



**Convention on the  
Rights of the Child**

Distr.: General  
14 June 2011

Original: English and French

---

**Committee on the Rights of the Child**

**Consideration of reports submitted by States  
parties under article 12, paragraph 1, of the  
Optional Protocol to the Convention on the Rights  
of the Child on the sale of children, child  
prostitution and child pornography**

**Initial reports of States parties due in 2007**

**Canada**

[3 February 2009]

## Contents

	<i>Page</i>
List of acronyms .....	3
Part I. General information .....	4
Part II. Data .....	4
Part III. General measures of implementation .....	8
Part IV. Prevention .....	30
Part V. Prohibition and related matters .....	39
Part VI. Protection of the rights of victims .....	44
Part VII. International assistance and cooperation .....	51
Appendix I Bilateral extradition treaties .....	58

## List of acronyms

ACCOC	Atlantic Coordinating Committee on Organized Crime
ACCS	Adult Criminal Court Survey
C.O.R.E.	Circles of Respect and Equality
CATs	Community Action Teams
CCSO	Coordinating Committee of Senior Officials
CISC	Criminal Intelligence Service Canada
CRC	Convention on the Rights of the Child
DO	Dangerous Offender
PNCFS	First Nations Child and Family Services
FPT	Federal, provincial/territorial
Hague IA Convention	<i>Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption</i>
HCCC	Health Child Committee of Cabinet
ICCS	Integrated Criminal Court Survey
ILO	International Labour Organization
IOM	International Organization of Migration
IPEC	International Programme for the Elimination of Child Labour
ISP	Internet Service Provider
LTO	Long-Term Offender
NCECC	National Child Exploitation Coordination Centre
NPA	National Plan of Action for Children
OAS	Organisation of American States
P/T	Provincial/Territorial
PSECA	<i>Protection of Sexually Exploited Children Act (Alberta)</i>
RCM	Regional Conference on Migration
SCAN Act	<i>Safer Communities and Neighbourhoods Act</i>
TIP	Trafficking in Persons
TRP	Temporary Residence Permit
UCR2	Uniform Crime Reporting Survey
VIU	Victim Identification Unit
VOCA	<i>Victims of Crime Act</i>
YAG	Youth Agreement Program

## Part I

### General information

1. Canada ratified the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, (the Protocol) on September 14, 2005. The present report outlines the laws, policies and programs of Canada's federal, provincial and territorial governments that serve to implement the Protocol. It was prepared in consultation with provincial and territorial governments under the auspices of the Continuing Committee of Officials on Human Rights, the principal forum responsible for intergovernmental consultations and information sharing on the ratification and implementation of international human rights treaties.
2. Effort has been taken to keep this report focused on selected issues where information is not already provided within reports under other treaties to which Canada is a party. Where detailed information is available in other reports, these reports are referred to, but, with few exceptions, the information is not repeated in this report. In addition, out of respect for the guidelines and page limitations, this report does not include an exhaustive list of measures undertaken by all governments.
3. Examples of measures have been taken from each jurisdiction; listed by jurisdiction from west to east in the following order: Government of Canada measures, provincial measures and then territorial measures.
4. Detailed information about the implementation of human rights in Canada and Canadian federalism can be found in Canada's Fourth Report on the *International Covenant on Economic, Social, and Cultural Rights* as well as Canada's Core Document.
5. International human rights treaties that Canada has ratified have application throughout Canada in all jurisdictions. However, they do not automatically become part of the law of Canada. Rather, treaties are implemented by domestic legislative and administrative measures adopted by the federal, provincial and territorial governments in Canada. Human rights treaties are implemented, in part, by constitutional law, including the *Canadian Charter of Rights and Freedoms*, which applies to all governments in Canada and by federal, provincial and territorial human rights legislation, which has quasi-constitutional status in Canada, and provide broad, substantive anti-discrimination protection. International human rights treaties are an important interpretive aid with respect to these existing statutory protections.
6. Following ratification of an international human rights treaty, Canada's international obligations are taken into account in drafting new legislation. Governments may also take additional measures, for example, the Government of Québec committed itself to the provisions of the Protocol, having adopted a decree to this effect on December 19, 2007. Modifications to the *Youth Protection Act* were adopted so that Québec law would conform to the Protocol.

## Part II

### Data

#### Data collection methodologies and sources

7. Statistics Canada analyzes trends in police-reported data obtained through the Uniform Crime Reporting Survey (UCR2) and through the Adult Criminal Court Survey (ACCS). The UCR2 is a non-representative sample of police services and collects information only on those crimes that are reported to, and substantiated by, the police. As such, the UCR2 data does not contain a count of all crimes in Canada. The ACCS collects

information on cases heard in adult criminal courts in Canada. In 2006–2007, the survey collected information from all ten provinces and three territories, representing approximately 98 percent of the national adult criminal court caseload.

8. All 13 jurisdictions have consistently reported to the ACCS since 1994–1995. The primary unit of analysis is the “person-case”. The concept of a case has changed from previous releases to more closely reflect court processing. The new definition combines all charges against the same person having overlapping court dates into a single case whereas the previous definition combined all charges against the same person on one court date into a single case. Additional information is available at: <http://www.statcan.ca/english/sdds/3312.htm>.

9. The Provincial/Territorial Child Welfare Outcomes Project is sponsored by the Federal Provincial and Territorial Directors of Child Welfare. All 13 jurisdictions have agreed to harmonize their programs to produce common data sets and to report on selected key indicators. Additional information is available at: <http://www.cecw-cepb.ca/files/file/en/AnnualReport0304.pdf>.<sup>1</sup>

10. A network of provinces and territories is working towards implementing the “Looking After Children” Model of assessing and planning for children in care, which uses both case level data and aggregated population data to produce outcome information.

11. Provincial and territorial governments all track data within their individual jurisdictions. For example, the Government of Alberta tracks statistics through the organisations that deliver their Victims of Crimes Fund programming. Through this tracking mechanism, information is collected on the *Criminal Code* offence committed against the victim, whether or not the victim was a minor, and the type of support, assistance or restitution that was provided to the victim.

### **Sexually exploited youth and prostitution**

12. The Canadian *Criminal Code* offences that constitute sexual exploitation of children through prostitution include: living off the avails of prostitution of a person under the age of 18 and obtaining or communicating with a person under 18 for the purposes of sex.

13. There are numerous other offences in Canada’s *Criminal Code* which pertain to the sexual exploitation of children. These include, for example, sexual interference; sexual exploitation by a person of trust or authority; and invitation to sexual touching. Police-reported data show that in 2007, there were 118 incidents of child prostitution reported to police, down from a total of 143 incidents reported in 2006. This is based on data obtained from 150 police services for the complete year (2007) to the UCR2 survey; it represents approximately 94 percent of the population of Canada.

14. The number of persons charged by police for child prostitution decreased from 58 persons charged in 2006 to 50 in 2007.

15. According to the ACCS, in 2006–2007, there were approximately 24 cases brought before Canadian adult criminal courts for offences related to child prostitution; 58 percent of these cases resulted in a conviction.

---

<sup>1</sup> See page 11 of the report for additional information on this project. Current information is available from <http://www.cecw-cepb.ca/files/file/en/AnnualReport0506.pdf>.

16. According to available data, from 1994–1995 to 2006–2007, there were 17,420 cases completed in adult criminal courts in Canada where the most serious offence was one of the offences outlined in the Protocol; almost three-quarters (12,845 cases or 74 percent) involved sexual interference; 15 percent (2,539) involved sexual exploitation of a child by a person of trust or authority; and 12 percent (2,036) cases involved the offence of invitation to sexual touching. Approximately half (8,793 cases) resulted in a finding of guilt. Ninety-four percent of those who were found guilty were male and over half of these (54 percent) were between the ages of 25–44.

### **Pornography**

17. According to information obtained through police-reported data, 922 incidents of child pornography came to the attention of police in 2006 and 1,244 incidents in 2007. There were 328 persons charged with possessing, accessing, producing and distributing child pornography in Canada in 2006 and 371 persons in 2007. Ninety-seven percent of these persons charged were male and the majority were between the ages of 25–54.

18. In 2005, Canadian border officers made a total of 130 interceptions/seizures of child pornography material against travellers seeking entry to Canada. In 2006, this number rose to 137. The number of interceptions has steadily risen since 2000 and has shifted from child pornography in the form of print media and/or hardcopy photographs to digital images and/or videos. The *Criminal Code* was amended in 2005 to include audio formats as well as written material that have, as its predominant characteristic, the description of prohibited sexual activity with children where that description is provided for a sexual purpose. Canadian border officers made numerous interceptions and seizures of written-word child pornography.

19. Evidence suggests that advances in technology have resulted in an increase in the sizes of collections containing child sexual abuse images. Child exploitation investigators in Canada have also reported an apparent increase in the number of videos depicting child sexual abuse. This is likely due to factors such as high bandwidth, digital technology, and increased storage capacity and decreased cost of personal computers.

20. Data obtained through the ACCS show that in 2006–2007, there were approximately 219 cases brought before Canadian adult courts for child pornography offences (see table below). Offenders charged and found guilty of child pornography, in 2006 and 2007, were most often sentenced to custody as the most serious sentence. Slightly less than two-thirds (61 percent) were sentenced to serve their time in a correctional facility and slightly less than one in five (19 percent) were sentenced to a conditional sentence of imprisonment (to be served in the community). A term of probation was the most serious sentence in approximately 10 percent of guilty cases. Conviction rates for child pornography have increased from 55 percent of cases in 1999 to 74 percent in 2001; the rate has remained relatively stable since 2001.

### **Instances of conviction**

21. The following table outlines the number of cases\* appearing in adult criminal court in Canada (Criminal Proceeding Initiated):

	<i>Number</i>								
	<i>1998– 1999</i>	<i>1999– 2000</i>	<i>2000– 2001</i>	<i>2001– 2002</i>	<i>2002– 2003</i>	<i>2003– 2004</i>	<i>2004– 2005</i>	<i>2005– 2006</i>	<i>2006– 2007</i>
<i>Child pornography</i>									
Production/possess for purposes	4	10	8	11	10	9	8	6	11
Distribution/transmission	15	12	12	13	15	13	29	23	17
Possession/accessing	50	34	23	98	116	120	142	189	191
<b>Sub-total</b>	<b>69</b>	<b>56</b>	<b>43</b>	<b>122</b>	<b>141</b>	<b>142</b>	<b>179</b>	<b>218</b>	<b>219</b>
<i>Child prostitution</i>									
Living off the avails	14	21	13	12	11	16	13	7	10
Communicates for the purpose	46	43	33	23	21	43	31	28	13
Parent procuring sexual activity	2	0	2	3	0	3	1	2	1
<b>Sub-total</b>	<b>62</b>	<b>64</b>	<b>48</b>	<b>38</b>	<b>32</b>	<b>62</b>	<b>45</b>	<b>37</b>	<b>24</b>
<b>Total</b>	<b>131</b>	<b>120</b>	<b>91</b>	<b>160</b>	<b>173</b>	<b>204</b>	<b>224</b>	<b>255</b>	<b>243</b>

*Source:* ACCS, Canadian Centre for Justice Statistics, Statistics Canada.

1. Accessing child pornography [s. 163.1(4.1)] came into force July 23, 2002.
2. Excludes: Manitoba, Northwest Territories, Nunavut and New Brunswick.
3. The primary unit of analysis is the “person-case” as described in paragraph 8.
4. Since all data (from 1994–1995 to 2006–2007) obtained through the Integrated Criminal Court Survey (ICCS) and ACCS have been processed using the new case definition (see paragraph 8), data from this report should not be compared with data released prior to October 2007.

22. The following table enumerates the persons convicted for soliciting services deriving from sexual exploitation in Canada:

<i>2006–2007</i>	<i>Number (row %)</i>			
	<i>Guilty</i>	<i>Acquitted</i>	<i>Stayed/ Withdrawn</i>	<i>Other</i>
<i>Child pornography</i>				
Production/possess for purposes	10 (90.9%)	0 (0.0%)	0 (0.0%)	1 (100.0%)
Distribution/transmission	16 (94.1%)	0 (0.0%)	1 (5.9%)	0 (00.0%)
Possession/accessing	149 (78.0%)	3 (1.6%)	34 (17.8%)	5 (2.6%)
<i>Child prostitution</i>				
Living off the avails	4 (36.4%)	0 (5.9%)	5 (35.3%)	1 (9.1%)
Communicates for the purpose – s.212(4)	9 (50.0%)	0 (0 %)	4 (30.8%)	0 (0.0%)
Parent procuring sexual activity – s.170	1 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
<b>Total</b>	<b>199</b>	<b>3</b>	<b>44</b>	<b>7</b>

*Source:* ACCS, Canadian Centre for Justice Statistics, Statistics Canada.

1. The ‘Other’ category includes all other decisions such as Not Criminally Responsible and Unfit to Stand Trial.
2. Percentages do not always total 100 percent due to rounding error.
3. Excludes: Manitoba, Northwest Territories, Nunavut and New Brunswick.
4. The primary unit of analysis is the “person-case” as described in paragraph 8.
5. Since all data (from 1994–1995 to 2006–2007) obtained through the ICCS and ACCS have been processed using the new case definition, data from this report should not be compared with data released prior to October 2007.

## **Part III**

### **General measures of implementation**

#### **Criminal and penal laws**

23. The criminal justice system of Canada reflects a partnership between the federal, provincial and territorial governments. The Government of Canada is responsible for enacting criminal legislation, and the provincial and territorial governments are responsible for the administration of justice. The *Criminal Code* applies equally across Canada, thereby providing a uniform response to all forms of child sexual exploitation.

24. Canada’s *Criminal Code* provides comprehensive protections against all forms of sexual abuse and exploitation of children. They are protected under general offences that protect all Canadians including, for example, against all forms of sexual assault, assault, unlawful confinement, kidnapping and human trafficking. They are also protected by child-specific sexual offences including, for example, prohibitions against:

- Any sexual contact/touching of a child as well as against any invitation to engage in sexual activity with a child
- The traveling abroad by a Canadian or permanent resident to engage in prohibited sexual activity with a child (child sex tourism)
- The use of the Internet to communicate with a child for the purpose of “luring” or facilitating the commission of a sexual or abduction offence against that child
- The offering up or procurement of a child for illicit sexual activity, including through prostitution
- All forms of child pornography — be it in visual, written or audio format — with prohibitions against possession and accessing as well as against all manner of making, distributing, selling, transmitting, making available, importing and exporting child pornography

25. In June 2007, the penalties for the offence of using the Internet to communicate with a child for the purpose of luring or facilitating the commission of a sexual or abduction offence against the child were increased from five to 10 years on indictment and from six to 18 months on summary conviction. Additional *Criminal Code* reforms were tabled in 2007 and came into force in 2008 to better protect children from sexual exploitation including:

- Increasing the age of sexual consent to 16 years
- Strengthening the provisions pertaining to dangerous offenders (DO)
- Strengthening the peace bond provisions which allow a court to issue protective court orders whose goal is to prevent the commission of sexual offences against children under the age of 16 years



26. Canada's criminal laws prohibit trafficking in persons (TIP) for any exploitative purpose, regardless of whether the trafficking occurs wholly within Canada or whether it involves the bringing of persons into Canada. Criminal laws apply across Canada and therefore provide a uniform approach to address TIP and related conduct.

27. Canada's *Criminal Code* contains three specific indictable offences, which were enacted in 2005 (Bill C-49, *An Act to amend the Criminal Code (trafficking in persons)* S.C. 2005, c. 43), to address TIP by: prohibiting anyone from engaging in specified acts for the purpose of exploiting or facilitating the exploitation of a person; prohibiting anyone from receiving a financial or other material benefit resulting from the commission of a TIP offence; and, prohibiting the withholding or destroying of travel or identity documents for the purpose of committing or facilitating the commission of a TIP offence.

28. These specific TIP offences supplemented previously-existing *Criminal Code* offences that are applicable to trafficking in persons cases, including kidnapping, forcible confinement, uttering threats, extortion, assault, sexual assault, prostitution-related offences, and the criminal organization offences. The *Immigration and Refugee Protection Act* also includes a human trafficking offence which applies to cases involving transnational trafficking.

29. Border officers are instructed that if a foreign national child in Canada is found to be vulnerable, including due to commercial sexual exploitation, the child is to be referred to the provincial or territorial child protection agency who will then assume protection of the child. Should there be an indication of trafficking in persons, officers will arrange with the assigned child protection agency to interview the child. In May 2006, Canada adopted a public policy whereby immigration officers were provided with guidelines to address the unique needs of victims of trafficking in Canada in the form of short term Temporary Residence Permits (TRP) for Victims of Trafficking. As of June 2007, immigration officers may issue short-term TRPs for up to 180 days to victims of trafficking in Canada, including minor victims. The evidence necessary to verify that a foreign national is a possible victim of trafficking does not have to be determinative in the context of a short-term TRP.

30. Federal anti-trafficking efforts are coordinated and monitored by the Interdepartmental Working Group on Trafficking in Persons (IWGTIP). The Working Group brings together 18 federal departments and agencies and serves as a central repository of federal expertise. It works to strengthen federal responses through the development of government policy on human trafficking, the exchanging of information and by facilitating international and national cooperation. The Working Group also collaborates with domestic partners, including the provinces and territories, as well as members of civil society.

