SAFER SPACES WHITE PAPER #2 UNDERSTANDING HUMAN TRAFFICKING IN NOVA SCOTIA



NATIONAL ADVOCACY. COMMUNITY ACTION.

INTRODUCTION

In 2020, Statistics Canada identified Nova Scotia as having the highest per capita rate of human trafficking in the country; one case for every 100,000 people compared to the national average of 0.5 cases per 100,000. Although we hold 3% of the national population, we hold 6% of the total human trafficking cases in the country (Cotter, 2020).

Human trafficking and the sexual exploitation of youth is not new in Nova Scotia and, until recently, response has been slow. In 2016. YWCA Halifax convened the provincial Trafficking and Exploitation Services System (TESS) partnership with government staff, law enforcement, nonprofits, and survivors to better understand and respond to the problem. Additionally, the Government of Nova Scotia has recently made significant investments into programs and services for trafficked children and youth, and is making efforts to address the problem upstream through interdepartmental cooperation and collaboration.

Human trafficking and the sexual exploitation of children and youth is a complex problem that intersects with the adult independent sex trade and issues of gender inequity, racism, and colonization. The Criminal Code of Canada, the main institutional tool used to define and address the problem, approaches trafficking primarily from a human-rights and labour lens, connected to "modernday slavery." We posit that this approach alone does not capture the full extent of the issue and over-reliance on the Criminal Code can be problematic.

Of particular importance to the efforts of responding to human trafficking and the sexual exploitation of children and youth is the appropriate defining and critical understanding of the complexity of the problem. This is important for work happening downstream (on the service provision side) as well as making crucial systemic changes upstream (on the policy and planning side). If we rely on the Criminal Code alone to define the nature and scope of the problem of trafficking, we run the risk of excluding many children and youth who do not see themselves as victims of human trafficking as well as those who never come into contact with the Criminal Justice System.

This White Paper proposes that in order to be effective. downstream and upstream efforts to respond to human trafficking must take an evidence-based approach and encompass the full breadth of experiences of victims. By reframing the issue as the Commercial Exploitation of Children (CSEC) and Youth a provincial strategy can be inclusive of the variety of ways that sexual exploitation of youth manifests in our communities. enhance our understanding of the scope of the problem, and position us to effectively prevent, intervene, and respond.

It is not enough to rely on the Criminal Code definition of human trafficking to deal with the greater problem of the Commercial Sexual Exploitation of Children (CSEC) and Youth in our province. To make an impact on reducing the prevalence of CSEC, we must broaden our understanding of the problem and strategically address the variety of ways it is happening in our communities.

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For more information about the TESS Partnership visit www.tessns.com



DEFINING THE PROBLEM

THE TERM "HUMAN TRAFFICKING" ONLY CAPTURES A FRACTION OF THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC) AND YOUTH THAT IS HAPPENING IN NOVA SCOTIA.

In 1996, the 1st World **Congress against Commercial** Sexual Exploitation of Children was held in Stockholm, Sweden, and issued a declaration for action which framed the problem as being a form of sexual abuse against children. Any action which treated someone under the age of 18 as a commercial sexual object was the key defining aspect of CSEC; and any adult who paid for or collected money for the sale of the sexual services of someone under the age of 18 was a perpetrator of CSEC (World

Congress against Commercial Sexual Exploitation of Children, 1996). This framing of the issue has a much broader application than the current manner Canada and Nova Scotia deal with the buying and selling of minors in the commercial sex trade.

"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" (Ontario Women's Justice Network, 2018) Trafficking has been included in the Canadian Immigration and Refugee Protection Act since 2002 and deals specifically with the trafficking of people across international borders. However, when people are criminally charged for human trafficking, whether in the context of regular employment or sex work, the same legislation applies to both. In this way, the Criminal Code does not distinguish between the types of trauma that can occur with CSEC and does not address it as an issue of childhood sexual abuse.

This problem of CSEC is further complicated by its context of the commercial sex industry, a billion-dollar global industry that is culturally and economically normalized around the world. For the most part, children and youth who are engaged in the adult sex trade can hide in plain sight. Even though many are manipulated and coerced into participation, the myth of "choice" can complicate responses, and leads many to believe or rationalize that there is no real significant problem of human trafficking in Nova Scotia. There are many forms of exploitation that occur in the commercial sex industry, from both a supply and demand perspective.

THE PRIMARY TOOL OF THE GOVERNMENT OF **CANADA IN TACKLING CSEC IS THE CRIMINAL** JUSTICE SYSTEM BY **USING TRAFFICKING** IN PERSONS (TIP) **CRIMINAL CODE** CHARGES. THE **TRAFFICKING IN** PERSONS CHARGE WAS INTRODUCED TO THE CRIMINAL CODE IN 2005 (ONTARIO WOMEN'S JUSTICE NETWORK, 2018).



