via forced sex work tend to be between 11-18 years old, mostly girls, often Indigenous and who face horrible home lives and trauma's resulting in them running away, being kicked out and seeking love and affection as well as financial support. This makes them especially vulnerable to being sucked in via schemes that leave them at the complete mercy of a pimp to get even the most basic of hygiene products such as soap. On the other hand, victims lured online can be girls or boys who often are also seeking emotional connects and love, who are sucked into various forms of sexual exploitation but do not have a set history of trauma or family dysfunction.

It has been argued that poverty is not a direct risk factor, but that factors that can lead to poverty such as family dysfunction such as violence, domestic abuse, mental illness, sexual, emotional and physical abuse, drug and alcohol dependence, recurrent failures in school and their social life, are the biggest predisposing factors to being exploited or trafficked (Dalley, p. 37). This makes sense, especially when combined with Dorais' theory that the transition between childhood and adulthood is the biggest risk factor that puts youth at risk of sexual

exploitation or trafficking (Dalley, 2010). During this time of transition, children need strong support systems to assist them in navigating through life and dealing with the restrictions of childhood still. Most youths are also starting to take on responsibility for themselves and their circumstances while also beginning to search for companionship and love.

When a child does not have a support system or is dealing with dysfunctional or abusive family life, they are often forced to take on a heavier amount of responsibility for themselves without having a safety net where they can learn to make mistakes without dire consequences. Also, a child with a support system is less likely to become a victim of their naiveté, meaning that another may spot any manipulation that the youth is being presented with and assisting them in escaping that. Children who have strong support systems even if they get lured by traffickers have a network of people who will worry and work to find that child and support them while they are removed and recovering from the victimization. Youth who are alone feel as if they are more trapped and do not have someone who will fight for them, or whom they can leverage for help to get out.

Some of the most at-risk children are Indigenous, runaway, throwaway and those living independently. This makes sense in the context of the risk factors as these youth often have little home or family support system and tend to be forgotten by authorities, while also being most likely to be dropouts, have no extra-curricular activities and face barriers to gainful employment due to their ages and possible other discriminations. This means that there is little if any adults in their lives that watch them and who can spot the signs of grooming or luring.

Demand makes females especially vulnerable. Most traffickers look at girls as a commodity, while customers are the ones who tell them what commodities they want, which

for child sexual exploitation, means girls, regardless of the form of exploitation being purchased. While males tend to be victims significantly less often, there is still not a lot known about some forms of sexual exploitation when the victim is a boy, as victimized boys are less visible and are controlled and recruited in different ways than girls. Victims who identify on the LGBTQ+ spectrum tend to be at a vast risk of victimization for the same reasons as runaway or throwaway youths regardless of their gender expression. This is equated to the fact that many face discrimination and intolerance from their support systems, often being kicked out of the house, being victims of other crimes such as rape and hate crimes, which facing persecution and discrimination that leaves them without resources, the ability to gain employment and housing, and leaves them under the radar of authorities or outright ignored by programming.

Once the victim is caught by a trafficker, regardless of the kind, often the same overarching strategies are used to maintain control of that victim. The trafficker uses isolation, threats, manipulation, abuse, total control over access to resources and basic needs, drug dependencies, physical force, confinement and movements interprovincially, in between and within cities and even between houses and drug dens, all techniques that ensure that the victims are cowed, resourceless, and fully dependant on them.

There are two obvious applications for the knowledge that was gained under the first research question. The first one is that it aids law enforcement to learn ways to investigate and uncover instances of child sexual trafficking within Canada. The second and arguably most important usage is that it can act as a guide for social services, police task forces and agencies offering prevention and recovery interventions in how best to assist and support those at risk of or who are victims of child sexual exploitation. Prevention efforts seem to have a split focus

between those at risk and everyone else. Prevention programming for at-risk youth is focused on mitigating their risks, providing them with positive peers and supports that are aimed at empowering the youth to improve their circumstances and deal with trauma from abuse. The other half is aimed at educating everyone from the youth themselves, police and other support agency employees, businesses, the public and even the purchasing offender.

Recovery Interventions mainly target supporting those being victimized through harm reduction, crisis intervention, and long-term supports. Harm reduction efforts assist victims who are either not ready to attempt an exit or who are not yet able to be removed by authorities by providing access to supports such as clean condoms, drug use items and basic medical care. Crisis intervention programs are there to support those who are at serious risk or threat of harm or death. These programs generally provide emergency or short term supports such as drug detox, emergency and safehouse shelters and emergency medical care and mental health supports. For example, in Alberta, this would include an emergency forced apprehension of a youth who is then placed in a safe house where they can get access to support and care programming while removing them from a situation where their life was at risk. The last form is long-term supports, which in Alberta appear to be mostly provided through sexual abuse agencies and large-scope programming such as that of Boys and Girls Clubs or Child Intervention. These supports target not only physical and emotional healing due to the sexual exploitation victimization but preventing revictimization by offering holistic and whole person supports that deal with traumas and risk factors that occurred before the sexual exploitation. This paper provided brief overviews of some national and Alberta based programming that

works in all three of these recovery areas. While these programs were noteworthy for varied reasons, they are not exhaustive nor better than any other programming not mentioned.

