

The Peter A. Allard School of Law

Allard Research Commons

Faculty Publications

Faculty Publications

2010

The Slave Trade is Back: Confronting Human Trafficking in Canada and Beyond

Benjamin Perrin

Allard School of Law at the University of British Columbia, perrin@allard.ubc.ca

Follow this and additional works at: https://commons.allard.ubc.ca/fac_pubs



Part of the [Law Commons](#)

Citation Details

Benjamin Perrin, "The Slave Trade is Back: Confronting Human Trafficking in Canada and Beyond" ([forthcoming in 2010]) 4:2 C2C: Canada's Journal of Ideas.

This Working Paper is brought to you for free and open access by the Faculty Publications at Allard Research Commons. It has been accepted for inclusion in Faculty Publications by an authorized administrator of Allard Research Commons. For more information, please contact petrovic@allard.ubc.ca, elim.wong@ubc.ca.

The Slave Trade is Back: Confronting Human Trafficking in Canada and Beyond

By: [Benjamin Perrin](#) on June 15, 2010

Adam Smith, William Wilberforce and Abraham Lincoln are names synonymous with the defense of individual liberty. Together their lives overlapped to form a continuous 142-year period that ended just two years before confederation in Canada. These men recognized that free markets and free societies could only exist where *all* people are free. This hard-earned victory, however, is being systematically attacked in Canada and, indeed, around the world, with a resurgence in the last two decades of human trafficking—a modern-day form of slavery.



“Slavery is a weed that grows in any soil,” cautioned Edmund Burke. Even a quick skim through the US State Department’s [Trafficking in Persons Report](#) is enough to demonstrate that modern-day slavery is thriving in countries as diverse as Cambodia and Costa Rica, India and Italy, as well as the Ukraine and the United States itself.

On December 2, 2002, Kofi Annan declared the *International Day for the Abolition of Slavery*, emphasizing that “despite the efforts of the international community to combat this abhorrent practice, it is still widely prevalent in all its insidious forms, old and new...includ[ing] traditional chattel slavery; bonded labour; serfdom; and forced labour, including of children, women and migrants, and often for the purpose of sexual exploitation, domestic servitude and ritualistic and religious reasons.”

In his book *Disposable People*, Kevin Bales went so far as to assert that more people are in bondage today than at any time in history. “Slavery is what slavery’s always been: About one person controlling another person using violence and then exploiting them economically, paying them nothing. That’s what slavery’s about,” said Bales. International policing agencies say that illegal profits from modern-day slavery rival that of drug and weapons trafficking.

While countries around the world have been tackling the issue for over a decade, Canada’s response has been comparatively lethargic. This is largely out of a lack of widespread awareness about the extent of the problem and insufficient political will to make it a priority. As a result, Canada has been recognized as a destination country for human trafficking involving sexual exploitation and forced labour, as well as a transit country for perpetrators to transport their victims into the United States. Even more alarmingly, Canada has recently been identified as a

source country for sex trafficking victims. In fact, our own citizens have become targeted by traffickers who richly profit from the young women and underage girls under their control.

People as Property: Opposed by the Father of Classical Economics

The philosophy of liberty is an important place to start this discussion about the need to confront the modern-day affront to freedom—human trafficking. Many people too quickly assume that the grandfather of conservative thought, Adam Smith, would have little to say about the topic. Some even wrongly analogize his “invisible hand” theory to a form of *laissez-faire* capitalism that borders on anarchy. Nothing could be further from the truth.

Smith spoke out against slavery both from a moral and an economic viewpoint. In *The Theory of Moral Sentiments*, he argued that it was cruel “to reduce them [people] into the vilest of all states, that of domestic slavery, and to sell them, man, woman, and child, like so many herds of cattle to the highest bidder in the market.” In *The Wealth of Nations*, Smith further argued that “Whatever work he [a slave] does beyond what is sufficient to purchase his own maintenance, can be squeezed out of him by violence only, and not by any interest of his own.” Smith concluded, therefore, that “from the experience of all ages and nations, I believe, that the work done by free men comes cheaper in the end than work performed by slaves.”

Civil Society versus Slavery

William Wilberforce’s twenty-year campaign to abolish the slave trade in the British Empire, including Canada, culminated in the 1807 passage of *An Act for the Abolition of the Slave Trade*. The story was revived and retold for the two-hundredth anniversary of this historic milestone in the film *Amazing Grace*. That film was named after the famous hymn written by a former slave trader who turned from his ways and supported the abolitionist cause. Wilberforce was part of a massive grassroots movement that mobilized on a scale never before seen in Britain. The case for freeing African slaves was based on individual liberty first, demanding that the racist attitudes of the era give way and that profiteers of slavery were not worthy of their ill-gotten proceeds. It was a powerful positive vision, sowing seeds that would spread to France, America and eventually around the world. Indeed, the abolitionist movement has been recognized as the first international human rights issue, with civil society—not government—acting as the catalyst.