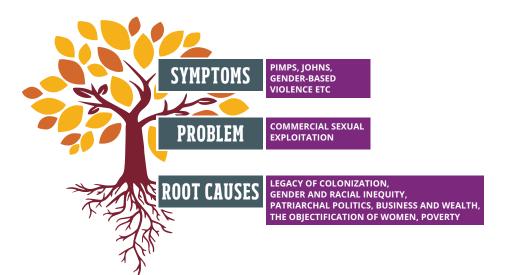


ANY TIME A PERSON UNDER THE AGE OF 18 IS SOLD OR BOUGHT AS A PRODUCT, THEY ARE BEING EXPLOITED. HOWEVER, THE HUMAN TRAFFICKING CHARGE ONLY DEALS WITH THE EXPLOITATION THAT HAPPENS ON THE SUPPLY SIDE OF THE EQUATION.

The language and imagery often associated with human trafficking includes sensationalized and sometimes racist depictions of the problem. Photos of black male hands covering the mouths of often white female victims, as well as images of scared, blindfolded girls in handcuffs, are commonly used in awareness campaigns and media stories related to human trafficking. While violence and force can be a pathway to CSEC, it is not the most common one.

In fact, according to the most recent Statistics Canada report on Human Trafficking, 12% of cases had additional kidnapping or forcible confinement charges associated (Cotter, 2020).

Much more common than violence and force, the pathways to CSEC are related to calculated and methodical sexual predation on the vulnerabilities and insecurities of children and youth, which follow patterns very similar to cycles of relational violence and control. The appearance of "choice" is present, there is loyalty and trauma-bonds to perpetrators, and victims do not see themselves in many of the aforementioned public awareness campaigns which depict them as brutalized or slaves.



While many efforts have been underway in Nova Scotia to educate service providers working downstream on the language, context, and various pathways to CSEC, there is little data or research to assist upstream efforts for policy and planning a strategic response to the issues. With the exception of Criminal Code statistics collected and aggregated nationally, and academic research from other jurisdictions, an understanding of the scope and nature of the problem remains largely informal and anecdotal in Nova Scotia.





DISTINGUINSHING CSEC FROM SEX WORK

In Nova Scotia, participation in the commercial sex industry is mixed between adultindependent and underage-3rd party controlled suppliers. While understanding the specific harms and impacts related to child and youth involvement is well evidenced in research and through the voices of victims and survivors, it is important to recognize that it is also well evidenced that the commercial sex trade can also be a source of economic security for adult, independent, non-controlled sex workers.

Balancing the human rights of sex workers with the human rights of trafficking victims is a tricky business. The presence of an unregulated adult sex industry makes it easier for CSEC to hide in plain sight, as the assumption of "choice" can interfere with police and service provider responses to victim disclosure, and the prosecution of those who procure underage victims. Much of the reporting on and understanding of the commercial sex trade in Halifax comes from Stepping Stone, a non-profit agency that has been providing support to current and former Sex Workers in Halifax for over 30 years. Stepping Stone is one of the only Sex Worker advocacy agencies in Canada that provides services to those engaged in the commercial sex industry as both sex workers and victims of commercial sexual exploitation and human trafficking. Many adults involved in the commercial sex trade independently came into the industry via an exploitative relationship when they were underage, and many have a history of violence and abuse in their past, and throughout their participation.

IN 2019, STEPPING STONE SURVEYED 41 OF THEIR PARTICIPANTS AND FOUND THE FOLLOWING



So while CSEC and Sex Work are two very different types of engagement in the commercial sex trade, there can be elements of violence and histories of abuse present among all participants. Reducing the prevalence of violence, coercion, and abuse experienced within the commercial sex trade should be key to any strategy which seeks to reduce the harms of participation, regardless whether someone identifies as a human trafficking victim or a sex worker. Today, there is no "legal sex trade" in Nova Scotia. The last strip club in Nova Scotia, Ralph's Place in Dartmouth, closed in January 2018 (Toth, 2018). The commercial sex industry, however is still thriving in Nova Scotia and it is happening underground. The further underground the industry is pushed, the more difficult it will be to reach victims of CSEC and violence.



CSEC AND THE CRIMINAL CODE

The number of cases of human trafficking has been trending upwards since 2010 across Canada. While it may seem disheartening to hear that Nova Scotia experiences the highest per capita rates, it may also be because more victims have come forward rather than a reflection of a rise in actual instances. It is impossible, however, to make that determination quantitatively with the limited data that is available.

