



Title: Trafficking in Persons and Transit Countries: A Canada-U.S. Case Study in Global Perspective

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Research Question: International trafficking in persons is often facilitated by the movement of victims through one or more transit countries in order to reach a destination country where the victim will ultimately be subjected to sexual exploitation or forced labour. Despite this recognized pattern, there has been a relative lack of attention paid to the response of transit countries in addressing their role in this transnational criminal activity and systematic human rights abuse. Furthermore, while Canada has been cited as a transit country for human trafficking to the United States, the nature and extent of this phenomenon remains under-researched. This working paper examines the role of transit countries in international trafficking in persons and seeks to identify legal and policy approaches to improve the abilities of these transit countries to confront this problem, with a particular focus on the Canada/U.S. case study.

Importance: Transit countries face heightened challenges compared to origin and destination countries, particularly with respect to distinguishing between trafficked persons and smuggled migrants. By synthesizing the legal obligations in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and the *Protocol Against the Smuggling of Migrants by Land, Sea and Air* into terms that are relevant to transit countries, a comprehensive set of standards emerges to enhance their ability to prevent trafficking, prosecute traffickers, and protect victims. Policies and programs that have been adopted by some transit countries are highlighted in this working paper, demonstrating how these standards can be implemented to engage transit countries in a more comprehensive response to trafficking in persons. The specific findings with respect to Canada and the United States are important to improve the bilateral response to this problem.

Findings: This working paper identifies several characteristics common to transit countries, including: (1) geographic proximity by land, sea or air to attractive destination countries; (2) insufficient legislation and weak enforcement against trafficking in persons and migrant smuggling; (3) liberal immigration policies; and (4) an operational criminal infrastructure to facilitate illegal entry to, and exit from, a country. Canada is confirmed to be a transit country for human trafficking to the United States, involving a greater range of source countries than has been publicly acknowledged to date. The qualitative findings of these documented cases include characteristics of potential victims, modes of entry, methods of exploitation, prevalence of debt bondage, and outcomes of criminal prosecutions against alleged traffickers involved in these cases.

Implications: Measurable criteria to assess efforts by transit countries to combat trafficking in persons are provided, which can enhance global and regional efforts to monitor and evaluate governmental responses to the problem. With respect to Canada and the United States specifically, while these countries have undertaken important bilateral efforts to combat trafficking in persons, this working paper proposes the following recommendations to improve their joint response:

1. Increase training and capacity of border officials to identify potential trafficking victims in transit;
2. Continue to cooperate in joint enforcement activities to disrupt illegal movement across the shared border;
3. Enhance mutual legal assistance and engage in cross-border human trafficking investigations and prosecutions to dismantle the entire network involved in identified cases;
4. Ensure victims of human trafficking in transit are afforded assistance and protection, including through enhanced cross-border cooperation between governmental and non-governmental victim support organizations;
5. Build public awareness in border areas about human trafficking, the needs of victims, and where to report suspicious activity; and
6. Cooperate with major source countries as well as enhance trilateral cooperation between Canada, the United States, and Mexico to prevent human trafficking.