“Freedom is the last, best hope of earth,” proclaimed Lincoln. His fight against slavery in America was costly, with a bloody civil war and the near destruction of the country. The sixteenth President of the United States, a Republican, was adamant in his principled stand that “those who deny freedom to others deserve it not for themselves.” The 1862 Emancipation Proclamation and the passing of the Thirteenth Amendment to the US Constitution in 1865 cemented the victory. The international movement to end slavery had gained a major ally.

The *Slavery Convention*, an international treaty banning slavery, defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” In other words, when a person is treated like property, they are a slave. They are sold, used for the financial gain of their owner or person controlling them, and then they are traded or disposed of. They have no control over their future.

Smith, Wilberforce and Lincoln's dedication to freedom confronted the pervasive orthodoxy of their era, which taught that only *some* were worthy of the right to choose their future, own property, and earn a living from the product of their intellect and hard work. They, however, instinctively knew that the idea that someone could exercise the rights of property ownership over another person was incompatible with a free society.

A Primer on Modern-day Slavery: Human Trafficking and its Victims

As US President George W. Bush said while in office, "We must show new energy in fighting back an old evil. Nearly two centuries after the abolition of the transatlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time."

In 2000, the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons* was adopted in Palermo, Italy to supplement the *Convention against Transnational Organized Crime*. This treaty received widespread international support, including from Canada, and defines human trafficking in broad terms, focusing on the purpose of exploitation with a wide variety of means used. The *Palermo Protocol* defines human trafficking as:

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

As defined under this international protocol, human trafficking does not require an international border to be crossed; even movement of the victim is not necessary, although it is common. Instead, human trafficking is about the exploitation of the victim. Although the terms "human trafficking" and "human smuggling" are often used interchangeably by the press, they are legally and theoretically very different. Human *trafficking* is primarily about the exploitation of the individual; human *smuggling* refers to the illegal movement of migrants across borders in order to gain a financial benefit from the illegal entry itself. It is defined as "crossing borders without complying with the necessary requirements for legal entry into the receiving state" in the *Protocol against the Smuggling of Migrants*. No further element of exploitation is required.

Treating people like property offends our most deeply-held beliefs about human liberty. Slavery and its modern manifestations are persistent evils across time. Given that the protection of individual liberty is one of the classical justifications of government, ending human trafficking must be a priority for modern governments.

Canada's Human Trafficking Connection

Human trafficking is a problem that affects countries around the world. It is emerging as a significant concern in Canada as awareness is increasing about the existence of this serious crime and affront to individual liberty.

In 2004, the RCMP Criminal Intelligence Directorate estimated that 800 foreign nationals are brought to Canada every year to become human trafficking victims, 600 of whom are subject to sexual exploitation. A further 1,500 to 2,200 persons are believed to be transported through Canada annually into the United States. However, only a small fraction of these estimated victims have been identified by authorities. Today, the RCMP no longer relies on these outdated estimates. Instead, the national police force has recently completed a "threat assessment" on human trafficking that is expected to be released in the imminent future.

Although many victims of human trafficking in Canada are recruited from overseas, there are also many domestic, Canadian-born victims. Underage Canadian girls as young as 12 years old are also being subjected to sexual exploitation by traffickers across the country, according to the Criminal Intelligence Service of Canada's strategic intelligence brief entitled *Organized Crime and Domestic Trafficking in Persons in Canada*.

Domestic trafficking occurs inter- and intra-provincially and is largely facilitated by organized criminal groups. Canadian-born females are typically recruited from lower- to middle-class families by male peers, either through threats of violence to them or their families or through the promise of affection. Trafficking and recruitment of victims occurs in both large urban centres and smaller areas. Victims are often moved inter- or intra-provincially for various reasons. The reasons include: a demand for "new faces", i.e. newer sexual prey for those who would abuse them; to isolate victims from their previous social networks; and to impede law enforcement. More recently there has also been increasing awareness of Canadian-born victims brought to the US.

Criminal networks and street gangs that actively traffic Canadian women and underage girls include violent groups that have been linked to gun violence and drug trafficking. There have been calls for a police task force to confront the most notorious of these gangs, but those calls have not been heeded.

Modern Slavery's Underground Nature

Today, modern-day slavery is often not as obvious as with the physical chains and slave ships of the slave trade of the past. It has taken on new forms and thrives largely underground, encompassing sexual exploitation, domestic servitude and forced labour. Victims are treated as expendable commodities and bought or sold like chattel. They are acquired and controlled through violence, coercion and deception.

Across Canada, dozens of human traffickers have been identified by police and charged in the last two years with the offence that only was added to the *Criminal Code* in 2005.