Like many other forms of gender-based violence, it is believed that what is reported to police as human trafficking and reflected in criminal justice system statistics only covers a fraction of the problem of CSEC. It takes a great deal of courage and support for CSEC victims to come forward and leave their perpetrators. In all likelihood their perpetrators will also be their romantic partners, the fathers of their children, or even their own family members who have been materially and

emotionally providing every need a victim has for their dayto-day survival.

While police-reported data can give us some insights into the nature and scope of human trafficking in Nova Scotia, it leaves us with an incomplete picture of the extent to which children and youth are being commercially sexually exploited. There are many gaps in the Statistics Canada data, with regards to relevant demographic information about victims and perpetrators, such as race and socio-economic status. As such, these numbers are not very useful for policy and planning. There is also little to no analysis of the intersections of MMIWG and human trafficking, nor how CSEC disproportionately affects the African Nova Scotian community.

The Statistics Canada report identifies three data reliability issues worth noting (Cotter, 2020):

- Human trafficking is often hidden and involves people who do not identify as victims, or recognize their experiences as "being trafficked";
- Victims are often highly vulnerable and fearful or distrustful of authorities;
- Victims are economically dependent on, or fearful of, their perpetrators.

Victims who reported human trafficking between 2009 and 2018 were overwhelmingly female (97%). There is little research and data available to fully understand how boys and trans-folks are being commercially sexually exploited in Nova Scotia. However, one recent case in Truro involved multiple male victims. Almost half (45%) of the victims between 2009 and 2018 were between the ages of 18 and 24, and 28% were under the age of 18. The remainder (24%) were 25 years or older. The statistics also reflect where human trafficking and intimate partner violence intersect, with 29% of victims reported being trafficked by current or former romantic partners.

Where the victims were predominantly female, those accused of human trafficking were predominantly male (81%). Across Canada, 79 youth have been accused of Human Trafficking between 2009 and 2018. Of those 79 youth, 72% had at least one other adult co-accused involved and 59% were young women. It is unclear how many of those would be considered instances of peerto-peer trafficking. However, 31% of all victims reported being trafficked by a friend or acquaintance.

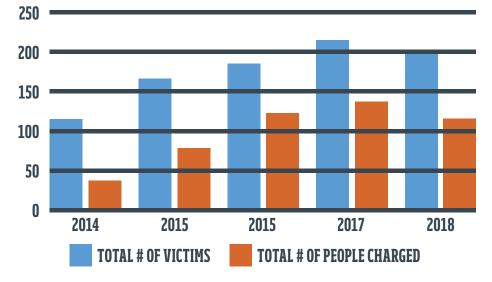




This data is all specific to the Human Trafficking charge. However, as the 2020 report notes, there are numerous charges which deal with CSEC more broadly than those contained in Section 279 (Trafficking in Persons) of the Criminal Code: 44% had at least one other charge associated. These charges included Prostitution-related charges (69%), Assault (39%), Sexual Assault or Sexual Offences (21%), Kidnapping and Forcible confinement (12%), or some other violation (11%). In NS, sexual assault and charges related to child pornography are also on the rise (Statistics Canada, 2020). Although child pornography and human trafficking are different problems, it is important to remember that the production and distribution of pornography is very much an activity of the commercial sex trade. Children and youth who are being commercially and sexually exploited in pornography are

also, very much, CSEC victims. The charges related to the commodification of sexual services (Section 286) include crimes related to 3rd party advertising, material benefit, and procurement. Since 2015, when the Criminal Code changed how these charges were applied, it can be assumed that those charged were also perpetrators of CSEC as they are only applied when a 3rd party is managing and collecting money for participation in the sex trade. For Nova Scotia there is no clear patterning related to these charges between 2014 and 2018, except for the disparity between the number of incidents and the number of people charged. The number of incidents peaked in 2016, with 55 reported incidents and 5 people charged. In 2018 this gap between incidents and charges narrowed, with 29 reported incidents and 17 people charged. (Statistics Canada, 2020)