31. The following table outlines relevant criminal offences applicable in cases involving the sale of children, child pornography and child prostitution, as well as related penalties:

<i>Criminal Code Offence</i>	<i>Description</i>	<i>Penalty</i>
Section 7 (4.1):	Prohibits any Canadian citizen or permanent resident from committing any of the enumerated sexual offences against a child while outside of Canada (child sex tourism offence).	<ul style="list-style-type: none"> <li>• Maximum penalty is the same for offences committed outside of Canada as for the offences when committed in Canada. (see below for details on each)</li> </ul>

<i>Criminal Code Offence</i>	<i>Description</i>	<i>Penalty</i>
Section 151: Sexual Interference	Prohibits touching, for a sexual purpose, any part of the body of a person under 16 years of age.	<ul style="list-style-type: none"> <li>• On indictment, maximum of 10 years and a minimum of 45 days imprisonment</li> <li>• On summary conviction, maximum of 18 months and a minimum of 14 days imprisonment</li> </ul>
Section 152: Invitation to Sexual Touching	Prohibits inviting, counselling or inciting a person under 16 years of age to touch any person for a sexual purpose.	<ul style="list-style-type: none"> <li>• On indictment, maximum of 10 years and a minimum of 45 days imprisonment</li> <li>• On summary conviction, maximum of 18 months and a minimum of 14 days imprisonment</li> </ul>
Section 153: Sexual Exploitation	Prohibits anyone who is in a position of trust or authority towards a person who is 16 years of age or older but younger than 18 or with whom the young person is in a relationship of dependency, or anyone who otherwise exploits the young person (evidenced by the nature and circumstances of the relationship including the age of the young person, any difference in age, the evolution of the relationship and the degree of control or influence over the young person) from engaging in sexual activity with that young person.	<ul style="list-style-type: none"> <li>• On indictment, maximum of 10 years and a minimum of 45 days imprisonment</li> <li>• On summary conviction, maximum of 18 months and a minimum of 14 days imprisonment</li> </ul>
Section 155: Incest	Prohibits anyone from engaging in sexual intercourse with a blood relative who is a parent, child, brother, sister, grandparent or grandchild.	<ul style="list-style-type: none"> <li>• Indictable offence punishable by a maximum penalty of 14 years imprisonment</li> </ul>
Section 160: Bestiality	Prohibits anyone from engaging in bestiality in the presence of a person under the age of 16 years or from inciting a person under the age of 16 years from engaging in bestiality.	<ul style="list-style-type: none"> <li>• Indictable offence punishable by a maximum penalty of 10 years imprisonment</li> </ul>

<i>Criminal Code Offence</i>	<i>Description</i>	<i>Penalty</i>
Section 162: Voyeurism	Prohibits the secret viewing or recording of another person when there is a reasonable expectation of privacy in three specific situations, and to prohibit the intentional distribution of a voyeuristic material.	<ul style="list-style-type: none"> <li>• On indictment, maximum of 10 years imprisonment</li> <li>• On summary conviction, maximum of 6 months imprisonment</li> </ul>
Section 163 (1): Child Pornography	<p>Prohibits various acts related to the making, distributing or possession of child pornography. Child pornography is defined as:</p> <p>A photographic, film video, or other visual representation showing a person who is or is depicted as being under the age of 18 engaging in or depicted as engaging in explicit sexual activity or the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of person under the age of 18; or</p> <p>Any written material or visual representation that advocates or counsels prohibited activity with a person under the age of 18.</p>	<p>For a person who makes, prints, publishes or possesses for the purpose of publication any child pornography:</p> <ul style="list-style-type: none"> <li>• On indictment, maximum of 10 years and a minimum of one year imprisonment</li> <li>• On summary conviction, maximum of 18 months and a minimum of 90 days imprisonment</li> </ul> <p>For a person who transmits, makes available, distributes, sells, imports or possesses for the purpose of any of the above:</p> <ul style="list-style-type: none"> <li>• On indictment, maximum of 10 years and a minimum of one year imprisonment</li> <li>• On summary conviction, maximum of 18 months and a minimum of 90 days imprisonment</li> </ul> <p>For a person who possesses or accesses:</p> <ul style="list-style-type: none"> <li>• On indictment, maximum of five years and a minimum of 45 days imprisonment</li> <li>• On summary conviction, maximum of 18 months and a minimum of 14 days imprisonment</li> </ul> <p>It should be noted that it is an aggravating factor, for sentencing purposes, to commit a child pornography offence for profit.</p>

<i>Criminal Code Offence</i>	<i>Description</i>	<i>Penalty</i>
Section 170: Parent or Guardian procuring sexual activity	Prohibits a parent or guardian of a person under the age of 18 from causing that person to engage in any prohibited sexual activity.	<ul style="list-style-type: none"> <li>• Maximum of five years and a minimum of six months imprisonment if the person procured is under the age of 16 years</li> <li>• Maximum of two years and a minimum of 45 days imprisonment if the person procured is under the age of 18 but over 16 years of age</li> </ul>
Section 171: Householder Permitting Sexual Activity	Prohibits anyone who owns, occupies or manages a premises or who assists in the management or control of the premises from knowingly permitting a person under the age of 18 to resort to or be on or in the premises for prohibited sexual activity.	<ul style="list-style-type: none"> <li>• Maximum of five years and a minimum of six months imprisonment if the person in question is under the age of 16 years</li> <li>• Maximum of two years and a minimum of 45 days imprisonment if the person in question is under the age of 18 but over 16 years of age</li> </ul>
Section 172: Corrupting children	Prohibits anyone from engaging in specified acts in the home of a child under the age of 18 years (adultery, sexual immorality or habitual drunkenness or other vice) and thereby endangering the morals of the child or rendering the home unfit.	<ul style="list-style-type: none"> <li>• Indictable offence punishable by a maximum penalty of two years imprisonment</li> </ul>
Section 172 (1): Luring a child	Prohibits anyone from using a computer system to communicate with children for the purpose of committing prohibited sexual activity.	<ul style="list-style-type: none"> <li>• On indictment, maximum of ten years imprisonment</li> <li>• On summary conviction, maximum of 18 months imprisonment and/or \$2000 fine</li> </ul>
Section 173 (2): Indecent acts/exposure	Prohibits anyone from exposing their genital organs to a child under the age of 16 years.	<ul style="list-style-type: none"> <li>• Punishable on summary conviction by a maximum penalty of six months imprisonment</li> </ul>

<i>Criminal Code Offence</i>	<i>Description</i>	<i>Penalty</i>
Section 212 (2) and (2.1): Living on the avails of prostitution of another person under the age of 18 years	Prohibits every one from living on the avails of the prostitution of a person under the age of 18.  Prohibits every one from living on the avails of the prostitution of a person under the age of 18 and who compels the person to engage in prostitution through the use of or threats of violence, coercion or intimidation.	<ul style="list-style-type: none"> <li>• Maximum of 14 years and a minimum of two years imprisonment</li> <li>• Maximum of 14 years imprisonment and a minimum of five years imprisonment</li> </ul>
Section 212 (4): Communicating with young person for purpose of prostitution	Prohibits every one from obtaining for consideration or communicating with anyone for the purpose of obtaining the sexual services of a person under the age of 18 years.	<ul style="list-style-type: none"> <li>• Maximum of five years and a minimum of six months imprisonment</li> </ul>
Section 271 (1): Sexual Assault	Prohibits sexual assault, i.e. the touching, without consent, of another person in circumstances that are of a sexual nature.	<ul style="list-style-type: none"> <li>• On indictment, a maximum of 10 years imprisonment</li> <li>• On summary conviction, a maximum of 18 months imprisonment</li> </ul>
Section 272 (1) Sexual Assault with a weapon/threats/causing bodily harm	Provides that every person commits an offence who, in committing a sexual assault, carries, uses or threatens to use a weapon or an imitation of a weapon; threatens to cause bodily harm to a person other than the complainant; causes bodily harm to the complainant; or is a party to the offence with any other person.	<ul style="list-style-type: none"> <li>• Where a firearm is used, a maximum of 14 years and a minimum of four years imprisonment</li> <li>• In any other case, a maximum of 14 years imprisonment</li> </ul>
Section 273 (1): Aggravated Sexual Assault	Provides that everyone commits an aggravated sexual assault who, in committing a sexual assault, wounds, maims, disfigures or endangers the life of the complainant.	<ul style="list-style-type: none"> <li>• Where a firearm is used, a maximum of life imprisonment and a minimum of four years imprisonment</li> <li>• In any other case, a maximum of life imprisonment</li> </ul>
Section 273 (3): Removal of child from Canada	Prohibits anyone from doing anything for the purpose of removing a child from Canada with the intention of committing one of the enumerated sexual offences or assault.	<ul style="list-style-type: none"> <li>• On indictment, a maximum of five years imprisonment</li> <li>• On summary conviction, a maximum of six months imprisonment</li> </ul>

<i>Criminal Code Offence</i>	<i>Description</i>	<i>Penalty</i>
Section 279 (1): Trafficking in Persons	Prohibits specified acts for the purpose of exploiting someone or facilitating their exploitation (including sexual exploitation)	<ul style="list-style-type: none"> <li>• Punishable by a maximum of life imprisonment where it involves kidnapping, aggravated assault or aggravated sexual assault</li> <li>• In any other case, a maximum of 14 years imprisonment</li> </ul>

32. The Government of Canada has jurisdiction over the interdiction of imports and exports of prohibited materials. Canada’s *Customs Act* provisions regarding the interdiction of child pornography material are section 12, which requires that all goods being imported into Canada must be reported; section 155, which makes it an offence to possess, purchase, sell, exchange or otherwise acquire or dispose of any imported goods that are prohibited, restricted or controlled by an Act of Parliament; and section 159, which makes it an offence to smuggle, or attempt to smuggle, into Canada any goods that are prohibited, restricted or controlled by an Act of Parliament. In all cases the penalty for an indictable offence is a fine of not more than \$500,000 or imprisonment for a term not exceeding five years or both the fine and the imprisonment. The penalty for a summary offence is a fine of not more than \$50,000 or imprisonment for a term not exceeding six months or both the fine and the imprisonment.

33. Provincial and territorial governments also play a key role in addressing child sexual exploitation. All jurisdictions have child protection legislation.

34. Children who are being sexually exploited, including through prostitution are recognized as being in need of protection under provincial and territorial child welfare legislation. For example, in Alberta, the *Protection of Children Involved in Prostitution Act*, recognizes that children involved in prostitution are victims of sexual abuse. Effective October 2007, amendments resulted in the name changing to *Protection of Sexually Exploited Children Act* (PSECA) to reinforce that these children are being sexually exploited and to remove perceived barriers to accessing services. The amendments also extend voluntary services until the age of 22. Under the Act, the Government of Alberta has introduced programs and services to help children end their involvement in prostitution ([http://www.qp.gov.ab.ca/documents/Acts/P30P3.cfm?frm\\_isbn=9780779726332](http://www.qp.gov.ab.ca/documents/Acts/P30P3.cfm?frm_isbn=9780779726332)).

35. Saskatchewan’s *Child and Family Services Act* also provides that a child is in need of protection where they are involved in prostitution.

36. Legislation has also been implemented in Saskatchewan to hold accountable and deter those who would exploit children for sexual purposes, and strengthen protections and support services for victims. For example, *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act* also recognizes children exploited in the sex trade as victims. The Government of Saskatchewan has also issued policies that recognize sexually exploited children and youth as victims and seek to ensure that those who offend against these children are charged and, if convicted, receive meaningful penalties and call on prosecutors to divert prostitution charges against children and youth whenever appropriate.

37. Yukon Territory’s *Children’s Act* provides that a child is in need of protection where the parent or person in whose care the child is involves the child in sexual activity.

38. Examples of provincial and territorial legislation include:

<i>Province or Territory</i>	<i>Act</i>	<i>Description</i>
Alberta	PSECA	<p>Based on the following guiding principles:</p> <ul style="list-style-type: none"> <li>• Children involved in prostitution are victims of sexual abuse</li> <li>• Children have a right to physical and emotional safety, security and well-being</li> <li>• Children have a right to be safe from sexual abuse and protected from sexual exploitation</li> <li>• Children involved in, or at risk of becoming involved in, prostitution require victim protection services and support</li> </ul>
Saskatchewan	The Traffic Safety Act	Gives police authority to seize vehicles used to cruise the streets to buy sexual services; convictions can result in license suspensions if they enrol in but do not complete John school. John school option is not available to offenders who solicit children. This legislation also makes it an offence to repeatedly drive or park a vehicle, without lawful excuse, in an area that is frequented by sex trade workers. Those convicted of this offence are subject to a maximum fine of not more than \$5,000.
	The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act	Enables police and designated social workers and outreach workers to obtain Emergency Protective Intervention Orders to keep offenders away from sexually exploited young people.
Nova Scotia	Criminal Notoriety Act (2006)	An Act to prevent criminals from profiting financially from the notoriety of their crimes. The legislation confiscates money or other economic benefit from individuals convicted of various serious crimes where such payment results from a contract for the recollection of a crime. The payment that would go to the person recollecting his or her crime (for example: royalties for ongoing sales of a book) is to be made to the Minister of Justice of Nova Scotia.

<i>Province or Territory</i>	<i>Act</i>	<i>Description</i>
	Cross-border Policing Act (2005)	An Act to facilitate inter-jurisdictional policing in certain circumstances.
	Safer Communities and Neighbourhoods Act (2006)	Aims to improve community safety by targeting and, if necessary, shutting down residential and commercial buildings and land that are habitually used for illegal activities such as producing, selling or using illegal drugs, prostitution, illegal gaming or the unlawful sale and consumption of alcohol.

39. Information on specific provincial and territorial legislation relating to mandatory reporting of sexual offences against children, and related penalties for failure to do so, is provided in the table below:

<i>Province or Territory</i>	<i>Act</i>	<i>Age of Protection/Extended Care Provisions and mandatory reporting and penalties for failing to report</i>
British Columbia	Child, Family and Community Service Act	Age of protection – 19 years A person who fails to report a child in need of protection or knowingly reports false information commits an offence and is liable to a fine up to \$10,000 and/or imprisonment of up to six months. Sections 28 and 98 help protect children from a named individual (i.e. this could be a violent person).
Alberta	Child, Youth and Family Enhancement Act 2004	Age of protection – 18 years Extended care provisions – 22 years Mandatory reporting and failure to do so is an offence liable to a fine of no more than \$2,000 and, in default of payment, to imprisonment for up to 6 months.
Saskatchewan	The Child and Family Services Act	Age of protection – unmarried person under 16 years Extended care provisions – 21 years permanent wards or long-term agreement Mandatory reporting and failure to report is punishable by a prison term of up to 24 months and/or a maximum fine of up to \$25,000.
Manitoba	The Child and Family Services Act	Age of protection – 18 years Extended care provisions – 21 years Mandatory reporting and failure to do so results in the person committing an offence punishable on summary conviction, possible fine up to \$50,000, or imprisonment for a term of not more than 24 months, or both.



<i>Province or Territory</i>	<i>Act</i>	<i>Age of Protection/Extended Care Provisions and mandatory reporting and penalties for failing to report</i>
Ontario	The Child and Family Services Act	<p>Age of protection – 16 years (If a court order is in place before the child’s 18th birthday, a child can be in Society care until the age of 18.)</p> <p>Extended care provisions – 21 years Crown wards only</p> <p>Mandatory reporting and any professional who refuses to do so is liable on conviction to a fine up to \$1,000.</p> <p>Section 79 of the Act makes it an offence for a person having charge of a child to inflict abuse on the child or permit the child to suffer abuse [the definition of abuse in this section includes ‘a state or condition of being sexually molested or sexually exploited’].</p>
Québec	Loi sur la protection de la jeunesse (Youth Protection Act)	<p>Age of protection – 18 years</p> <p>Mandatory reporting for professionals, employees of an institution, teachers or police officers who in the performance of their duties have grounds for reporting abuse. A penalty for not reporting is a fine between \$250 to \$2,500.</p>
New Brunswick	Family Services Act	<p>Age of protection – 16 years persons with disabilities under the age of 19</p> <p>Extended care provisions – beyond 19 years</p> <p>Mandatory reporting in instances of abuse under the age of 16, professionals failing to report are subject to a fine up to \$7,500 or jail term up to 90 days.</p>
	Education Act	<p>Age of protection – All public school students</p> <p>Mandatory reporting requirements for school personnel and all professionals. Professionals who fail to report are subject to a fine of up to \$7,500 or jail term up to 90 days.</p>
Nova Scotia	Children and Family Services Act	<p>Age of protection – under 16 years</p> <p>Extended care provisions – 21 years</p> <p>Mandatory reporting with a possible fine of up to \$2,000 or/and imprisonment of up to six months. A professional or official who has been involved with the child but fails to report any abuse may face a fine up to \$5,000 and/or possible imprisonment of up to one year.</p>

<i>Province or Territory</i>	<i>Act</i>	<i>Age of Protection/Extended Care Provisions and mandatory reporting and penalties for failing to report</i>
Prince Edward Island	Child Protection Act, 2003	Age of protection – 16 years Extended care provisions – 18 years  Mandatory reporting with a penalty of up to \$2,000, for failing to report neglect or abuse. Only exception is privileged solicitor-client relationships.
	School Act	Mandatory reporting for teachers and school staff with a penalty of a fine of not more than \$1,000 or imprisonment for a period of not more than six months, or both.
Newfoundland and Labrador	Child Youth and Family Services Act	Age of protection – under 16 years Extended care provisions – 21 years  Mandatory reporting and failure to report child abuse or neglect may lead to a fine up to \$10,000 or possible imprisonment of up to six months or both.
Yukon	Children’s Act	Age of protection – 18 years Extended care provisions – 19 years  False or malicious reporting may result in a fine of up to \$5,000 and/or imprisonment of up to six months.
Northwest Territories	Child and Family Services Act	Age of protection – 16 years Extended care provisions – 19 years  A person failing to report is guilty on summary conviction to a fine not exceeding \$5,000 or/and imprisonment for a term not exceeding six months.
Nunavut	Child and Family Services Act	Age of protection – 16 years Extended care provisions – 19 years  A person failing to report is guilty on summary conviction to a fine not exceeding \$5,000 and/or imprisonment for a term not exceeding six months.