This literature review and review of intervention programming has highlighted some significant gaps in research that is essential to the Canadian identity. The first gap is that there is a lack of understanding of how trafficking occurs to and how it impacts Indigenous youth. Most research that has been done has focused on urban areas where those who are Indigenous are already facing homelessness etc. The literature reveals that while most youth victims of sexual exploitation in Canada are Caucasian, Indigenous youth face disproportionate rates of risk to becoming exploited or trafficked. It appears that some areas are reporting are disproportionate rates of Indigenous victims which may be the result of population demographics and who is marginalized in specific areas. To combat this, we need to understand how Indigenous youth are trafficked, understand how colonization and continued systemic discrimination affect this and how culture may play a role in preventing and assisting Indigenous victims with recovery.

Research also needs to better understand the male victim of trafficking. Canadian society and online culture are riddled with toxic masculinity images which will affect how males are targeted, trafficked, and how they are treated as victims and at-risk individuals. As proven by the LGBTQ+ increased vulnerability, social roles play a significant part in how males are viewed and how they are expected to comport themselves. Understanding the type of demand for males, what expected personality or role they play with purchasers will affect how traffickers target and control male victims as well. A better understanding of the role of the male victim, how they are targeted and controlled will give police, service agencies, and the

public better tools to prevent, spot, stop and support males and boys who are victims or who are at risk of becoming victims of trafficking.

The gap in research is that there needs to be better clarity within academia between the different forms of sexual exploitation and how these differ for children and adults. By being able to differentiate between the forms such as child pornography, sex work or sex tourism will allow academics and other industry stakeholders to target prevention programming to at-risk individuals who due to their circumstances are being targeted in specific ways and with specific techniques. Police will then be able to better target investigations, develop new techniques and other integral prevention personnel will be better able to assess if a person is at significant risk and when they should be involving authorities or other agencies.

Recommendations

All of this leads to the recommendations that are based on the research done for this thesis. The first and arguably the most important recommendation is that the various stakeholders both at the governmental, medical, psychological and support agency levels need to come together and create a nation-wide risk assessment tool. The tool would likely need to consider that child sexual exploitation occurs in various forms and children are targeted and lured in different ways. The point of the tool would be to highlight risk factors and life situations that place a child at particular risk of being exploited or who are currently being exploited to better connect them with services, programming, and mentorship meant to protect and break the cycle that puts these youth at risk of victimization. By creating a single risk assessment tool, it would allow stakeholders to provide more consistent and holistic support programming, while also allowing them to better understand the recovery process. The tool would allow all

programming partners to be on the same page and fully understand the needs of the youth while would allow for easier and more effective communication and collaboration between stakeholders thus offering the youth a more cohesive, effective and tailored recovery.

The second recommendation is that an international or a national database should be created and managed by federal law enforcement but is open and available to all law enforcement agencies and that collects data on known offenders and their networks so that it can be compiled to bridge the communication gap, increase knowledge-sharing, and increase the likelihood that police can gather the required evidence to arrest perpetrators and monitor their activities and allow prosecution services to lay charges and take the perpetrator to trial.

Also needed is that these stakeholders are connected to support services in which would allow programming directors to better assess the youth's safety risks, notify authorities about traffickers and purchasers without breaking the trust and confidence of the victim, and allow police to get a large scale view of their activities, all of which could lead to increases in their ability to investigate, gather required evidence and protect and support victims.

The next recommendation would go hand in hand with national human trafficking hotline which is run by the Canadian Centre to End Human Trafficking. The hotline facilitates connecting victims to law enforcement, crisis intervention, emergency shelters and medical care and is open 24/7. The recommendation is to create an app that police and service programs can tell victims and at-risk individuals about, that appears to be a mundane app such as a calendar or notes application (to hide it from pimps and traffickers), but it would allow victims to text and chat with counsellors who can connect them to local services, trafficking and exploitation task forces, other law enforcement, provide peer supports, and connect them to

critical medical staff as well as harm reduction programming. It could also be used by victims to leave anonymous tips about the activity of traffickers, purchasers and other victims in crisis.

This thesis project allowed me the opportunity to dig deeper into sex trafficking and child exploitation to better understand the scale of the crime in Canada and how Canada is going about fighting it. It also provided me with the opportunity to contribute to the literature by synthesizing various Canadian opinions and understanding the crime in its entirety, thus allowing me to offer my opinions and recommendations to continue to assist in combatting sex trafficking and child sexual exploitation.

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