SEXUAL VIOLATIONS AGAINST CHILDREN IN NOVA SCOTIA

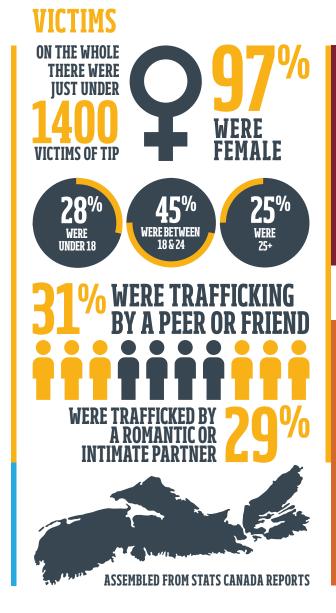


Also on the rise in Nova Scotia are the number of reported sexual offences against children. According to other available Statistics Canada data, the number of sexual violations against children has also been rising since 2014. In this chart, sexual violations include charges such as sexual interference, luring, and sexual exploitation, again all charges relevant to the problem of CSEC. In 2018 there were 203 victims of sexual offences involving children, and 45% of those victims were under the age of 12 (Statistics Canada, 2020). What declined in 2018, however, was the total number of people being charged with the reported incidents (Statistics Canada, 2020).





TRAFFICKING IN PERSONS CHARGE (SECTION 279 OF THE CRIMINAL CODE) Between 2009 and 2018 (All of Canada)



PERPETRATORS



THERE HAVE BEEN **1708** INCIDENTS WHERE HUMAN TRAFFICKING WAS THE MOST A TOTAL OF **1708** SERIOUS OFFENCE. OF THOSE:

56[%] ONLY INVOLVED TIP CHARGES

44% INVOLVED ADDITIONAL CHARGES 69% PROSTITUTION-RELATED CHARGES 39% ASSAULT 21% SEXUAL ASSAULT OR SEXUAL OFFENCES 12% KIDNAPPING & FORCIBLE CONFINEMENT

SOME OTHER

VIOLATION

45% Construction of incidents of human trafficking were not connected to an identified perpetrator



CHARGES & COURT OUTCOMES

THERE HAVE BEEN **1762** HUMAN TRAFFICKING CHARGES RELATED TO 582 CASES COMPLETED IN ADULT COURT THE MEDIAN NUMBER OF DAYS IT TOOK TO COMPLETE A HUMAN TRAFFICKING CASE THROUGH THE COURTS WAS **358 DAYS** COMPARED TO 172 DAYS FOR OTHER VIOLENT OFFENCES

THE TOTAL NUMBER OF CHARGES RELATED TO THE 582 CASES WERE **9484** AN AVERAGE OF 16 CHARGES PER CASE **62%** OF COMPLETED CASES WHERE HUMAN TRAFFICKING WAS THE MOST SERIOUS OFFENCE HAVE RESULTED IN THE CASE BEING STAYED, WITHDRAWN, DISMISSED, OR DISCHARGED

OTHER CHARGES (NOVA SCOTIA ONLY)





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ANECDOTAL COMMUNITY REPORTING

Among law enforcement circles, Nova Scotia has been known as the source location for CSEC victims across Canada for many years. While there is currently no published research or quantitative data to capture the movement of victims from Nova Scotia to other parts of the country, anecdotal evidence from service providers nationwide indicate many of the victims they are working with are originally from Nova Scotia. It is suspected that if police reported statistics were sufficiently sophisticated to capture victims' home province, rather than in which province the charge was laid, we would be shocked to learn the extent to which our children and youth are being exported from Nova Scotia as commercial sexual objects. It is worth noting that the Canadian Centre for Human Trafficking is currently undertaking research on the trafficking corridors across the country, and when available, may reveal more detailed patterns of this movement of victims. In communities across Nova

Scotia the issue is showing up, though it may look different depending on the community. For example, in Cape Breton it is reported that the majority of people engaged in the commercial sex industry are independent, survival sex workers, being exploited from abusive relationships and due to drug dependencies. It has been reported that approximately 80% of sex workers in Cape Breton are Indigenous women and girls.

The number of CSEC victims originating from rural communities is increasing. Law enforcement and service providers are reporting and encountering youth engaged in Yarmouth, Kentville, Bridgewater, Windsor, Truro, Pictou and New Glasgow. Some of these cases have resulted in criminal charges being laid and some have not. Also, where victims are located will often determine where they are being moved. For example, youth in Truro may be transported to Moncton, the closest urban centres with

legal strip clubs. Victims from communities that are further from the New Brunswick border, and more isolated, will likely be transported to Halifax first, before they are taken out of province.

It is anecdotally reported that CSEC disproportionately affects youth from the African Nova Scotian and Indigenous communities. Because police do not collect data on the racial identities of perpetrators or victims, it is difficult to get a fulsome understanding of how disproportionately these communities are affected. More work needs to be done in engaging the African Nova Scotian and Indigenous communities so that their unique experiences are not left out of the conversation and planning.