**Administrative measures**

40. The National Flagging System is a measure adopted by the Government of Canada to minimize the risk posed by offenders who demonstrate a pattern of violent and/or sexual crimes. The goal is to identify offenders who are judged to be potential candidates for a DO and/or Long Term Offender (LTO) application. Under Canadian laws, upon conviction of a serious personal injury offence, the prosecution may apply to have the individual designated as a DO. If successful, the individual is designated as a DO for life, which may result in an indeterminate sentence. Alternatively, a DO or other high risk individual may be designated as a LTO which results in a custodial sentence followed by community supervision of up to 10 years. By “flagging” such individuals on the national police identification system, police and Crown prosecutors are alerted that the individual is a high-risk, violent or sexual offender, and a DO/LTO application must be considered in subsequent sentencing proceedings.

41. In 2008, Canada amended the DO provisions to allow a court to reconsider whether a designated DO should be subject to an indeterminate prison sentence if the offender breaches any condition of a Long-term Supervision order once released into the community. The onus is upon the individual in such hearings to demonstrate that they no longer pose a threat to the public safety of the community.

42. Canada also has a national Sex Offender Registry, which is designed to assist police in the investigation of sexual offences by enabling access to a comprehensive database of convicted sexual offenders. Any individual convicted of a prerequisite sexual offence, including sexual offences against children, may be ordered by the court to comply with the registration requirements of the federal legislation for a specific period from 10 years to life, including registering with their local police within 15 days of release, annually and whenever their address changes. Access to the registry is restricted to Canadian police involved in an active sexual offence investigation. As of January 2007, there were over 14,300 offenders registered in the Sex Offender Registry.

43. Notification protocols have been established by several provinces and territories to make the presence of high-risk offenders known to the public. Most provinces and territories have formalized mechanisms for community notification through the establishment of advisory committees as well as procedures for the release of offender information to the community. Across provinces and territories, the criteria to be met before community notification, as well as the definition of high-risk offender, can vary. Some provincial and territorial protocols target sex offenders while others target all serious violent offenders.

44. Many provinces and territories require mandatory criminal record checks for educators and volunteers who work with children.

45. For example, in Québec, legislative provisions concerning the verification of criminal records within the education network came into effect in 2006. Changes to the *Education Act* and the *Act Respecting Private Education* gave the Minister various discretionary powers, such as refusing to issue or renew a teaching permit to persons found guilty of criminal offences connected to the teaching profession if they have not been pardoned, and in such cases, the Minister can suspend or revoke the permit. Since the introduction of the legislative dispositions concerning the verification of criminal records, all persons requesting a teaching permit or a renewal of their teaching permit must enclose with their request a declaration of their criminal record. A uniform process for the verification of criminal records of persons affected by these provisions has also been established.

46. The Government of Manitoba has a Child Abuse Registry which permits access, in appropriate circumstances, to names of persons who have abused a child. Additional information is available at: [http://www.gov.mb.ca/fs/childfam/child\\_abuse\\_registry.html](http://www.gov.mb.ca/fs/childfam/child_abuse_registry.html).

47. Specific initiatives in relation to child sexual exploitation include the development of the National Child Exploitation Coordination Centre in April 2003 to act as an information portal and coordination centre for all international tips relating to the sexual exploitation of children on the Internet. Also included within the mandate of the Centre are:

- The creation of two databases that will support law enforcement in their investigations
- The creation of national training and operational standards to ensure consistency of investigations
- The coordination of large internationally-based operations involving sexually exploitive images of children on the Internet

- The building of partnerships with industry and non-governmental organizations

48. Canada is committed to comprehensive implementation of the North Atlantic Treaty Organisation (NATO) Policy on Combating Trafficking in Human Beings (adopted in June 2004 at the Istanbul Summit, by NATO Heads of State and Government). This policy represents a political commitment to prohibit forces and civilian personnel deployed under NATO command from engaging in human trafficking activities or facilitating them. It also prescribes that personnel under NATO command will, within their competence and mandate, support the efforts of responsible authorities within the host country to combat trafficking in human beings. Efforts are being undertaken to ensure that the necessary knowledge, values and skills are provided to all Canadian Forces members and civilian contractors engaged on international missions.

49. With respect to the sale of children, Canadian border and visa officers verify the relationship of children to their parents or guardians when travelling. This is done through the examination of documents prior to the issuance of visas and when children are encountered crossing the Canadian border at the port of entry. For example, birth certificates and other local documents that establish relationship are used. In many instances, personal interviews are conducted to aid in establishing relationship. In addition, for applications for permanent residence in Canada where reliable relationship information is not available, officers may request DNA testing to establish relationship. Custody documents or permission from both parents may be required when children are travelling with one parent. Responsible officers also have access to various computer databases that can be checked to see if there is any information available from various law enforcement agencies to make them aware of any concerns.

50. Canada has a national program dedicated to recovering missing, abducted, kidnapped and smuggled children. The Our Missing Children Program involves a partnership among a number of federal departments and in co-operation with provincial and territorial counterparts, U.S. agencies, and with law enforcement agencies in over 40 countries. These organizations exchange information and assist each other in finding missing children and reuniting them with their parents or legal guardians.

51. Since the inception of the Our Missing Children program in 1986, the Government of Canada has recovered over 1,500 children and reunited them with their families or legal guardians. In November 1999, the program won the Webber Seavey Award for Quality in Law Enforcement, an award jointly sponsored by the International Association of Chiefs of Police and Motorola that is presented annually to agencies worldwide in recognition of the promotion of a standard of excellence in law enforcement's contribution and dedication to the quality of life in local communities.

#### **Jurisdictional responsibilities**

52. Canada is a federal state in which legislative jurisdiction is divided between the federal Parliament and the provincial and territorial legislatures. Departments with responsibility for issues covered by the Protocol vary among governments.

53. On First Nation reserves, the First Nation Child and Family Services (FNCFS) Agencies ensures the safety and well-being of First Nations children, and promotes a more secure and stable family environment for children by supporting culturally appropriate prevention and protection services for First Nations children and families, in accordance with the legislation and standards of the province or territory of residence.

54. The following table outlines the governmental organisations responsible for addressing the provisions in the Protocol along with any coordinating mechanisms that exist internally:

<i>Government</i>	<i>Department</i>	<i>Coordination</i>
Federal Government	Department of Justice, Public Safety Canada, the Royal Canadian Mounted Police, Canadian Border Services Agency, Citizenship and Immigration Canada, Status of Women Canada, Human Resources and Social Development Canada, Indian and Northern Affairs Canada, Public Health Agency of Canada, Department of National Defence, Department of Foreign Affairs and International Trade, Canadian International Development Agency, Canadian Heritage, Criminal Intelligence Service Canada, Privy Council Office, Passport Office, Statistics Canada and the Public Prosecution Service of Canada	Public Safety Canada and the Department of Justice Canada co-lead.
British Columbia	Public Safety and Solicitor General; Children and Family Development; Health; Education; Attorney General; and Aboriginal Relations and Reconciliation	Assistant Deputy Minister's Committee on Prostitution and the Sexual Exploitation of Youth
Alberta	Children's Services, Solicitor General, Justice, Education, and Health	Prevention of Exploitation of Children and Youth Working Group
Saskatchewan	Ministries of Education, Health, Corrections, Public Safety and Policing, First Nations and Métis Relations, Social Services, Justice and Advanced Education, Employment and Labour	Social Services and Justice co-chair a provincial inter-ministerial committee
Manitoba	Family Services and Housing; Health and Healthy Living; Justice; Aboriginal and Northern Affairs; Labour and Immigration; Status of Women; Education, Citizenship and Youth; and Culture, Heritage and Tourism	Manitoba Healthy Child Committee of Cabinet supported by the Healthy Child Deputy Ministers Committee and the Healthy Child Manitoba Office
Ontario	Community and Social Services, Children and Youth Services, Community Safety and Correctional Services, the Attorney General	N/A
Québec	The Ministry of Justice, the Ministry of Public Security, the Ministry of Education and the Ministry of Health and Social Services	N/A

<i>Government</i>	<i>Department</i>	<i>Coordination</i>
New Brunswick	Department of Justice and Consumer Affairs, the Office of the Attorney General, the Department of Public Safety and the Department of Social Development	N/A
Nova Scotia	Department of Community Services, the Department of Health and the Department of Justice	Nova Scotia Children and Youth Strategy
Prince Edward Island	Social Services and Seniors, Attorney General, Health, and Education	N/A
Newfoundland and Labrador	Department of Health and Community Services and the Department of Justice	N/A
Yukon	Department of Health and Social Services and the Department of Justice	N/A
Northwest Territories	Department of Justice and the Department of Health and Social Services	N/A
Nunavut	Department of Justice, Department of Community and Government Services, and Department of Health and Social Services	N/A

**Federal, provincial and territorial cooperation**

55. There are various fora that ensure federal, provincial and territorial (FPT) collaboration on the issues outlined in the Protocol.

56. For example, the Intercountry Adoption Services shares information on issues related to the Protocol collected from the Canadian High Commissions in both Hague Convention and non-Hague Convention countries. This information assists provinces and territories in determining whether to accept children from a particular country.

57. Intergovernmental strategies include formal discussions on the prevention of child trafficking in the context of inter-country adoption through regular meetings involving federal, provincial and territorial officials. Subjects of discussion include: possible irregularities and improper practices in inter-country adoption as well as strategies aimed at preventing child trafficking. Strategies may include placing a moratorium on adoptions where there is evidence of child trafficking or corruption.

58. The Forum of Provincial and Territorial Directors of Child Welfare provides governments with information for strategic planning, facilitating the sharing of information on relevant initiatives, legislation and research and increasing public awareness of sexual exploitation of children and youth.

59. The FPT Working Group on Victims of Crime, made up of Directors of Victim Services from all provinces and territories and federal representatives, provides a forum to share information and expertise. The network permits exploration of joint initiatives, identification of emerging issues, informal evaluation of programs, discussions about recent legislation and implementation issues as well as the identification of research needs.

60. The FPT Coordinating Committee of Senior Officials, Criminal Justice (CCSO-Criminal) provides the primary vehicle for collaboration amongst officials on criminal

justice issues. CCSO has responsibility for analysis and recommendations on criminal justice policy issues that are of joint concern to the FPT governments. It serves as a key forum for discussion and analysis of these issues in a manner that incorporates the interests and responsibilities of the different jurisdictions, and for producing recommendations that reflect these various interests and responsibilities.

61. Criminal Intelligence Service Canada (CISC) is a partnership of policing agencies, with a mandate to ensure the timely collection of information and the production and exchange of useful intelligence products on organized and serious crime. Provincial CISC bureaus play a critical role in intelligence-led policing. Priorities include electronic fraud, street gangs, sexual exploitation of children and border security.

62. The Atlantic Coordinating Committee on Organized Crime (ACCOC) is a government and law enforcement forum that coordinates the activities of all police and government departments addressing organized crime issues. The ACCOC makes recommendations on measures designed to change conditions that foster, support or maintain organized crime.

63. All provinces and territories in Canada are signatories to, or apply the Provincial/Territorial (P/T) Protocol on Children and Families Moving Between Provinces and Territories. This P/T protocol is a child protection services policy and provides collaborative guidelines for dealing with child protection matters across P/T jurisdictions. The Protocol provides a process for:

- Alerting authorities on child protection matters related to at-risk families and children who leave one P/T jurisdiction for another
- Returning of children to the initial P/T jurisdiction when appropriate
- Reporting by a child protection authority of possible child maltreatment, including child sexual abuse, to another P/T authority on matters discovered in the course of the authority's work where the identified child resides outside of the authority's jurisdiction

64. The Inter-Agency Protocol for the Investigation of Child Abuse and Neglect, between the Royal Canadian Mounted Police, Justice Canada, Yukon Health and Social Services, Education and Justice (1998), provides an integrated investigative response to reports and disclosures of child abuse.

65. Other intergovernmental mechanisms that collaborate on issues related to the Protocol include:

- FPT Coordinating Committee of Senior Officials (CCSO) on Family Justice
- FPT Child and Youth Sexual Exploitation Working Group
- FPT Directors of Child Welfare Committee
- FPT CCSO (Criminal Justice) Working Group on Cybercrime
- FPT Ministers of Social Services
- FPT CCSO Human Trafficking Committee

#### **Dissemination of the protocol and educational and promotional activities**

66. Canadian governments undertake and support various initiatives to promote the understanding of human rights and the rights of the child.

67. For example, the Government of Canada promotes a greater understanding of human rights, fundamental freedoms and related values by providing funding assistance and

technical advice to non-governmental organizations and community groups for activities that educate the public about human rights. Various human rights materials, including the *Canadian Charter of Rights and Freedoms*, the principal international human rights instrument, and Canada's periodic reports to the United Nations under the UN human rights treaties to which it is a party, are distributed free of charge. A website provides information on human rights in Canada, and includes on-line copies of the human rights instruments, Canada's periodic reports to the United Nations, and concluding observations of UN committees (<http://www.pch.gc.ca/ddp-hrd/index-eng.cfm>).

68. The Government of Manitoba is working to enhance the knowledge and understanding of Manitoba youth of their rights, both generally and with respect to U.N. human rights instruments, by making various "rights publications" accessible on the Internet: [http://www.childrensadvocate.mb.ca/English/what\\_is\\_new.html#publications](http://www.childrensadvocate.mb.ca/English/what_is_new.html#publications). Included amongst the brochures are ones on "The Rights of Youth: Neglect and Abuse" and "The Rights of Youth: Criminal Justice", which touch upon the themes in the Protocol. Manitoba officials have also contacted appropriate agencies with respect to disseminating additional information on the Protocol.

69. The Government of Ontario held an interdisciplinary conference in March 2007 that discussed the Provincial Strategy to Combat Internet Crimes Against Children. In September 2007, Ontario also sponsored a conference entitled "Responding to Child and Youth Victims of Sexual Exploitation on the Internet".

70. In November, 1999, the Québec Human Rights and Youth Rights Commission highlighted the 10th anniversary of the *Convention on the Rights of the Child* (CRC) by organizing, together with its partners, a forum on the rights of street children. The question of child prostitution was addressed throughout the presentations and discussions. In 2004, the International Bureau for Children's Rights organized an international conference dedicated to the implementation of the CRC. The question of the sexual exploitation of children was dealt with specifically in two of the four plenary sessions, through one session dealing with child trafficking and one dealing with justice for child victims and witnesses to criminal acts.

71. Federal, provincial and territorial governments also ensure that the Protocol is distributed to relevant departments. For example, the Protocol has been disseminated to Saskatchewan government ministries through both the Inter-ministerial Committee on Human Rights and the Inter-ministerial Committee on Child and Youth Sexual Exploitation that oversees provincial programs and services related to the sexual exploitation of children and youth.

#### **Training to professional or para-professional groups**

72. All jurisdictions have developed law enforcement and awareness tools and strategies to address the exploitation of children.

73. The Government of Canada continues to lead, support and implement numerous initiatives, domestically and abroad, to prevent trafficking, to educate the public about trafficking in persons, to train officials who may come into contact with trafficked persons, and to raise general awareness on the issue. The Government of Canada has funded or led the development of various public awareness tools on human trafficking (posters, pamphlets, videos). Federal officials are also providing multi-disciplinary training to law enforcement across the country on this crime. For example, in 2005, the Government of Canada released a training tool for law enforcement entitled "Human Trafficking: Reference Guide for Canadian Law Enforcement", available at: [http://www.icclr.law.ubc.ca/Publications/Reports/human\\_trafficking\\_2005.pdf](http://www.icclr.law.ubc.ca/Publications/Reports/human_trafficking_2005.pdf).



74. Canada has also supported the efforts of the United Nations Office on Drugs and Crime, Organisation of American States and the International Organization for Migration (IOM) to develop and improve responses to trafficking, including child trafficking, around the globe.

75. In 2004, Canada partnered with the IOM to provide a training seminar for police, prosecutors, immigration, customs and consular officials on trafficking in persons. In May 2005, the Government of Canada, in partnership with a number of non-governmental organizations and the Government of British Columbia, hosted a similar training seminar for law enforcement, government officials, and members of civil society.

76. The Government of Canada also organized the Atlantic Regional Human Trafficking Workshop in November of 2006 to help raise awareness among front-line law enforcement and community organizations. Further, national law enforcement workshops for investigators of child sexual exploitation on the Internet are hosted annually.