In June 2008, Imani Nakpangi became the first person to ever be convicted of human trafficking in Canada. Meanwhile, over 20,000 traffickers were convicted worldwide between 2003 and 2008. Nakpangi's victim was a homeless Canadian teenage girl who was sold for sex by Nakpangi between the age of 15 and 18 and kept under his control through physical violence and threats against her family. He earned over \$360,000 by selling her for sex in Peel Region, in the Greater Toronto Area. A second victim of Nakpangi was 14 years of age, suffered from fetal alcohol syndrome and was living in a group home when he "recruited" her and sold her for sex on Craigslist.

Several recent human trafficking cases break traditional myths or stereotypes about human trafficking. In April 2009, Laura Emerson was convicted of human trafficking after an extensive investigation involving the Ottawa Police Service. A suspected associate of a notorious south Ottawa street gang, she pleaded guilty in a Gatineau, Quebec courtroom to charges of living off the avails of prostitution (including of a minor), assault, forcible confinement and human trafficking. Her victims included Canadian girls who were "recruited" by Emerson in women's shelters and who were then forced to be sold for sex, with violence and drugs used to control them.

The Cost of Inaction

A failure to diligently defend individual liberty comes with huge costs that are often overlooked—not only to the people directly affected, but also to our society.

Life-Altering Impact on Victims

The most poignant and obvious impact of human trafficking is the impact on the individual victim. There are some basic human rights that in our modern age we consider to be fundamental and unyielding. The *Universal Declaration of Human Rights* codifies these fundamental rights, including Article 4, which states "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." Trafficking in persons contravenes these fundamental human rights, denying the victim basic and broadly accepted individual freedoms such as the right to life, liberty and security and freedom from servitude.

Victims of human trafficking face prolonged and repeated trauma. Trafficking victims are controlled by a combination of measures, with physical force being used in a majority of cases. Victims are often assaulted physically and sexually, and injuries are generally left untreated. A 2006 study of 207 women who had recently escaped trafficking in 14 different countries reported that 95% of the women experienced physical or sexual violence while being trafficked. A majority reported untreated infections.[1] Sexually transmitted diseases are rampant and are often left undiagnosed or untreated. Victims are at increased risk of contracting HIV. The victim impact statement of one of the victims of convicted human trafficker Imani Nakpangi offers just a glimpse of the suffering she endured and her ongoing challenges with rebuilding her life:

"[I am c]onstantly looking over my shoulder afraid either Imani or his friends are going to come after me for putting him in jail. I don't feel safe at home. He knows where I live and what my family looks like, and where they live... I have nightmares about him. I have low self-esteem.

Feel like I'm only good for one thing, sex. I don't see why someone, a man, would be interested in me and try to get to know me because I feel unworthy, dirty, tainted, nothing; basically lost two-and-a-half to three years of my life being with Imani."

Victims of human trafficking are generally the most vulnerable in our society. Internationally, they come from areas of extreme poverty or civil unrest. Domestically, they are young, impressionable youths from a variety of backgrounds. Victims who have been previously victimized in some way, either through domestic violence, war crimes, or prior introduction into the sex trade are particularly susceptible to subsequent victimization. Victims of trafficking who manage to escape their traffickers are more likely to be re-recruited. This is due to a variety of factors including lack of other opportunities, low self-worth, victim stigmatization, lack of education and lack of community support. Additionally, in many cultures victims are stigmatized and outcast, facing both moral and sometimes legal consequences upon returning home. Cultural attitudes towards prostitution and a lack of awareness about trafficking can prevent victims from being accepted by their families and communities upon their return home.

Victims are sometimes controlled through forced substance abuse, which can leave them with an ongoing substance abuse problem even after they escape their traffickers. Young children are most vulnerable to permanent physical damage, such as stunting of growth, as well as permanent social problems. They are likely to have a lower level of education, making them less likely to earn legitimate income. Additionally, attachment problems, anti-social behavior, a distrust of authorities, aggression and addictions are more likely.

The Economic Costs of Modern Slavery

Although the consequences to the victim are tragic, the consequences of human trafficking extend far more broadly than just the individual. As the UN Global Initiative to Fight Human Trafficking (GIFT) report points out, "The cost of trafficking includes the value of all resources devoted to its prevention, the treatment and support of victims and the apprehension and prosecution of offenders." Trafficking in persons is a widespread and profitable crime. This income is unreported and untaxed.

Additionally there are enormous losses to governments and communities in terms of human and social capital. Communities lose productive members of society when they become victims of human trafficking. Survivors suffer from a loss of future productivity due to bad health, low education, psychological trauma and stigmatism. This prevents victims from returning to their communities, earning taxable income and contributing to their society.