Although they have not yet shown up in our Criminal Justice System, we also know CSEC is an issue for boys, men, and the 2SLGBTQ+ community in Nova Scotia and Halifax specifically. Coverdale Courtwork Society prepared an overview of how CSEC intersects with the 2SLGBTQ+ community and has provided some broad recommendations that include:

- Resources available for LGBTQ+ sex trafficking victims and survivors
- Education for health professionals, lawyers, community service providers (work not be influenced by the social stigma that alienates the LGBTQ community)
- Empowerment Mechanisms (peer led work)
- Address the code of silence and stigma
- LGBTQ+ Homeless shelter for youth

The exact number of youth identified as being engaged in the commercial sex industry within the Child Welfare System is unknown and unreported. The Department of Community Services has prioritized CSEC internally and has made a number of systemic investments and changes with specialized training, programming, and services.





DISCUSSION & CONCLUSION

The Commercial Sexual Exploitation of Children and Youth is a serious, complex problem in Nova Scotia which is hard to quantify and define in scope and prevalence. While the latest police-reported crime statistics offer some insights into the increasing number of victims engaging with the criminal justice system and the Human Trafficking charge, there remain many gaps in understanding the other ways that children and youth are commercially exploited in the underground sex industry in Nova Scotia.

Child and youth victims of commercial exploitation are among the most vulnerable in our province and we don't know that much about them. What we do know is that they are mostly girls; some of them are "systems kids" (having grown up in the child welfare system); some are marginalized by systemic racism and a legacy of colonization; while some come from families of privilege. Our inability to deal with CSEC holistically and effectively comes down to our inability to label the problem for what it actually is: a form of sexual abuse against children. Adults are preying on the developmental, sexual, social, and economic vulnerabilities of youth to commercially and sexually exploit them. While focusing on the commercial aspects of exploitation is primary, we must also recognize that a history of sexual abuse increases the risk of commercial exploitation. While it is important to deal with pimps who are exploiting youth for profit, it is also important to deal with adults who are exploiting youth's basic survival needs for their own sexual gratification. We have a problem with perpetrators, but we also have the problem with adults purchasing the commercial sexual services of children and youth. They are hiring minors to perform sexual acts. Some of them are consuming child pornography, some are making

and distributing it; some are violent and believe they have bought the right to do anything they want to the product that they have bought. Of course not all Johns are seeking out youth, are addicted to Internet (child) porn, or are violent men, but there is very little reliable data available to be able to profile a John. This is partially due to the fact that there are very little to no consequences for it: no arrest, no need to deal with it. no data to understand it. Not all participation in the commercial sex industry is exploitative, or violent, or traumatic. Many women around the world have economically survived and some have thrived in the Commercial Sex Industry, autonomously and/ or "managed". The presence of a normalized adult sex industry does make CSEC harder to see, understand and respond but abolition of the industry as a whole would threaten to push an already marginalized population further underground. Legalization might also push the

supply and demand for children and youth further underground. By using the language of CSEC broadly, rather than Human Trafficking specifically, we can enhance our view of the issue, but also define the problem as a whole. In doing this we can operationalize a holistic response rather than simply relying on a largely ineffective Criminal Code offence to respond and bring justice to victims. Once we expand our view and definition of the problem, we can figure out what data and information we need to make evidence-based decisions on investments in services and begin the arduous and vitally important task of collecting data. In short, we need better systems of formal data collection both nationally and provincially because if we are not collecting the right data, the evidence we need to make decisions that have an impact will still be missing.



REFERENCES

An integrated data reporting system across Nova Scotia is imperative for an evidencebased upstream strategy, and the strategic investment of downstream services to address the problem. As is the need for a gender-based analysis of existing data to fully understand the impacts on women and girls, boys and trans-folks, and our Indigenous and African Nova Scotian communities.

It is proposed that approaching the issue holistically, both in our defining of the issue and in our systemic response to it, will not only make an impact in the lives of victims, but also address many of the concerns being brought forward to the government from the community.

The roots of the problem are deeply buried in the fabric of our culture and society. Problems with a legacy of colonization, gender and racial inequity, patriarchal politics, business and wealth, the objectification of women, gender-based violence, poverty and traumatized communities and people, all intersect with CSEC and human trafficking specifically. If we truly wish to address and respond to the commercial sexual exploitation of children and youth in our province, we will be bold and courageous enough to go deep beneath the surface, and analyze all of the things that contribute.

In Nova Scotia and across Canada, we need to send a clear message to the adults who sexually exploit children and youth for profit or their own sexual gratification: no form of CSEC will be tolerated, and we will effectively protect our children and youth. Cotter, A. (2020). Trafficking in Persons in Canada, 2018. Ottawa- Statistics Canada.

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