77. In 2005, the Canadian Internet Child Exploitation Course was designed. This is a 10-day course that is delivered by the Canadian Police College for subject matter experts in the field of Internet child exploitation (i.e., to help prepare investigators in their investigations and prosecutions of online offences). Information is available at: [http://www.cpc.gc.ca/courses/descript/cice\\_e.htm](http://www.cpc.gc.ca/courses/descript/cice_e.htm).

78. Both in Canada and abroad, Canadian officials, including officers at the Ports of Entry to Canada, are provided with information and training on methods used to illegally transport children, how to identify and assist missing and abducted children, and on the detection and identification of victims of smuggling and trafficking. Officers are trained to request certified letters of consent for children travelling alone or with one guardian and are trained to recognize indicators that suggest the relationship between an accompanying adult or parent/guardian and a child may be questionable. Port of Entry Officers are also made aware that in every case where a minor is involved, the officer must abide by the best interests of the child. Finally, Port of Entry Officers are provided training on identifying obscene material and child pornography.

79. The Government of British Columbia has published, or has funded the publication of, a number of tools advising on issues addressed in the Protocol. For example, the "Guidelines for Provision of Youth Services", which assists to design and deliver community-based services, and the Justice Institute of British Columbia's "Commercial Sexual Exploitation: Innovative Ideas for Working with Children and Youth" (2002) are available online at: (<http://www.mcf.gov.bc.ca/youth/publications.htm>). Further, the "BC Handbook for Action on Child Abuse and Neglect" guides the expectation that child protection workers, health and education workers and police work together to avoid multiple interviews of children and to takes steps to help keep children safe. ([http://www.mcf.gov.bc.ca/child\\_protection/pdf/handbook\\_action\\_child\\_abuse.pdf](http://www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf)). These guidelines are further supported by local protocols.

80. In Alberta, specialized training on interventions for children who are sexual exploited through their involvement in prostitution is offered to all caseworkers who are delegated under the legislation. Other service providers, community agencies, police, and law enforcement working with children and youth have also received the training on sexual exploitation through prostitution.

81. The Government of Manitoba, in partnership with the Government of Canada, held four symposiums on human trafficking that were attended by members of law enforcement, Justice officials and community organizations. The government has also published educational pamphlets to increase public awareness of child exploitation and to assist professionals in their work with child victims of these offences. Manitoba offers a six day

intensive specialized training program for multi-sector stakeholders on child sexual exploitation.

82. Crown counsel, throughout Ontario, provide regular Internet Child Exploitation training/education and advanced courses for provincial and federal law enforcement personnel.

83. In Prince Edward Island, a one-day workshop on “Cybersex: The Perils of Internet Pornography Addiction and Sex Offending Online” was attended by health, social services, education, and justice system professionals in April of 2006. In March 2007, the “Lowering Risk – Building Resiliency” conference for justice, social services, and education personnel included a session on Internet Safety with information about Sexual Exploitation and Cyber-Bullying. A workshop on human trafficking for government, police, and community agencies was also held in September 2007.

84. Yukon Territory teachers are provided with a resource manual each year that includes information on “Suspected Child Abuse - Teacher Responsibilities”, “How to Respond to Disclosures”, “Neglect” and a sample initial report. As well, during the yearly new teacher orientation, school psychologists meet with teachers to go over this specific section in the resource book as well as to address any other questions specific to child protection.

### **Budget allocations**

85. The Government of Canada does not specifically track budget allocations for expenditures associated with the provisions of the Protocol but instead supports several initiatives, in partnership with all levels of government and civil society, which have a positive impact in lowering the risks for children and removing them from these exploitative situations.

86. In 2004, the Government of Canada provided \$42.1 million to launch the National Strategy for the Protection of Children from Sexual Exploitation on the Internet to provide a comprehensive, coordinated approach to enhancing the protection of children on the Internet and pursuing those who use technology to prey on them. The Strategy has three main objectives: enhancing enforcement capacity; providing for public reporting and education to prevent victimization; and developing partnerships with the e-learning industry, the private sector and other levels of government to foster effective public awareness, education and criminal prevention strategies.

87. In 2007, Canada allocated \$6 million per year to strengthen activities aimed at protecting children from sexual exploitation and trafficking, including:

- Reinforcing law enforcement capacity to combat child sexual exploitation and abuse on the Internet and develop a Canadian Child Exploitation Tracking System/Image Database to prioritize and focus on the identification and rescue of child victims
- Providing for public education and awareness of human trafficking, including trafficking of children, and providing for a central point to report potential cases of human trafficking through the Canadian Crime Stoppers Association

88. Some provincial and territorial governments also track the budget for an overall action plan. For example, Ontario invested \$5 million dollars in the context of its Provincial Strategy to Combat Internet Crimes Against Children.

89. Some provinces and territories track their budgets similarly. For example: British Columbia’s 2007–2008 youth services budget supports a broad variety of services including emergency shelters and safe houses; outreach; parent-teen mediation; youth support workers; support services for sexually exploited youth; among other initiatives. This

amount does not include services to youth through child and family development child protection programs.

90. Some provincial and territorial governments collect limited information on budget allocations by reviewing the programs they fund. For example, Alberta collects information about budgets and financial statements from all organizations applying for a Victims of Crime Fund grant. Victims of Crime Fund grants totalling almost \$4.5 million were provided to 96 victim service programs in the fiscal year 2006–2007. This amount reflects an increase in excess of \$800,000 over the previous year's funding.<sup>2</sup>

### Statutory agencies

91. Statutory agencies, including human rights commissions, child advocates and ombudsmen play a significant role in the protection of the rights of children and youth.

92. Almost all provinces have an independent child advocate or ombudsman responsible for representing the rights, interests and viewpoints of children. Many of these offices have particular mandates related to the CRC and the two related Protocols to which Canada is party.

93. British Columbia has both an external and an internal mechanism. The Representative for Children and Youth, as an Officer of the Legislature, is independent from government. The mandate of the Representative is to improve services and outcomes for children in British Columbia through advocacy, accountability and review. The activities of the Representative are governed by legislation that is available at the following address: [http://www.leg.bc.ca/38th2nd/3rd\\_read/gov34-3.htm](http://www.leg.bc.ca/38th2nd/3rd_read/gov34-3.htm). British Columbia's independent Ombudsman receives inquiries and complaints about the services provided by public agencies. The Ombudsman can conduct impartial and confidential investigations to determine if a public agency is being fair to the people it serves: [www.ombud.gov.bc.ca/](http://www.ombud.gov.bc.ca/). Within government, a complaints process is available for children and youth (or their caregiver) requesting or in receipt of government services who disagree with a decision. Assistance is available in many languages. Local offices provide information which is also available online at: <http://www.mcf.gov.bc.ca/complaints/index.htm>.

94. Alberta's Child and Youth Advocate represents young people who receive services under the *Child, Youth and Family Enhancement Act* and the PSECA.

95. The Saskatchewan Children's Advocate Office engages in public education activities and it "[a]dvocates for the rights of children to be respected and valued as identified in the [CRC]." (<http://www.saskcao.ca>). The Office may investigate any matters related to services to children and youth, including issues related to the Protocol, and it may recommend improvements in programs for children to the Government of Saskatchewan.

96. The Office of the Children's Advocate is an independent office of the Manitoba Legislative Assembly that represents children and youth eligible for services as prescribed under *The Child and Family Services Act* and *The Adoption Act*. The role of the Children's Advocate is to support children and young people who are involved, or should be involved, in the child and family services system. Additionally, the Manitoba Human Rights Commission has jurisdiction over sexual harassment against children in the course of employment and delivery of services.

97. In Ontario, the Provincial Advocate for Children and Youth, an independent officer of the Ontario Legislature, has the authority to advocate for the rights, interests and viewpoints of children and youth. This office was established through the *Provincial*

<sup>2</sup> <http://www.solgen.gov.ab.ca/downloads/documentloader.aspx?id=48127>.

*Advocate for Children and Youth Act*, 2007. Principles contained in the CRC were considered in interpreting and applying the legislation: [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_07p09\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_07p09_e.htm).

98. The Québec Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission) was established in November 1995, in accordance with the *Québec Charter of Human Rights and Freedoms*. It is responsible for protecting children's interests and ensuring the respect for the rights accorded to them by the *Youth Protection Act* and the *Youth Criminal Justice Act*. It can: receive complaints or, on its own initiative, investigate situations of discrimination and situations of the abuse of rights that are recognized by both acts; facilitate a settlement between parties; refer a matter, if need be, to the appropriate tribunal; develop and put into practice information and education programs about rights, including the rights of the child; analyze Québec's laws to make sure they conform to the Charter; organize public consultations; make recommendations to the Legislator or the government; encourage or carry out research, including research on the scope of the rights of the child; and cooperate with any organization dedicated to human rights.

99. New Brunswick's Office of the Child and Youth Advocate provides an additional safeguard through which cases of need that might not otherwise be addressed can be reported and investigated further. The Advocate ensures that: the rights and interests of children and youth are protected; the views of children and youth are heard and considered in appropriate fora where those views might not otherwise be advanced; and children and youth have access to services; and that complaints that children and youth might have about those services receive appropriate attention. The Advocate also provides information and advice to the government, government agencies and communities about the availability, effectiveness, responsiveness, and relevance of services to children and youths, and acts as an advocate for the rights and interests of children and youth generally.

100. Nova Scotia's Office of the Ombudsman has a section that specializes in child and youth services and offers an independent mechanism for investigating and resolving complaints from children and youth in the child custody and child protection systems. Ombudsman representatives provide children and youth with an opportunity to have their voice heard, while monitoring conditions in facilities and making recommendations to improve various child-serving systems. The office provides independent oversight and outreach services to youth in correctional facilities, the secure care facility and residential child-care facilities, as well as ensuring youth in RCMP and municipal police holding cells are aware of services available to youth. Posters and brochures designed specifically for children and youth are available in English, French and Mi'kmaq ([http://www.gov.ns.ca/ombu/Child\\_Ombud/default.asp](http://www.gov.ns.ca/ombu/Child_Ombud/default.asp)).

101. Although, Prince Edward Island does not have a statutory agency responsible for the protection of children, under the *Child Protection Act*, the Department of Social Services and Seniors, through the Director of Child Welfare, is responsible for providing child welfare services to protect children from harm due to abuse and neglect.

102. The mandate of the Newfoundland and Labrador Child and Youth Advocate includes protecting and advancing the rights of children and youth and ensuring their voices are heard; ensuring children and youth have access to services provided for them by the Government; providing information and advice to government, its boards and agencies and to communities about the availability, effectiveness, responsiveness and relevance of the services they provide to children and youth; and acting generally as an advocate of the rights and interests of children and youth of the province.

### Public consultation mechanisms

103. Federal, provincial and territorial governments routinely consult with civil society in the development of legislation, policies and programs that relate to the provisions of treaties to which Canada is a party. Governments have established numerous consultation mechanisms.

104. For example, the Government of British Columbia has funded a number of community groups and non-profit societies to support discussions across civil society. Examples of this funding include:

- The Sexual Exploitation/Prostitution Fund assists communities in developing local initiatives and enhances coordinated efforts to address this issue
- Some British Columbia communities have created Community Action Teams (CATs). CATs bring together service providers such as police, social workers, and health professionals together with representatives from municipal governments, educators and school administrators, parents, youth, and non-profit agencies to work together to eliminate the exploitation of children and youth in prostitution

105. In Alberta, the Justice Policy Advisory Committee, Steering Committee and its working groups were established to facilitate discussions and recommendations regarding a variety of issues surrounding access to justice and public confidence in the justice system. The Committee and its working groups include representatives from various levels of government, community organizations and academia.

106. The Government of Manitoba hosts a number of coordination mechanisms:

- Manitoba's Healthy Child Committee of Cabinet (HCCC) is made up of a variety of government departments, agencies and community organisations in order to be able to take a holistic approach to meeting the needs of children as they grow and develop. The HCCC regularly sets priorities for cross-departmental work and identifies lead departments.
- The Healthy Child Manitoba Strategy works with community partners through Parent Child Coalitions, the Council of Coalitions, and the Provincial Healthy Child Advisory Committee. The Advisory Committee is a cross-sectoral committee that allows those working with and for children and families (e.g., educators, child care) to have input into the policies, programs and services of Government. The chair of the committee meets with HCCC at least once a year.
- The Child Protection Advisory Council, organized and led by Child Find Manitoba, is responsible for ensuring the development and implementation of a prevention program to build child safe organizations. Additionally, the council will provide advice and recommendations to the Minister regarding existing criminal and child abuse registry checks and other relevant matters regarding the sexual exploitation of children.

107. Prince Edward Island has a number of cross-sectoral consultation committees, including:

- A provincial committee works towards the development of a provincial response to potential cases of human trafficking.
- The Provincial Child Sexual Abuse Advisory Committee has been in place since 1991 and includes representatives of justice, police, education, child protection, mental health and community agencies. The Committee promotes a coordinated and collaborative response to and public awareness of child sexual abuse and focuses on prevention strategies.

- The Healthy Child Development Strategy, initiated in 2000, promotes the health and well-being of children up to eight years old. The Children's Secretariat, which includes representatives from seven government departments and from the community, focuses on key areas of action for healthy child development.
- The Premier's Action Committee on Family Violence Prevention includes representatives from government and community agencies. Their goals and strategies are based on the following themes: awareness, education, and training; partnership and coordination; service delivery; and policy, legislation and legal issues. Child sexual abuse is included in the strategy as one form of family violence.

108. Further information on the Healthy Child Development Strategy and the Premier's Action Committee on Family Violence Prevention is available at ([www.gov.pe.ca/sss/index.php3](http://www.gov.pe.ca/sss/index.php3)).

109. Due to the small size of their jurisdiction, Northwest Territories government departments, non-governmental organizations, the private sector, and members of the general public, the media, academia, etc., collaborate easily and effectively on the issues covered in the Protocol.

## **Part IV Prevention**

### **Identifying vulnerable children**

110. Support for community-based research is a primary method used by governments in Canada to identify children or groups who are especially vulnerable to the practices addressed in the Protocol. Through the Sisters in Spirit initiative, for example, the Government of Canada has supported the development of materials, including a culturally-relevant research model to gather data on racialized and sexualized violence against Aboriginal women and girls.

111. From March 2005 to November 2007, the Government of Canada funded a comprehensive environmental scan across Alberta and Manitoba on the situation of women and young girls with respect to trafficking. A final report will serve as the basis for the development of a coordinated Western strategy to respond more effectively to trafficked women and girls.

112. With respect to vulnerable children living on reserve, the Government of Canada funds First Nations and provinces and territories to provide provincially mandated child and family services, including protection and prevention services on reserve. The sale of children, child prostitution and child pornography would be grounds under provincial child welfare legislation for a First Nation Child and Family Services Agency to intervene and take a child into care so as to protect the child from abuse.

113. All provincial governments and many community-based agencies, also work to identify and assist vulnerable children.

114. The Government of British Columbia funds research projects that focus on identifying vulnerable groups. The government provides grants and other forms of support to help communities at the local level identify and assist vulnerable groups.

115. In Alberta, the responsible government authorities keep abreast of recent academic literature pertaining to the issues addressed in the Protocol, and stay connected with community members and organizations that deliver frontline services to victims.

116. In Manitoba, community-based agencies receive funding for outreach workers to make connections with street youth/children. Many of the community-based agencies are located in Winnipeg's inner-city that is experiencing significant social, economic and environmental challenges such as high rates of poverty, unemployment and crime as well as a lack of adequate recreation, family support, affordable housing and economic opportunities. Regional teams are being established in Manitoba to develop solutions for high risk children living in all regions of the province including northern and remote areas of Manitoba. Manitoba has established a working group to develop a model to deliver integrated services for low-income families.

117. In New Brunswick, the Government works with the public and other professionals to identify victims and potential victims.

118. The Government of the Northwest Territories maintains open lines of communication with the Royal Canadian Mounted Police, social services departments and agencies, and non governmental organisations such as shelter workers, social workers, etc. to identify children and groups vulnerable. These groups work together with the Coalition Against Family Violence (made up of people representing service agencies, government departments, education, seniors and the police who work on issues related to or consequential of family violence) towards decreasing the incidence and impact of family violence in the Northwest Territories.

#### **Protection and prevention strategies and programs**

119. Federal, provincial and territorial governments in Canada are committed to combating, and addressing sexual exploitation in all its forms and to protecting its victims. As indicated earlier in the report, each government has child protection legislation and programmes focused on the principle of the best interests of the child.

120. For information on federal efforts taken to improve responses to trafficking in persons, see: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3047088&Language=E&Mode=1&Parl=39&Ses=1>.

121. The Government of Canada has taken a multi-pronged approach to the protection of children from the offences outlined in the Protocol. The numerous laws, programmes and policies that directly combat trafficking and sexual exploitation are monitored and enhanced, as appropriate, to better protect children and others from harm. Federal police services, in partnership with law enforcement across Canada, support the development of best practices, strategies and a variety of tools to address sexual exploitation on the Internet and other fora. Programs and initiatives are also undertaken to encourage and support communities and non-governmental organizations to prevent the sexual exploitation of children.

122. The federal Committee Against the Commercial Sexual Exploitation of Children is engaged in a roundtable dialogue on commercial sexual exploitation of children and the trafficking of children for sexual purposes. The committee is focusing particularly on the commercial sexual exploitation of Aboriginal children and youth in Canada. Although the committee has no official mandate to provide advice to government the committee has served as an excellent mechanism for information sharing since 1996.