Survivors of human trafficking often suffer from severe psychological and physical trauma. The cost of ongoing care and support for victims is a severe economic impact of human trafficking. Victims are less likely to be able to become productive members of society and are more likely to need government support in terms of ongoing physical and psychological help, as well as economic assistance. Additionally there are expenses related to the repatriation of victims, or immigration processing.

There are also expenditures relating to the prevention, investigation and prosecution of trafficking in persons offences. Expenses relating to increased border control, advocacy and research on human trafficking and the investigation and prosecution of any offences are all economic impacts of human trafficking.

Fuelling Criminal Activity, Corruption and Undermining the Rule of Law

Due to its low overhead and the difficulties surrounding its detection, trafficking in persons is a very profitable and relatively safe industry for organized criminal groups. Organized criminal groups that engage in trafficking in persons range from small, local, and domestic networks to large transnational organizations.

Traffickers operate across borders using bribery and other tactics to ensure free movement of their human commodities. These tactics encourage corruption of immigration officials, consular workers, embassy personal, members of law enforcement, political leaders, border guards and others. Corruption encourages officials to look the other way or actively assist trafficking activities in return for personal gain, sometimes in the form of free “sexual services” from the victims of human trafficking.

More recently, extensive research has been done in relation to the link between corruption and human trafficking. Sheldon Zhang, in his book *Smuggling and Trafficking in Human Beings*, found that “of all variables corruption and per capita income have the strongest correlation with TIP.” Kevin Bales argues that corruption is a more important impetus for organized criminal groups engaging in human trafficking than poverty. While poverty provides for the ease of recruitment, corruption opens channels for migration. Recruitment is relatively easy for organized criminal groups to accomplish, whereas without corruption and the right connections, the smuggling of these recruits would be impossible.

Zhang argues that “in order for human traffickers to mount successful and continuous operations, a regulatory environment conducive to the trafficking trade and related vice industry is required.” A report from the Program Against Corruption and Organized Crime in South Eastern Europe (PACO) found that almost all countries in South Eastern Europe faced corruption problems associated with human trafficking. The report also found that “trafficking cannot take place without the involvement of corrupt officials.”

Corrupt officials allow for ease of movement and can assist in gaining the proper travel documents. In countries without strong legal mechanisms to prevent and prosecute corruption it can lead to a breakdown of the political system. This corruption undermines the rule of law.

This is especially relevant in developing nations, where the UN *Global Initiative to Fight Human Trafficking* advises: “Organized crime undermines law enforcement efforts, slows economic growth, raises the cost of regional trade and disrupts the transition to a market economy.” In addition to corrupting officials individually, profits from organized crime can be used to fund political parties and election campaigns to ensure continued access for organized criminals to their networks. This ability to essentially buy power can undermine the public’s trust in the democratic system.

Trafficking in persons is often accompanied by other illegal activities such as fraud, extortion, racketeering, money laundering, bribery of public officials, drug use and document forgery. Once an organized criminal group has found a corrupt official through which to route their trade, the groups can use the same corrupt officials for arms, drugs and other illegal commodities.

In Canada, organized criminal groups operate inter- and intra-provincially as well as internationally. We have seen an increased trade in victims of human trafficking across the US border to both New York and Las Vegas. Organized criminal groups operate in both large centres and smaller areas. They often use their victims in less visible, more profitable venues such as strip bars, escort agencies and private residences, making it more difficult to detect and prosecute. According to the 2008 *Criminal Intelligence Service of Canada* report, victims can also be used to contact customers for other illicit activity including drug trafficking and use.

A National Commitment to End Human Trafficking

For almost three years, I have researched the problem of human trafficking in Canada to better understand how modern-day slavery could take root in our country. Getting to the bottom of the problem was not easy. It meant travelling across the country to interview police officers, Crown prosecutors, victim advocates, non-governmental organizations and civil servants as well as filing dozens of *Access to Information Act* requests. I also set out to evaluate the response of the federal and provincial government as well as non-governmental organizations in confronting this issue and identifying best practices from other countries. The ultimate aim is to raise public awareness about human trafficking and make concrete recommendations to dramatically improve Canada's response to this problem, involving not only governments and law enforcement agencies, but also community and faith-based groups, private companies, parents and average Canadians.

The findings and recommendations from the national study will be published in October 2010 in a book entitled [*Invisible Chains: Canada's Underground World of Human Trafficking*](#) by Viking Canada. Along with this special edition of C2C, I hope that it will be part of a growing movement in Canada to end modern-day slavery in our time.

The author is grateful for the research assistance of Fleur Heck and Kari Schroeder in contributing to this article.

[1] Cathy Zimmerman and others, *Stolen Smiles a Summary Report on the Physical and Psychological Health Consequences of Women and Adolescents Trafficked in Europe* (London, London School of Hygiene and Tropical Medicine, 2006 p 9-15 (online at www.lshtm.ac.uk/genderviolence/)