123. *Cybertip.ca*, Canada's national 24/7 tip-line for reporting suspected cases of child sexual exploitation of children on the Internet plays an important role in promoting education and awareness about child sexual exploitation. Funded through the National Strategy for the Protection of Children from Sexual Exploitation on the Internet, *Cybertip.ca* has received and triaged close to 25,000 cases since 2002 and contributed to the closing of 3,500 websites. *Cybertip.ca* is also Canada's repository of public education

material on child sexual exploitation on the Internet and has developed material that is utilized in schools in some provinces in Canada ([www.cybertip.ca](http://www.cybertip.ca)).

124. All provinces and territories also have toll free lines for any person to report abuse.

125. Provinces and territories provided input on the Canadian Incidence Study of Reported Child Abuse and Neglect that was published in 2003. The Study provided national aggregated analysis of reports and investigation of child maltreatment in every Canadian jurisdiction and also provided separate analysis for each provincial/territorial jurisdiction ([http://www.phac-aspc.gc.ca/publicat/cissr-ecirc/pdf/cmhc\\_e.pdf](http://www.phac-aspc.gc.ca/publicat/cissr-ecirc/pdf/cmhc_e.pdf)).

126. In 2007, the Government of British Columbia created the Office to Combat Trafficking in Persons. The Office is building collaborative relationships across numerous jurisdictions and agencies, including other provincial ministries, federal departments, law enforcement agencies and non-governmental organizations, including transition and safe houses.

127. The Government of British Columbia funds a number of programs that support the implementation of the Protocol:

- BC funds 155 victim service programs across the province to provide direct services to victims and others impacted by crime, including sexually exploited youth.
- The Youth Against Violence Line (1-800-680-4264) is operated by Information Services Vancouver and funded by the Government of British Columbia in partnership with the Government of Canada. The line is an automated phone line and e-mail service that provides a safe, confidential way to prevent and report incidents of youth violence or crime or seek help from local police.
- The British Columbia Youth Agreement Program (YAG) serves youth, age 16-18, who are homeless, can no longer live with their families and for whom Ministry care is not an appropriate alternative. The evaluation of the YAG initiative indicated many positive improvements for high-risk youth via youth agreements, such as reductions in risk behaviours, a positive shift in peer associations, and participation in educational and job training programs. From 2001-2002 fiscal year to 2006-2007 fiscal year, the number of new Youth Agreements increased by about 140 percent: <http://www.mcf.gov.bc.ca/youth/publications.htm>.

128. The Government of Alberta has adopted the aforementioned *Protection of Sexually Exploited Children Act* and has established an Integrated Child Exploitation team. The Government has also worked to develop, support and expand a province-wide network of victim assistance programs that deliver services to all victims of crime, including specialized services for victims of child abuse. These services include designated courts, Crown prosecutors and police services that take into account the specific needs of children who are victims of abuse ([http://justsolgen.gov.ab.ca/criminal\\_pros/downloads/DV\\_Handbook\\_FamilyViolenceInitiativesInAlberta.pdf](http://justsolgen.gov.ab.ca/criminal_pros/downloads/DV_Handbook_FamilyViolenceInitiativesInAlberta.pdf)).

129. A Human Trafficking Committee has been established in Alberta to develop a province-wide protocol. The Committee includes representatives from Victims Services Branch, Royal Canadian Mounted Police, municipal police services, the provincial and federal governments, and non-governmental organizations.

130. The Government of Saskatchewan's strategy to address the issue of sexually exploited children and youth consists of a mix of prevention, harm reduction, treatment and law enforcement measures including:

- The provision of funding to outreach services for children involved in prostitution and for street youth.



- A strict law enforcement policy targeting pimps, people who have sex with children and others who exploit children involved in prostitution.
- A public education campaign to emphasize that procuring a child for prostitution is child abuse.
- A system to track and monitor perpetrators and to improve services to victims.
- A directive to Crown Attorneys that requires them to a) recognize the victimization of these children, b) to accord them the same protections as other vulnerable victims, c) to divert prostitution charges against them whenever appropriate, d) and to seek meaningful penalties when persons are convicted of exploiting them.
- Child abuse teams in Regional Offices in major centres made up of prosecutors committed to pursuing these matters. Prosecutors, police, social workers and victim services work closely together to support the child.
- Establishment of Regional Intervention Committees to support and coordinate service delivery to children and youth, in major urban centres, as they struggle to exit the street.
- Mechanisms to deter customers and improve the law enforcement response to sexually exploited children.
- Providing additional protective services for young persons involved in the selling of sex for money or other benefits.
- Funding for a Tech Crimes police initiative.

131. The Government of Saskatchewan has also established a range of general medical, public health, alcohol and drug and mental health services for at-risk youth available in or through health regions across the province:

- Project Hope is a three-year plan to prevent and treat substance abuse. The highlights include a tripling of youth stabilization and treatment capacity within three years.
- KidsFirst provides support to vulnerable families, including pregnant and parenting youth. This support includes mentoring, skills training, literacy and education, advocacy for appropriate social services, and dedicated mental health and addictions counselling. Staff participate in community development and population health initiatives at the local level to raise awareness of the sexual exploitation of children and youth.
- Community youth workers and case workers in young offender facilities connect youth to programs that address factors that create barriers to rehabilitation, like youth involved in the sex trade or youth with Fetal Alcohol Spectrum Disorder. The intervention includes connecting youth to safe housing, treatment, counselling or special education programs.

132. The Government of Manitoba strategy includes legislation, policy, programs and research designed to complement existing services being provided by non-governmental organizations. The focus of this strategy is on prevention by increasing the general awareness of the issue across all segments of the Manitoba population and providing preventative programming for at risk youth. These include community outreach initiatives and safe housing, educational resource development and distribution, a prosecution policy that recognises that exploited children are victims, and coordination at the provincial level along with oversight committees. The Government intervention programs are age, developmentally and culturally appropriate, non-judgmental, child and youth-centered, creative, responsive to individual needs, non-coercive and staffed by individuals who are

personally committed and who may have experienced similar life situations. The Multi-jurisdictional Implementation Team is responsible to ensure the advancement of the strategy. Additional information on this strategy is accessible at: [http://www.gov.mb.ca/fs/childfam/strategy\\_on\\_sexual\\_exploitation.html](http://www.gov.mb.ca/fs/childfam/strategy_on_sexual_exploitation.html).

133. Additionally, the Government of Manitoba coordinates and funds several prevention and early intervention programs that may indirectly prevent the issues covered by the Protocol by supporting vulnerable children and families (e.g. home visiting program for families with young children, a prenatal benefit for low-income pregnant women, community-based programs for parents and infants, and the Positive Parenting Program). The Healthy Adolescent Development strategy emphasizes adolescent sexual and reproductive health (e.g., funding for community or school-based teen clinics in vulnerable communities). The programs aim to support positive outcomes for children and youth.

134. The Government of Ontario funds a variety of programs, including Children's Aid Societies, child and youth mental health programs, sexual assault centres, victim/witness assistance programs, and youth centres. Additionally, the Government has developed a provincial Strategy to Combat Internet Crimes Against Children that aims to identify or locate the children depicted in images of child pornography – including rescuing them from ongoing abuse and putting them in contact with the resources necessary to deal with what has happened to them. The strategy includes, but is not limited to, the following components:

- A dedicated child-victim tips line and referral service, set up through the established Crime Stoppers program, to support victims and prevent re-victimization
- An online undercover team of municipal police officers to conduct on-line child-luring investigations by monitoring chat rooms and newsgroups to identify suspects and victims, and prevent further victimization
- Emotional support for child victims and families and referral to appropriate community services and practical assistance
- Coordination, training and support for dedicated Crown prosecutors to ensure a uniform level of excellence with respect to victim support and prosecution of Internet Child Exploitation offences throughout the province of Ontario
- Increased liaison work with other agencies and jurisdictions, including other law enforcement agencies such as Child Find Ontario, which will help to apprehend offenders and support victims

135. Government directives regarding sexual assault have been in effect in Québec since March 2001. The purpose of these directives is to recognize the socially unacceptable and criminal nature of sexual assaults, to adequately respond to the needs of victims and to eliminate the forces of power and domination levelled at women and children. That same year saw the establishment of a socio-judicial intervention procedure that would ensure an adequate, continuous and coordinated response to the assistance and protection needs of children in accordance with the rights of all parties involved. This procedure was implemented within the framework of the Multi-sectoral Agreement regarding children who are victims of sexual abuse, physical abuse or neglect threatening their physical health. It involves close cooperation among the director of youth protection, the assistant attorney general, police services and, if need be, other targeted actors, namely those from educational establishments and organizations, child-care centres and other child care services, health and social service establishments and organizations, as well as recreation and sports agencies.

136. The “Stratégie d’action pour les jeunes en difficulté et leur famille” (Action Strategy for Troubled Youth and their Families) has been in place since 2002; its goal is to ensure

that the *Youth Protection Act* is used and applied more judiciously. The goal of the “Stratégie d’action jeunesse 2006–2009 et pour une jeunesse engagée dans sa réussite” (Youth Action Strategy 2006–2009 Young People Fully Involved in Their Own Success) is to improve the health and welfare of youth, by encouraging improvements to the services that are available to children and their families, in accordance with the *Youth Protection Act*.

137. The Government of New Brunswick developed the Child Victims of Abuse and Neglect Protocols, which can be found at <http://www.gnb.ca/-0017/protection/Child/index-e.asp>. The document outlines how government agencies respond to allegations of child abuse and neglect. The protocols in many cases, directly and indirectly, address the practices covered by the Protocol.

138. The Government of New Brunswick has also established a Policy for the Protection of Pupils, that is intended to protect pupils from non-professional conduct by adults to which pupils may be exposed, including physical, sexual, and emotional abuse and discrimination; ensure that adults in the public education system understand the magnitude of the responsibility conferred upon them when parents and communities entrust their children to the public education system; and eliminate non-professional conduct through defining acceptable standards of behaviour, prevention and effective intervention.

139. Nova Scotia has established a range of programs and services to support youth and families, including youth health centres, the Youth Sexual Health Framework, the Family Violence Strategy, and the Healthy Beginnings programs for families and infants. The new Children and Youth Strategy established in 2007 will co-ordinate supports for families and at risk youth across government and will help with the early identification of issues and implementation of supports and strategies (<http://www.gov.ns.ca/coms/noteworthy/OurKidsAreWorthIt.html>).

140. The Government of Prince Edward Island has implemented the “Building on Success: Best Start Program” that fosters the development of protective factors such as positive family support, access to information on effective parenting, training and employment options, referral to existing programs and services, and strengthening the network of support around the infant and parents. The program offers integrated universal early screening and assessment in partnership with Public Health Nursing. Nurses trained for “Best Start” screen every newborn infant and their families, and those who are determined to have challenges are subsequently referred to the in-home visiting component of the program. Home visits provide an opportunity to work with families in their own environment, enabling the worker to learn first-hand about the life conditions of the parent(s) and children and to respond to them effectively and appropriately. An evaluation of The Best Start early intervention and support program on Prince Edward Island found that the program, in combination with Child Protection, is having a positive impact in the early intervention into child maltreatment.

141. The Government of Newfoundland and Labrador has a Violence Prevention Initiative that targets children and youth as a vulnerable population needing special attention. Interventions under the *Child, Youth and Family Services Act* target children who may face the issues covered in the Protocol and Victim Services for Children would be available to provide necessary services within their mandate.

142. Programs and policies of the Government of the Northwest Territories, designed to protect children, focus on the prevention of issues such as sexual abuse and alcohol/substance abuse amongst children. The programs and policies are designed to warn children of the dangers of drug and alcohol abuse, including the potential for sexual exploitation by others. The Framework for Action includes activities that will improve education and awareness, enhance prevention activities and service, improve training, and

further develop partnerships and education and is intended to address some of the “root causes” that often result in the exploitation of children.

143. The Yukon Government provides a variety of programs and services aimed at preventing the sexual exploitation of children, intervening to protect children and providing treatment to children who have suffered sexual abuse. For example:

- Counselling to families and individual youth is available through an agency funded by the government and mental health services provide counselling for youth with mental illnesses
- An outreach van enables workers to offer support and education to individuals who may be homeless or living high risk lifestyles
- Child Abuse Treatment Services provide treatment therapy for children who have been abused
- The Victim Services/Family Violence Prevention Unit works with the community by educating the public on their rights to not be abused and to be safe, and the obligation not to abuse others. They promote healthy relationships and boundaries through education initiatives
- The Our Way of Living Safely program works with children who have been exposed to violence and whose parents are involved with the Domestic Violence Treatment Option Court

#### **Campaigns to promote public awareness**

144. With respect to combating child sex tourism, a publication posted online, entitled: “Child Sex Tourism: It’s a Crime” (<http://canada.justice.gc.ca/en/fs/ht/index.html>), promotes awareness that sexual abuse of children is illegal, whether committed in Canada or in another country, and provides information on the Criminal Code provisions that allow for the prosecution in Canada of Canadians or permanent residents for sexual offences committed against children in foreign countries. In addition, several Country Travel Reports provide information to Canadians and prospective overseas travellers, including reminding them that child sexual abuse is a crime in Canada, regardless of where it is committed.

145. On March 30, 2004 the Canadian Ethnocultural Council, in partnership with the Government of Canada, hosted the *Forum on Trafficking in Persons, Especially Youth, Children and Women*. This Forum brought together non-governmental organizations and academics from across the country. The objectives were to educate and increase public awareness about the situation of trafficked persons, especially youth, children and women, and explore strategies for community-driven initiatives to prevent and combat trafficking in persons.

146. The Government of Canada’s National Plan of Action for Children (NPA), entitled *A Canada Fit for Children*, addresses many of the offences outlined in the Protocol. The NPA identifies meaningful ways that Canadians can improve the lives of children, in Canada and around the globe and contains strategies to address the sexual exploitation of children including child pornography, child prostitution and child sex tourism. Specific activities include:

- Support for research on sexual exploitation of children in Canada, its consequences domestically and abroad and its underlying risk factors such as poverty, social exclusion and gender inequality

- Promotion of improved prevention strategies addressing the particular vulnerability of children, demand for sexual or exploitative services from children and the predatory nature of those who seek to exploit children
- Promotion of awareness of the illegal nature of child sexual exploitation
- Support for international efforts to address sexual exploitation of children including in developing or transitioning countries, and areas of armed conflict or civil unrest

147. On February 27, 2007, the Standing Committee on the Status of Women tabled its twelfth report, entitled: “Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada”, which included recommendations encompassing a broad range of areas within three overarching themes: prevention of trafficking; protection of victims; and prosecution of offenders.

148. Provincial and territorial governments also engage in education and awareness campaigns related to the sexual exploitation of others.

149. For example, since 1998, the Government of British Columbia has proclaimed “Stop the Sexual Exploitation of Children and Youth Awareness Week” that is marked by the distribution of fuchsia-coloured ribbons to symbolize efforts in preventing sexual exploitation. Communities across the province sponsor workshops, theatre presentations, art work and other events to raise public awareness of the local efforts to address the issue. In 2007, a comprehensive online sexual exploitation ‘toolkit’ was launched that connects youth and adults to province-wide resources, programs and service agencies. Individuals and groups wanting to take action locally can also find information about establishing a community network, creating an action plan, applying for funding, and building awareness at: <http://jibc.ca/seytoolkit/>.

150. Children’s advocates and offices also disseminate information. For example, the Alberta’s Child and Youth Advocate has two toll free lines – one for advocacy services and the other if calling about Legal Representation for Children and Youth, which is responsible for the appointment of lawyers for children and youth receiving services under the *Protection of Sexually Exploited Children Act and the Child, Youth and Family Enhancement Act*. The Office of the Representative for Children and Youth for British Columbia also has a free hotline for children in need of assistance.

151. The Alberta Government launched a campaign including posters, cinema advertising and transit shelter advertising geared towards teens in May 2006. Also launched were websites to raise awareness on the dangers the Internet may pose to young persons. These websites have information specific to parents, youth and children and can be accessed at [www.getwebwise.ca](http://www.getwebwise.ca), [www.badguypatrol.ca](http://www.badguypatrol.ca), and [www.weron2u.ca](http://www.weron2u.ca). Also available online is the document “Protection of Sexually Exploited Children and Youth,” that provides an overview of how the law protects children from sexual exploitation, how to detect when a young person may be a victim of sexual exploitation, how to protect against sexual exploitation and where to turn for assistance ([http://www.child.gov.ab.ca/whatwedo/pcse/pdf/Sexually\\_exploited\\_report\\_dec04.pdf](http://www.child.gov.ab.ca/whatwedo/pcse/pdf/Sexually_exploited_report_dec04.pdf)).

152. One of the initial components of the Saskatchewan strategy to address the problem of sexually exploited children and youth was a public education campaign to emphasize that procuring a child for prostitution is child abuse.

153. The Government of Manitoba has supported the creation of a number of publications that promote awareness of Internet safety and sexual exploitation to parents, teachers and children. The comic book “Zoe and Molly Online” was developed by Child Find Manitoba and distributed to all grade 4 students in 2006 and 2007. It teaches children the importance of protecting personal information on-line and can be utilized by teachers to address this subject. Two pamphlets, *No Means No: Understanding Consent to Sexual Activity and*

*Child Abuse: Recognize It, Report It, Prevent It*, include information on: definitions of consent in the context of sexual activity; information on sexual exploitation; and, information on the dangers of abuse that may be associated with the Internet (Internet luring of young people) as well as tips to parents on how to prevent these abuses. The child abuse pamphlet is geared toward parents, teachers, and front line service providers. The pamphlet on understanding consent to sexual activity is intended for all age groups.

154. In New Brunswick, various groups such as: the Office of the Ombudsman and Child and Youth Advocate, the Muriel McQueen Fergusson Centre for Family Violence Research, the Coalition Against Abusive Relationships, the Law Society of New Brunswick and the Fredericton Sexual Assault Crisis Centre provide their expertise to assist in the development of appropriate content to be included in government pamphlets and publications.

155. The Yukon has a committee entitled the Circles of Respect and Equality (C.O.R.E.). C.O.R.E. is made up of 19 government and community agencies (including youth groups) working in the field of violence against women and children. C.O.R.E. is spearheading a public education campaign on sexualized and family violence against women and children.

### **Civil society**

156. Civil society plays an important role in Canada's efforts to prevent the sale of children, child prostitution and child pornography.

157. The Government of Canada funds a number of community initiatives that seek to protect children from the offences outlined in the Protocol whether directly or indirectly. For example, the Prostitution Awareness and Action Foundation of Edmonton received funding to provide educational resources, training, and support to help victims leave prostitution behind. Additional information on this initiative is available at (<http://www.paafe.org>).

158. The Canadian Centre for Child Protection is a non-governmental organization that is committed to developing programs and finding innovative solutions to proactively combat child sexual exploitation. It is responsible for administering *Cybertip.ca* and is also a major source of public education and awareness activities regarding child sexual exploitation. For example *CleanFeed* is an initiative advanced by *Cybertip.ca* aimed at blocking access by all customers to websites containing child pornography. Internet Service Providers (ISPs) who participate in the initiative access the list and time customer access to these websites.

159. The Canadian Coalition Against Internet Child Exploitation is an example of government and civil society partnership. This group seeks to abolish child pornography from the Internet through the implementation of an effective national strategy. The Coalition was formed in 2004 and is a voluntary, multi-sector forum comprised of industry (mainly ISPs), government, non-government and law enforcement stakeholders.

160. All provincial and territorial governments also collaborate with civil society in order to implement the provisions of the Protocol. For example, in Saskatchewan, civil society plays a role in reporting the sexual exploitation of children to the proper authorities. Children who are sexually abused or exploited come to the attention of Social Services through referrals from community, police, other professionals, and other child serving agencies and services. Aboriginal and community organizations are also important in providing community outreach, prevention and crisis intervention services.

161. In Manitoba, as members of the Multi-jurisdictional Implementation Team, community-based agencies are responsible for implementing initiatives under the umbrella of the provincial strategy.

162. In Ontario, stakeholder groups have taken collective action to raise awareness and influence the elimination of commercial sexual exploitation. For example, in September 2006, members of the Sexual Exploitation Education and Awareness Coalition of Toronto launched a poster campaign to raise awareness about child prostitution and provide victims with supports.

163. In Québec, several community organizations address the issues covered in the Protocol in their global mission particularly those of prevention, intervention and the defence of rights:

- As one of the most important Internet providers in Québec, Vidéotron launched a public awareness and education campaign entitled Vigilance on the net on June 20, 2007. It was designed to provide tools to young Internet surfers and their parents.
- The 35 Centres d'aide et de lutte contre les agressions à caractère sexuel (Centres to Support Children and Combat Sexual Abuse) and the ESPACE organizations, have a mission to prevent all types of assaults against children.
- The International Bureau for Children's Rights, an international non-governmental organization, is working on developing a Strategic action plan for the protection of victims of child trafficking. The Government of Québec is participating in this project.

164. Various non-governmental organizations on Prince Edward Island raise awareness, provide information and in some cases make referrals. A few examples include:

- Women's Network PEI conducted a series of projects on youth sexual health with an emphasis on healthy sexuality and preventing sexual exploitation and victimization. Further information and reports are available at [www.wnpei.org](http://www.wnpei.org).
- Child Find PEI Inc. has published Talk Before You Run, a resource guide for runaway teens.
- The Survivor Advocacy Group for Empowerment draws on the experiences and knowledge of adult survivors to develop strategies to prevent child sexual abuse.
- The PEI Rape and Sexual Assault Crisis Centre provides counselling and advocacy for victims of sexual assault and survivors of child sexual abuse.

165. In all provinces and territories, members of the general public are also encouraged to report incidents where they believe a child has been, or is being, exploited sexually. Federal, provincial and territorial governments all have legislation to protect those who report child abuse as long as the report is not malicious.

## **Part V**

### **Prohibition and related matters**

#### **Punitive measures**

166. In addition to the criminal prohibitions noted under General Measures of Implementation, Canada's *Criminal Code* provides for comprehensive criminal forfeiture schemes dealing both with proceeds of crime, including through the use of a reverse onus of proof provision, and forfeiture of offence related property (e.g., goods used to commit crime).

167. Part XII.2 of the *Criminal Code* provides for forfeiture of "proceeds of crime" as part of the sentencing of the offender upon application by the Crown after conviction for a designated offence (including child pornography, child prostitution, and trafficking in

persons offences). “Proceeds of crime” is defined broadly to include any property, benefit or advantage, in or outside Canada, obtained or derived directly or indirectly from the commission in Canada of a designated offence, or an act or omission anywhere that, if it had occurred in Canada, would have constituted a designated offence. Extensive provisions of Part XII.2 also allow for the seizure and restraint of property pending resolution of criminal proceedings. As part of special procedures and powers in Part XV, the *Criminal Code* also provides for the forfeiture of property used to commit offences and other offence-related property.

168. In Canada, certain provinces and territories have enacted civil forfeiture legislation that enables those jurisdictions to seize proceeds of unlawful activity and to initiate proceedings for such property to be forfeited. Proceeds of unlawful activity can also be defined broadly to include property acquired, directly or indirectly, in whole or in part, as a result of unlawful activity.

169. For example, in British Columbia, proceeds of unlawful activity are subject to forfeiture to the province under the provisions of the *Civil Forfeiture Act*. This could include lands and premises used to commit the offence. “Unlawful activity” is broadly defined to include offences committed outside of the province if the same activity is unlawful in British Columbia.

170. Saskatchewan’s *The Highway Traffic Safety Act* has a similar clause but has also created an offence of repeatedly driving or parking a vehicle without lawful excuse, in an area that is frequented by sex trade workers. Financial support was provided to obtain the Deter and Identify Sex Trade Consumers program, an intelligence-gathering database that records information about persons engaged in such behaviour and tracks sex workers. To illustrate the effectiveness of this policy in Saskatchewan, as of August 13, 2007, 455 vehicles had been seized since the program began, with 15 seizures involving child victims.

171. In Manitoba, the *Highway Traffic Act* provides that vehicles used to commit prostitution and related offences may be seized by police, impounded and forfeited to the government if the person charged is convicted of the offence.

172. In addition, some provinces and territories have also enacted Safe Communities legislation which provides authorities with the ability, amongst other things, to close commercial and residential premises from use and occupation under community safety orders, including in cases involving prostitution.

173. In Manitoba, *The Safer Communities and Neighbourhoods Act* is designed to target properties that adversely affect the safety and security of neighbourhoods through drugs, prostitution, solvent abuse and the unlawful sale of liquor. It also targets properties that are being used for the sexual abuse or sexual exploitation of a child or activities related to the sexual abuse or sexual exploitation of a child. This Act makes property owners accountable for ensuring these specific activities stop and that area residents are no longer exposed to the dangers arising from them.

174. The Yukon *Safer Communities and Neighbourhoods Act* (SCAN Act) allows for action to be taken on property used for prostitution and activities related to prostitution. SCAN Act actions can include termination of the lease of the property and/or an application to the Supreme Court of Yukon for a Community Safety Order, which can have the owner removed from the property for up to 90 days.

#### **Child adoption and the prevention of child trafficking**

175. Child adoption laws, summarized in the Table below, fall under provincial and territorial jurisdiction. All provinces and territories have adoption legislation prohibiting the sale of children and in any way accepting or offering payment for children. Each



jurisdiction's legislation prohibits advertising adoption and coercion of pregnant women into giving their children up for adoption. The legislation also requires that one or both parents or a guardian give explicit permission for the child to be adopted.

<i>Provinces and Territories</i>	<i>Child Protection Legislation</i>	<i>Summary of penalties</i>
British Columbia	Adoption Act and Regulations	Section 84: A fine of up to \$10,000, six months in prison or both.
Alberta	Child, Youth And Family Enhancement Act	Section 86 (1): A fine of not more than \$10,000 and in default of payment imprisonment for a term not exceeding six months.
Saskatchewan	The Adoption Act, 1998	Section 35 (1): A fine of not more than \$10,000, imprisonment for not more than one year, or both.
Manitoba	The Child and Family Services Act	Section 84 (b): A fine of not more than \$50,000 or imprisonment for a term of not more than 24 months, or both.
	The Adoption Act	Section 126 (1): A fine of not more than \$20,000.
	The Intercountry Adoption (Hague Convention) Act	No penalty specified.
Ontario	The Child and Family Services Act	Section 176(1): A fine of not more than \$2,000 or imprisonment for a term of not more than two years, to both.
	Intercountry Adoption Act	Section 20. (1): A fine of not more than \$2,000 or imprisonment for not more than two years, or both.
Québec	Youth Protection Act	Article 135.1.3: Adopting a child while contravening the legislative provisions: fine of \$2,500 to \$7,000.  Accepting or offering payment for the adoption of a child: a fine of \$10,000 to \$100,000 for a natural person or a fine of \$25,000 to \$200,000 for a legal person.
		135.2:  Fine is doubled for repeat offences.
New Brunswick	Family Services Act	Section 95: Prohibits paying for or accepting payment for a child. No penalty specified.
	Intercountry Adoption Act	No penalty specified.
Nova Scotia	Children and Family Services Act	Section 69 (3): A fine of not more than \$10,000 dollars or imprisonment for a term of not more than two years or both.

<i>Provinces and Territories</i>	<i>Child Protection Legislation</i>	<i>Summary of penalties</i>
Prince Edward Island	Adoption Act	Section 55(1): A fine not exceeding \$20,000 or imprisonment for a term not exceeding one year.
Newfoundland and Labrador	Adoption Act	Section 72 (1): (a) for a first offence, a fine of not less than \$1,000 and not more than \$5,000 or a term of imprisonment of not more than 60 days or both the fine and imprisonment; and  (b) for a subsequent offence a fine of not less than \$5,000 and not more than \$10,000 or a term of imprisonment of not more than 90 days or both the fine and imprisonment.  Section 72 (2): Where a person convicted under subsection (1) is a corporation, in addition to a fine that may be imposed upon that person, one or more directors and the chief executive officer of that corporation may be fined and imprisoned in accordance with that subsection.  Section 72 (3): In addition to a penalty that a judge may impose under subsection (1) or (2), the judge may make an order revoking the licence of an adoption agency.
Nunavut	Adoption Act	Section 75 (1): A fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.
Northwest Territories	Adoption Act	Section 75 (1) A fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.
Yukon	Children's Act	Section 105 (4): \$5,000 or imprisonment for as long as one year, or both and for a subsequent conviction, a fine of up to \$10,000 or imprisonment for as long as two years, or both.

176. Additionally, each provincial and territorial government has legislation requiring that children be registered at birth with the governmental division responsible for this service.

177. To be eligible to receive federal funding, First Nations Child and Family Services Agencies (FNCFS Agencies) must be mandated by a province or territory to deliver Child and Family Services on reserve in accordance with the provincial or territorial legislation and standards. This applies to the area of adoptions as well. Provinces and territories regulate the FNCFS Agencies in their activities as they relate to the legislation and standards, and provide ongoing oversight of the Agencies.

178. The Government of Canada has also designated a Federal Central Authority for implementing the *Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague IA Convention), which Canada ratified in 1995. Coordinated through the Intercountry Adoption Services, provincial, territorial and federal

authorities ensure that there is no child trafficking or undue gain related to any intercountry adoptions. When there is the possible appearance that child trafficking or corruption is involved in adoptions from any one country, solutions are examined, including placing a moratorium on adoptions. Moratoria on adoptions have been placed on a number of countries.

179. Each province and territory has also adopted its own legislation governing domestic and intercountry adoptions, including those that come under the Hague IA Convention. Provincial and territorial legislation incorporates the Hague IA Convention principles intended to protect the best interests of the child, which may include: licensing agencies, fees and safeguards. In addition to the Federal Central Authority, each of the provinces and territories has designated Central Authorities to discharge the duties under the Hague Convention.

180. All provinces and territories are also party to the Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories, which provides a framework for consistent, quality services (including adoption) to children and families moving between provinces. The intent is that children and families should experience smooth transitions and receive emergency responses with minimal service disruption. (Québec is not a signatory to the protocol; nevertheless, the child welfare authorities implement the provisions in the protocol when dealing with other provinces or territories.) Additional information on the protocol is available [http://www.gov.mb.ca/fs/childfam/pt\\_protocol/2006/pt\\_protocol-2006.pdf](http://www.gov.mb.ca/fs/childfam/pt_protocol/2006/pt_protocol-2006.pdf).

181. Changes have been made to the *Civil Code of Québec* by the entry into force of the *Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption*. The goal of these legislative changes, which came into effect on February 1, 2006, is to make it clear that the Directeur de l'état civil (The Director of Civil Affairs) should not issue a birth certificate for an adopted child unless he has been assured by authorities authorized by law that the adoption in question conforms to the laws in effect in Québec.

182. To prevent child trafficking, safeguards are provided in all provincial and territorial legislation in regard to the facilitation of intercountry adoption (e.g., through accreditation and/or licensing). When the child's country of origin is also a signatory to the Hague IA Convention, the Central Authorities from both countries must approve the adoption.

183. Canada also has a bilateral agreement on intercountry adoption with Vietnam as it is not a signatory to the Hague IA Convention. This agreement offers protection to children involved in intercountry adoptions, similar to that found in the Hague IA Convention.

184. Under all provincial and territorial legislation, it is an offence for a person to give, receive, or agree to give or receive a payment or reward in connection with an intercountry adoption. Each government's legislation indicates that if fees are charged for services rendered they must be fair including only costs and expenses and reasonable professional fees. For example, Ontario and British Columbia have set out limits in their regulations regarding what can be charged.

185. Canada's immigration laws also embody principles and practices found in the Hague IA Convention. All adoptions must be legal, done in the best interests of the child, show no evidence of child trafficking, and the biological parents must have given their free and informed consent before a visa for the child will be issued. For example, the *Immigration and Refugee Protection Act* regulations R117 (3) stipulate that in an international adoption where the country in which the adoption took place or the child's province of intended destination is not a party to the Hague IA Convention, there must be no evidence that the adoption is for the purpose of child trafficking or undue gain within the meaning of that Convention.

186. Overseas, visa officers must also be satisfied that the child has not been sold, trafficked or abducted, and that the documentation for the child is valid. Visa officers are in a position to determine that an adoption overseas has followed the legal process in the country in which it has occurred and to gauge the extent to which child trafficking is a concern. They possess expertise in civil documentation and ensure that the identity of the adopted child is as claimed and that the documents associated with the process from the country of nationality are in order. Similarly, visa officers will often have knowledge regarding the integrity and competence of the key institutions and local stakeholders in the process (courts, social ministries, orphanages, local adoption agencies) and remain current with child protection issues in the country concerned. In countries where there is evidence of bribery, fraudulent documentation or trafficking, additional investigations may be undertaken by officials.

## **Part VI**

### **Protection of the rights of victims**

#### **Measures to ensure the best interests of victims**

187. Canada co-sponsored the resolution that led to the adoption of the *Guidelines on Justice for Child Victims and Witnesses of Crime* by the United Nations Economic and Social Council in July 2005. The Guidelines, which call for the best interests of the child to be a primary consideration in the treatment of children involved in the criminal justice system, are respected in Canada.

188. In addition to supporting international efforts in this domain, the Government of Canada has implemented a number of legislative and policy measures to ensure the best interest of victims, including witness protection, publication bans, and alternate ways of providing testimony.

189. The *Criminal Code* offers a variety of protections for victims and witnesses who participate in the criminal justice process.

190. For young victims and witnesses under the age of 18, or victims and witnesses with a disability that would make it difficult for them to communicate, the following testimonial aids and other measures are available in order to make their participation in the criminal justice system less traumatic:

- Witnesses may testify outside the courtroom by closed-circuit television or behind a screen which would allow the victim not to see the accused
- A support person can accompany young victims while they provide their testimony
- A lawyer can be appointed to conduct the cross-examination of a young victim or witness when the accused is self-represented
- The young victim or witness will receive these protections upon application in any proceeding without having to demonstrate need, unless the judge feels it would interfere with the administration of justice

191. The *Criminal Code* also permits a judge to exclude some or all members of the public from the courtroom during all or part of the proceedings involving young victims. Publication bans can also be ordered to prevent the publication of any information that would identify a young victim or witness. Such publication bans are mandatory for witnesses under the age of 18 upon application in proceedings involving sexual and violent offences.

192. The videotaped testimony of young victims and witnesses is also admissible evidence at the criminal trial of any offence as long as the videotape was made within a reasonable time after the alleged offence and the victim or witness adopts the contents of the videotape at trial.

193. The *Canada Evidence Act* was amended in January 2006 to allow all child witnesses under the age of 14 who are able to understand and respond to questions and answers to provide their testimony on a promise to tell the truth. This revision eliminates the requirement for competency and oath inquiries for child witnesses under the age of 14.

194. The *Criminal Code* also contains provisions authorizing courts to order specific prohibitions for convicted sex offenders, as well as protective orders and other administrative processes in sexual assault cases involving children. Examples include ordering convicted sex offenders to stay away from parks and schools and prohibiting them from working in positions of trust with children. Where an offender has abused his or her child or the child of his or her spouse or common-law partner, the court must consider this as an aggravating factor, which could result in a harsher sentence. Recognizance orders are available under the *Criminal Code* where there is a fear of a sexual offence against a child.

195. A key component of Internet-facilitated child sexual exploitation investigations is identifying, locating and removing children from further victimization. Victim identification across Canada is a key priority of the Government of Canada. The National Child Exploitation Coordination Centre's Victim Identification Unit (VIU) was established in 2006. The VIU collaborates on approximately five international investigations per week and collaborates daily with over 18 countries and visually compares images which help to eliminate duplicate investigations. As of June 2008, 234 Canadian and international children have been identified in large part through the efforts of Canadian law enforcement.

196. The *Immigration and Refugee Protection Act* recognizes that the best interests of the child are a primary consideration. As such, in principle and to the extent possible within domestic legislation, Canada seeks to minimize distinctions between minor foreign nationals and Canadian-born or naturalized minors. Canadian citizens, permanent residents as well as all foreign nationals within Canadian territory are protected by the *Canadian Charter of Rights and Freedoms*. While human rights are protected regardless of age, foreign nationals are subject to different conditions and privileges that stem from their immigration status.

197. All asylum seekers, including minor children, are issued a document that identifies them as clients of the refugee protection program in Canada. This document serves to facilitate access to services in communities.

198. Jurisdictional responsibility for child welfare protection matters rests with the provinces and territories, and local child protection agencies determine the level of care and treatment that children who come within their jurisdiction require. Provincial and territorial authorities would then take responsibility for providing for and protecting these children as indicated under the Victims Services section of this report.

199. All provincial and territorial governments provide services to victims of crime and most have programs specifically for child victims. These programs include services such as: emotional support, information, referrals and practical assistance. Several provinces and territories also have a policy in place that requires the Prosecution to inform the child and legal guardian of their rights and to make them aware of the options available to them in participating in the proceedings. In addition, there are a number of special agencies in Canada providing special assistance to child victims. Many of these are community-based organizations that deliver services to victims of crime, including specialized services for victims of child abuse.

200. For example, under British Columbia's *Family Relations Act*, all children under 19 without a guardian come under the care of the Director of Child Welfare. Unaccompanied, trafficked and refugee children and youth under the age of 19 who arrive at a British Columbia Port of Entry come into care through the Migrant Services Program which was established in the summer of 1999 following the arrival of four boatloads of migrants from China over a two-month period. When the Migrant Services Team assumes a guardianship role, they are responsible for meeting the physical, emotional, educational, health and developmental needs of the child or youth. Since 1999, the program has assisted close to 400 minors in various capacities.

201. The British Columbia VictimLINK service is a toll-free, province-wide, 24-hour, multilingual crisis line for victims of crime, including victims of family and sexual violence. It is also available to residents of the Yukon.

202. The Government of Alberta *Victims of Crime Act* (VOCA) states that "the safety and security of victims should be considered at all stages of the criminal justice process, and appropriate measures to protect victims from intimidation and retaliation should be taken when necessary." The VOCA establishes principles for the treatment of victims of crime, for example:

- The privacy of victims should be considered and respected to the greatest extent possible
- The safety and security of victims should be considered at all stages of the criminal justice process, and appropriate measures to protect victims from intimidation and retaliation should be taken when necessary
- Information should be provided to victims about their role in the proceedings, about the law and how it applies in their situation, about assistance services available to them and about recourse should they feel their rights were not met
- The views, concerns and representation of victims are an important consideration in criminal justice processes and should be considered in accordance with prevailing law, policies and procedures

203. The Government of Alberta Victims of Crime Protocol (2007) establishes minimum services that victims are eligible to receive from various criminal justice stakeholders. The Protocol ensures that these services are provided to "vulnerable or intimidated victims such as children, people with disabilities, or people who could be subject to extra risks because of their relationship with the accused person".

204. Alberta's Zebra Child Protection Centre in Edmonton integrates a multi-disciplinary community of professionals in a child centred environment that nurtures the abused child. Through their own resources as well as alliances within the community, Zebra provides children and their non-offending parents and guardians with essential judicial, social, medical and mental health services and supports.

205. In Saskatchewan, amendments were made in 2002 to *The Victims of Crime Regulations, 1997* to ensure that child and youth victims exploited by sex trade crimes have access to a full range of victim services, including compensation. The Regulations were amended again in 2006 to include sexual exploitation of a person with a disability. These services are funded by victim surcharges. Prosecutors have been requested by the Head of Public Prosecutions to seek larger than usual victim surcharges in all child abuse cases, and in cases involving commercial sexual exploitation in particular.

206. In child protection hearings in Saskatchewan, the court can admit hearsay or affidavit evidence and children do not generally testify. In other court proceedings involving children, Victim and Witness Coordinators assess the needs of child witnesses

and make recommendations to meet those needs in court (e.g. a screen, audio device, additional in-court support services for very young or fearful children). Victim and Witness Coordinators also provide information, support and assistance to child witnesses and their parents and families throughout the criminal justice process.

207. In Manitoba, there are several placement agencies and resources for children and youth to reside in and receive specialized treatment related to sexual exploitation. The New Directions' Transition, Education and Resources for Females Program targets youth exploited by the sex trade in a non-residential care program. The province funds victim's counselling needs when required by the victim of particular offences including those described in the Protocol.

208. The Child Witness Project run by Ontario's Centre for Children and Families helps children and adolescents who must testify in criminal court, usually in cases involving physical or sexual abuse or in cases where they have witnessed assaults against their mothers. Since its inception, the Project has helped over 1,000 children and adolescents and several developmentally challenged adults.

209. The 16 Québec Support Centres for Victims of Criminal Acts are regulated by the *Act Respecting Assistance for Victims of Crime*. These centres offer various services to victims including children such as: psychosocial intervention, information on remedies, psychological assistance and referrals to specialized services. They work in collaboration with justice, health and social services workers, as well as community organizations to offer victims the services they require.

210. Nova Scotia's Child Victim Witness Program provides a specialized service to prepare and support child victims or witnesses who are called to testify in criminal court proceedings.

211. In Prince Edward Island, Victim Services provides child-friendly court orientation and preparation, assistance with victim impact statements, referrals for counselling or other support services, and financial compensation for pain and suffering and costs associated with personal injuries crimes. Child-friendly waiting rooms are being established in each courthouse on Prince Edward Island. Child victims benefit from special provisions in the *Criminal Code* for testimonial aids such as screens, a support person, closed circuit television, and publication bans regarding their identity. Further information about Prince Edward Island Victim Services is available on-line at [www.gov.pe.ca/go/victimservices](http://www.gov.pe.ca/go/victimservices).

212. Also, in Prince Edward Island, services such as psychiatrists, psychologists, and counselling agencies are available to victims. Children in the school system can be referred for counselling if and when a case of child sexual exploitation is identified. The PEI Association for Newcomers to Canada provides additional assistance to immigrant families.

213. Newfoundland and Labrador Victim Services provides court preparation to children who are required to testify in Criminal Justice proceedings. The program also provides supports to the caregiver(s) of the victim. The court preparation is done over several sessions always recognizing the unique issues and developmental needs as it relates to child witnesses.

214. In all jurisdictions, every case where a victim of a sexual offence appears to be below the age of 18 (despite their actual age being unknown) is treated seriously. Collaborative efforts and secure networking among international policing partners enables considerable progress in identifying child victims in child sexual abuse images known to meet the criteria for child pornography, and in the location and rescue of children. This reduces the duplication of investigative efforts in attempting to determine whether a victim is below the age of 18 or not.

**Training for victim support workers**

215. In most provinces and territories, staff who work with victims are required to have a background in social work that is supplemented with ongoing training.

216. For example, the Government of Alberta developed standardized training for staff and volunteers working in police-based and community-based victim assistance programs. The Victim Advocate Training Manual includes modules on “Sexual Assault of Children”, “Crisis Workers Supporting Each Other” and “Self-care”.

217. In Saskatchewan, new training for staff in existing group and foster homes and other treatment resources is provided to ensure they can respond appropriately to exploited children and youth. Child protection staff, outreach agency staff, police, Justices of the Peace, and mental health workers received training in 2002, when The *Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act* came into effect in October, and training is provided to any new staff. Specialized training for police, on new tools and techniques to respond to child sexual exploitation, was also provided in 2002. This training has since been incorporated into the core training provided by the Saskatchewan Police College. As of April 2007, there had been 21 applications under this legislation.

218. In Manitoba, vicarious trauma workshops are implemented with Victim Services staff. The Crowns also have a mentoring process in place for new Crown attorneys dealing with child prostitution (procuring), computer luring and child pornography and utilize peer case reviews in difficult situations.

219. In Ontario, Crown counsel are able to participate in a dedicated “summer school” training course on child abuse prosecutions. This course provides comprehensive legal training for those prosecutors assigned to such prosecutions. Other conferences and training sessions have provided legal and related training to Crown counsel and other staff who work in this area.

220. Ontario’s Centre for Children and Families in the Justice System is a multi-faceted agency with services including the Child Witness Project, research and training. The Centre strives to advance understanding through research that identifies the needs of children and families and the effectiveness of interventions. Types of research include: literature reviews to support recommendations on program development and refinement; evaluation of intervention programs; consultation on research design; program audits; national program surveys; and studies on the impact of policy and legal changes. The results are used to recommend program developments, policy initiatives, and future research directions. Over 10,000 professionals attended training workshops in 2006 and hundreds of thousands accessed their resources through the Internet.

221. The Government of New Brunswick provides annual training on specific legal amendments to all victim services staff. They have also contracted an expert psychologist to provide a two-day workshop. Part of this workshop addressed child victims. As well, staff have participated in workshops and conferences where the Royal Canadian Mounted Police have provided sessions on luring on the Internet, child exploitation, child pornography and what is being done to investigate and charge accused.

**Social reintegration, family reunification, alternative care and physical and psychological recovery**

222. Canada has contributed to the development of the *Regional Guidelines for Special Protection in Cases of Repatriation of Child Victims* through its participation in the Regional Conference on Migration (RCM). The RCM is made up of the ten countries of North and Central America as well as the Dominican Republic. The group pursues a



multilateral approach to issues of mutual concern related to international migration. Canada adopted the Guidelines on April 27, 2007. The Guidelines are intended to foster cooperation among RCM member states and provide guidance on how to proceed when a child victim of trafficking is discovered, through to their transfer and repatriation.

223. Victims of human trafficking who receive short-term Temporary Residence Permits are eligible for health care benefits under the federal health program, including trauma counselling. Additionally, victims of trafficking are not required to testify against their trafficker to gain immigration status.

224. Under the Immigration and Refugee Protection Regulations, the definition of family member does not permit children to include their parents or siblings in their applications for permanent residence. This limitation is intended to protect children from becoming victims of smuggling or trafficking. Allowing children to include family members in their application for permanent residence could put children at risk as it could create an incentive for parents to send their children to Canada for the purpose of becoming an anchor for the entire family. However, an application for the admission of parents on Humanitarian and Compassionate grounds, from within Canada or from overseas, allows the Government of Canada to consider whether, under the circumstances, the best interests of the child would be served by admitting the parents and siblings as permanent residents.

225. Provincial and territorial governments have formal and informal mechanisms to support victim recovery. For example, some outreach workers across British Columbia are involved with an informal network called Reconnect, which supports coordination in working with youth across communities and to help “reconnect” these youth with family and community. In addition, the Migrant Services Team in British Columbia works with Consulates and Embassies of a child’s home country to recover the child’s identity and documentation when there is a need. Youth in the justice system may also receive treatment via the Youth Forensic Psychiatric Services program, which provides court-ordered and court-related assessment and treatment services for troubled youth.

226. In Québec, by virtue of the *Act Respecting Health and Social Services*, the mission of Child Protection Centres is to offer regional psychological services including emergency services as required. To this end, they ensure that the needs of children requiring these services are assessed, and that the services required by the child or by their family is offered to them directly either by the centres, the organizations, or the people most likely to help them. Québec offers a number of measures, either voluntary or ordered by the courts that offer health and social services to children and their parents. For example, when a court orders mandatory sheltering of a child, all services who have a rehabilitation centre or a hospital are required to accept the child.

227. Additionally, in Québec, the Qualifying Youth Program aims to prepare young people for independent living and training youth who have stayed in a youth centre. This project began in 2001 and continues to be implemented. Interventions are intensive as the ratio of youth to educators is 10 to one. To ensure the social reintegration of these children, the program will be implemented in all of the youth centres in Québec by 2008–2009.

228. The Nova Scotia Criminal Injuries Counselling Program provides payment of professional counselling services to eligible victims of violent crime. The goal of the program is to help victims deal with trauma resulting from the crime. Child victims exploited through prostitution, pornography or the sale of children are eligible for this program.

229. In Newfoundland and Labrador, assistance for social reintegration, family reunification and physical and psychological recovery is provided through funding by Victim Services. This provides counselling to children who are required to testify in

criminal proceedings. Child Youth and Family Services also provide this assistance within their mandate of providing protection and supportive services to children and youth.

### **Seeking compensation for damages from those legally responsible**

230. At the federal level, the *Criminal Code* authorizes the imposition of a victim surcharge in addition to any other sentence for an offender convicted or discharged of an offence. This money is used to fund, in part, provincial and territorial victim services and programs. In addition, section 738 of the *Criminal Code* allows the court to order restitution to be paid by an offender to a victim when an offender has been convicted of an offence. A restitution order can be issued in three instances:

- To cover the cost of damage, the loss of or destruction of the property of any person as a result of the commission of an offence
- To cover all pecuniary damages, including loss of income or support, to any person who has suffered bodily harm as the result of the commission of an offence
- To cover the cost of all actual and reasonable expenses incurred by a member of the offender's household associated with a person having to move out of that household to cover temporary housing, food, childcare and transportation

231. Civil redress by victims against the perpetrators of crime is a matter of provincial and territorial responsibility in Canada; the provinces and territories have enacted legislation in their respective jurisdictions that outline numerous rights for victims of crime including, in most cases, the right to seek compensation.

232. For example, the Ontario Criminal Injuries Compensation Board is a quasi-judicial adjudicative agency that awards compensation to victims of crimes of violence that occurred in Ontario, including sexual assault and child abuse. The Board derives its authority from the *Compensation of Victims of Crime Act*.

233. Prince Edward Island's Victim Services provides criminal injuries compensation through a provincial government fund for victims of crimes which occur on PEI.

234. In addition, all provinces and territories have civil (non-criminal) domestic and family violence legislation in force. Typically, this legislation seeks to provide a range of civil remedies to victims of domestic and family violence that complement criminal law processes and include short-term emergency intervention or protection orders and longer-term victim assistance orders.

### **Rights of accused persons to a fair and impartial trial**

235. The *Criminal Code* provisions that allow child victims and witnesses to receive testimonial aids and other measures require the judge to deny their use if they would interfere with the administration of justice. This ensures that the accused person's rights are not unduly impacted. As well, sections 7 and 11 of the *Canadian Charter of Rights and Freedoms* provide the accused with the right to a fair trial as part the right to procedural fairness. Canada's Charter takes precedence over all other federal, provincial and territorial legislation.

236. All provincial and territorial governments have legislative and administrative measures in place to ensure the rights of accused persons to a fair and impartial trial.

237. For example, In Newfoundland and Labrador, court preparation through Victim Services is non-evidentiary. Facts of the case are not discussed in any way with the child. The program ensures that the child is given proper supports and preparation to testify in criminal court proceedings but such preparation does not have any undue impact on the rights of the accused person to a fair and impartial trial.

## Part VII

### International assistance and cooperation

#### Extraterritorial jurisdiction

238. Canada's *Criminal Code* allows for the prosecution of Canadians (or permanent residents) who engage in prohibited sexual activity with children while abroad. As such, Canada's sex tourism law does not require proof that a person left the country with the intention to engage in prohibited sexual activity with a child while abroad.

239. In June 2005, the first conviction under Canada's sex tourism law was secured when a Canadian man plead guilty to numerous counts of sexual interference of children under the age of 14 in Cambodia, in addition to pleading guilty to various other charges involving sexual assaults that took place in Canada.

240. Other prosecutions have been initiated against Canadians who have committed acts of sexual misconduct with children while abroad. These prosecutions have been initiated by officials in the countries where these offences have taken place. Canada works closely with foreign governments regarding possible cases of Canadians committing sexual offences abroad or individuals coming to Canada to engage in sexual misconduct with children.

#### Extradition

241. Through section 3 of Canada's *Extradition Act*, Canada can, in accordance with article 5(2) of the Protocol, legally consider any extradition request made pursuant to the Protocol by a signatory to the Protocol. Since the Protocol operates as a multilateral treaty for the purposes of extradition, Canada could accept a request even in the absence of an explicit guarantee of reciprocity. Conversely, reciprocity alone is not sufficient.

242. Extradition from Canada may be ordered on three bases:

- An Extradition Agreement (essentially a bilateral or multilateral treaty dealing with extradition)
- Designation under the *Extradition Act* (certain States and entities, such as the International Criminal Court, may obtain extradition without a treaty based on the fact that they are designated in a schedule to the *Extradition Act*)
- A "specific agreement" (an ad hoc agreement entered into for a particular case, which is valid for that case only)

243. The Canadian *Extradition Act* provides that if certain preconditions are met a person may be extradited for one or more of three purposes, namely, for the purpose of prosecution; the imposition of a sentence on the person; or the enforcement of a sentence already imposed on the person.

244. Extradition from Canada is based on two fundamental factors, first, the principle of double criminality, and second, a sentence requirement. More specifically, the former requires that the alleged criminal conduct in respect of which the extradition is requested is recognized as criminal by both countries. The latter means that if the Treaty does not identify a minimum sentence requirement, by default, the *Extradition Act* provides that the maximum sentence in Canada for the offence must be at least two years.

245. Canada has not signed any extradition treaties since becoming a party to the Protocol in September 2005 and was not engaged in the negotiation of any new extradition treaties as of July 2007.

246. As of July 2007, Canada had received no requests for extradition that refer to the Protocol. However, Canada has received in this period a total of 13 requests under bilateral

treaties with respect to offences covered by the Protocol. Some of these have led to surrender and others are in various stages of the extradition process. Canada has made no extradition requests in relation to the offences covered by the Protocol. For the same period, Canada has made one request abroad for mutual legal assistance with respect to a child pornography investigation and has received two requests from its bilateral partners.

247. Canada is a party to 34 treaties regarding bilateral, mutual legal assistance in criminal matters. Each of the treaties applies to the investigation and prosecution of a broad range of offences, which in every instance includes the offences referred to in the Protocol. Each treaty defines the parameters of available assistance broadly and generally includes, for example; the exchange of information, documents and objects, the taking of statements and evidence of persons, the identification of persons, executing requests for search and seizure, the service of documents, and other assistance. Assistance may only be denied or postponed by the requested state in limited circumstances, such as when its execution would be contrary to the public interest or interfere in a domestic investigation. These treaties do not recognize the political offence doctrine as an express ground of refusal to execute a request for assistance. Nonetheless, certain treaties may create exceptions in specific cases.

248. Canada is also a party to two multilateral conventions with respect to mutual assistance in criminal matters that may be applicable with regard to the offences in the Protocol, namely the *Inter-American Convention on Mutual Legal Assistance in Criminal Matters*, and the *United Nations Convention against Transnational Organized Crime* and the Protocols to that convention: The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime*; the *Protocol against the Smuggling of Migrants by Land, Sea and Air*, supplementing the *United Nations Convention against Transnational Organized Crime*; and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition*.

249. The *Inter-American Convention on Mutual Assistance in Criminal Matters*, adopted in Nassau, Bahamas in 1992 and entered into force in 1996, provides a means for member states to increase cooperation in criminal investigations, to aid in the successful prosecution of suspects, and to assist legal proceedings. The scope of the Inter-American Convention includes the offences in the Protocol. Assistance under this convention includes matters such as summoning witnesses, taking testimony, serving documents, freezing assets, and conducting searches or seizures.

250. The *Mutual Legal Assistance in Criminal Matters Act*, R.S.C. 1985, c. 30 (4th Supp.) came into force on October 1, 1988. The purpose of the Act is to implement the bilateral and multilateral agreements that are discussed above. The Act also allows Canada to enter into “administrative arrangements” with states or entities with which Canada has no applicable treaty relations. Such administrative arrangements permit Canada to provide the legal assistance that is available to treaty partners under the Act, with respect to an investigation specified in the agreement.

251. The Act gives Canadian courts the power to issue compulsory measures in Canada to gather evidence for a criminal investigation or prosecution in a foreign state or entity or to locate a person who is suspected of having committed an offence on the basis of a request made under a treaty, convention, administrative arrangement or designation. The legislation permits assistance to be rendered at any stage of a criminal matter, from investigation to appeal.

252. Before it will issue an order for the most common types of assistance (production orders and search and seizure), a Canadian court must be satisfied that there are grounds to believe that an offence has been committed and that evidence of the commission of the

offence will be found in Canada. Under the Act, Canada may provide the following assistance: seizing evidence by search warrant; obtaining documentary evidence by production order; obtaining evidence through the execution of other warrants; compelling witness testimony, including compelling witnesses to give evidence in foreign proceedings by means of audio or videolink; lending exhibits which have been tendered in Canadian court proceedings; obtaining an order for the examination of a place or site in Canada (including the exhumation and examination of a grave); the transfer of a sentenced prisoner (with his or her consent) to testify or assist in an investigation; serving documents; the enforcement of orders made by a court of criminal jurisdiction for the restraint, seizure or forfeiture of property situated in Canada; and enforcement of foreign criminal fines (to a limited extent).

253. Police forces in Canada regularly provide informal assistance to police forces from other countries, in accordance with the laws of Canada. Generally, Canadian police may provide information or documentation that is publicly available or which may be obtained on a voluntary basis. No compulsory measures are available, however, through this informal process which usually involves direct communication between the police forces and may include transmission of information through INTERPOL. Informal cooperation and sharing of information between state parties continues to be an available tool in the investigation of offences referred to in the Protocol.

254. Canada may render assistance pursuant to letters rogatory: a medium whereby a judge or court of one state makes a request for assistance to a judge or a court of another state. These requests do not require the existence of an applicable treaty or other agreement but must meet the following conditions: a criminal matter must be pending before a foreign judge, court or tribunal, and the foreign judicial body must wish to obtain the evidence sought. Cooperation of the judge or court is based upon the comity of nations, which dictates that a liberal approach be taken to requests received from foreign judicial authorities. A letters rogatory request made to Canada may be denied on the basis that it would violate public policy or impinge upon Canadian sovereignty.

255. Non-treaty requests, which are not governed by the provisions of Part II of the *Canada Evidence Act*, generally because they do not emanate from a court, may be reviewed and submitted to police authorities in Canada to determine whether the assistance sought, can be provided on a voluntary basis, without resort to court order. However, assistance is limited to evidence or information that can be obtained on a voluntary basis.

256. It should be noted that any actions taken by Canadian authorities in relation to a foreign request are governed by the *Canadian Charter of Rights and Freedoms*. The most relevant provisions are the following:

- Section 8: The right of any person to be secure against unreasonable search and seizure
- Section 11(c): The right of any person charged with a criminal offence not to be compelled to be a witness in proceedings against him or her in respect of that offence
- Section 13: The right of any person not to have any incriminating evidence given in a proceeding used against him or her in any other proceeding, except in the case of false testimony

#### **Internationally negotiated documents and agreements**

257. Canada actively negotiated the Hemispheric Action Plan against Trans-national Organized Crime (a non-legally binding document), finalized in October 2006. The Action Plan promotes coordination and regional cooperation to prevent, control and disrupt trans-

national organized crime, including trafficking in persons. Canada participated in the first meeting of the Technical Working Group on Trans-national Organized Crime in July 2007, where implementation of the Hemispheric Action Plan was discussed amongst members of the Organization of American States.

258. Canada also played an active role in the negotiation of the OAS document entitled, Conclusions and Recommendations of the Meeting of National Authorities on Trafficking in Persons in March 2006. This meeting allowed member states to share experiences and best practices, identify some of the challenges in fighting human trafficking in the hemisphere, and gain a better understanding of trends and trafficking flows in the region.

259. Canada and the US released the US-Canada Bi-national Assessment of Trafficking in Persons in November 2006 that document demonstrates Canadian-US cooperation in gaining a better understanding of human trafficking trends, promoting awareness of cross-border criminality and encouraging information sharing.

#### **International fora and meetings**

260. Canada is active in combating human trafficking in numerous regional and multilateral fora, such as the OAS, Organization for Security and Cooperation in Europe, the G8, the UN, the Bali Process and the Regional Conference on Migration, where we share best practices on how to best fight human trafficking.

261. Canada participated in an OAS meeting in May 2007 to discuss human trafficking trends from Asia to the Americas, where information was exchanged on the human trafficking situation, routes and best practices.

262. At the 16th UN Commission on Crime Prevention and Criminal Justice, in April 2007, sexual exploitation of children was the subject of a thematic discussion. Canada co-sponsored a resolution entitled: "Effective crime prevention and criminal justice responses to combat sexual exploitation of children".

263. As part of the G8 Justice and Interior Ministers' meetings in 2007 and 2008, Canada re-affirmed its commitment to continue to work with G8 partners and others to combat child sexual exploitation in all its forms. For example, at the 2007 G8 Ministerial meeting, Ministers adopted a paper (G8 Experience and Recommendations: Implementation of Extraterritorial Jurisdiction for Sex Crimes Against Children) and its recommendations supporting the implementation of legislation to prosecute child sex tourism and the sharing of related best practices between G8 partners and beyond. G8 Ministers also adopted a Declaration Reinforcing the International Fight Against Child Pornography, calling on G8 partners to meet their international obligations to combat child pornography, including by ensuring:

- That their domestic efforts in combating child pornography clearly define and comprehensively prohibit all forms of child pornography to protect all children under 18 years
- That their laws adequately punish offenders
- That governments work collaboratively with each other and with civil society and the private sector (including Internet Service Providers, information technology professionals and financial institutions) in support of public education/awareness and related activities.

264. Canada also supported the OAS in the hosting of a Caribbean Anti-Trafficking in Persons Awareness Raising Seminar. The goal of this project was to increase awareness by all sectors of Caribbean society of the scope of the trafficking in persons' situation through

raising awareness by training governmental officials with the means to identify and protect trafficked victims.

265. Canadian Justice officials are working closely with the United Nations Office on Drugs and Crime in the development of an advanced training manual for law enforcement, prosecutors and the judiciary as well as model legislation addressing not only the criminal law requirements contained in the *Trafficking Protocol* but also measures to provide assistance and protection to victims of trafficking. The training manual will assist in the implementation of international best practices, including in relation to the identification and treatment of victims of trafficking by law enforcement as well as effective strategies to support victims during the prosecution of alleged traffickers.

#### **International cooperation between agencies**

266. Canadian law enforcement agencies work collaboratively with INTERPOL to fight child sexual exploitation. Canadian police can communicate with INTERPOL and other international law enforcement agencies through a secure and encrypted network known as Groove. Groove also allows investigators to store, organize, and share files with one another. Groove links investigators to INTERPOL's Child Exploitation Image Database allowing them to compare a particular series of child sexual abuse images to images in which victims have been identified. This reduces duplication of efforts in attempting to identify victims and offenders.

267. Canadian police have also worked with INTERPOL to broadcast travel advisories about known sex offenders attempting to travel to foreign countries for adult-child sex. These travel advisories have had some success in that traveling sex offenders have been turned away from countries, thus preventing any victimization of children living in the country of destination.

268. The National Child Exploitation Coordination Centre (NCECC) also works in partnership with INTERPOL through the Virtual Global Taskforce which is an international partnership of law enforcement agencies created to combat Internet-facilitated child sexual exploitation. For more on the Taskforce, visit [www.virtualglobaltaskforce.com](http://www.virtualglobaltaskforce.com).

269. NCECC investigators, in cooperation with Government of Canada officials, track travelling sex offenders through Canadian border points and also track child sex offenders who are deported from the US, the United Kingdom, and Australia to Canada. This information is added to the Child Exploitation Tracking System database to enable identification of repeat or high risk offenders.

#### **Awareness and assistance programs**

270. Canada supports awareness-raising efforts in source countries of victims of trafficking internationally in an effort to prevent human trafficking from happening in the first place. For example, since 2005, Canada supported the International Organization for Migration in disseminating the animated drama video "Shattered Dreams", which is aimed at raising awareness among vulnerable adolescents of the risks associated with trafficking in persons, in local communities of Thailand, Laos, Vietnam and Cambodia.

271. Canada is providing funding to international organizations, such as the International Organization for Migration and the Pan-American Development Foundation to support a series of projects aimed at facilitating Haiti's development of a comprehensive counter-trafficking strategy, including criminalization and law enforcement capacity building to effectively investigate and prosecute this offence, awareness raising, victim assistance, and effective border and migration management.

272. In 2006–2007, Canada also cooperated with the UN Office on Drugs and Crime in Laos to help strengthen legislation and law enforcement against human trafficking, and the government's capacity to investigate, prosecute and convict traffickers, including through proposed amendments to criminal law structures and training for criminal justice practitioners.

273. Since 1996, the Government of Canada has contributed to the International Labour Organization's (ILO) International Programme for the Elimination of Child Labour (IPEC), which has 20 donor countries and operates in over 75 countries. In 2000, the Government of Canada committed \$15 million over five years. Through IPEC, Canada has supported projects in central and south America, the Caribbean, Africa, Asia and the Middle East to address the worst forms of child labour which is defined by ILO Convention 182 to include child sexual exploitation and slavery or practices similar to slavery.

274. The Government of Canada, in line with its policy on Strengthening Aid Effectiveness, continues to support a broad range of initiatives in Eastern Europe, Asia, Africa and the Americas which are specifically targeted to prevent trafficking or commercial sexual exploitation of women and children; to provide assistance to affected children, young people and their families; and to promote and protect human rights, particularly those of women and children. These include:

- At the multilateral level, core funding to UNICEF, UNIFEM, the United Nations Development Programme, the UN High Commissioner for Refugees, ILO and the IOM to address commercial sexual exploitation of women and children, trafficking in persons, human rights, gender equality, children's rights and protection, and migration issues; and funding to the UN Study Secretariat in support of the United Nations Study on Violence against Children (2003–2006).
- Support to a European regional program to combat trafficking, an initiative of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. This \$2.4 million grant (2007–2011) will support the Office for Democratic Institutions and Human Rights Anti-Trafficking Program in reducing the number of victims of trafficking in Eastern Europe, completing the implementation of National Referral Mechanisms in a number of countries in the region, and protecting and empowering victims of trafficking across the former Soviet Union and the South-East Europe regions.

275. Internationally, Canada supports the prevention of trafficking of persons by addressing many of the factors that contribute to the vulnerability of persons to become trafficked or involved in commercial sexual exploitation. Many initiatives are specifically targeted at the prevention of trafficking or commercial sexual exploitation of women and children, to assist individuals and their families, and to promote and protect human rights, particularly those of children. For example, in 2006, Canada sponsored the development by the UN High Commissioner for Refugees of a set of Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum, within which several issues of relevance to children were addressed, including practical measures to prevent and address sexual abuse and exploitation.

276. The Government of Canada supports a variety of local initiatives in the developing world to attack the root causes of sexual exploitation by promoting children's rights, providing protection and education, and assisting children and young people affected by the sex trade, in order to provide families with viable alternatives. The Child Protection Research Fund was established in 2001 by the Government of Canada to support research on child protection issues in the developing world. The Fund's main goals were to influence children's rights and protection policy and to identify sustainable, practical solutions to the problems facing children in need of special protection from abuse, exploitation, and



violence. For more information on the Child Protection Research Fund, please see <http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/JUD-4189526-JA7>.

## Appendix I

### Bilateral extradition treaties

#### Canada has bilateral extradition treaties with the following countries

##### Entered into force

1. Albania July 11, 1927
2. Argentina February 9, 1894
3. Austria\* \*\* October 2, 2000
4. Belgium\* March 17, 1902
5. Bolivia November 4, 1898
6. Chile August 22, 1898
7. Colombia December 16, 1899
8. Cuba May 22, 1905
9. Czech Republic\* December 15, 1926
10. Denmark\* \*\* February 13, 1979 (No. 8, Vol. 113 – Feb. 24, 1979)
11. Ecuador\* July 2, 1886
12. El Salvador\* January 13, 1883
13. Estonia September 18, 1928
14. Finland\*\* February 16, 1985
15. France\* \*\* December 1, 1989 (No. 49, Vol. 123 – Dec. 9, 1989)
16. Germany\* \*\* September 30, 1979 (No. 44, Vol. 113 – Nov. 3, 1979)  
October 23, 2004 (No. 45, Vol. 138 – Nov. 6, 2004)
17. Greece\* February 26, 1912
18. Guatemala\* December 13, 1886
19. Haiti\* February 21, 1876
20. Hong Kong\*\* June 13, 1997 (No. 37, Vol. 131, Sept. 13, 1997)
21. Hungary March 30, 1874
22. Iceland July 7, 1873
23. India February 10, 1987
24. Israel December 19, 1969
25. Italy\*\* June 27, 1985
26. Korea\*\* February 1, 1995 (Vol. 131, No. 11-15 – March 15, 1997)
27. Latvia\* September 18, 1928
28. Liberia March 23, 1894
29. Lithuania September 18, 1928

30.	Luxembourg	March 15, 1881
31.	Mexico* **	October 21, 1990
32.	Monaco	May 23, 1892
33.	Netherlands	December 1, 1991
34.	Nicaragua*	August 24, 1906
35.	Norway*	October 17, 1873
36.	Panama	August 26, 1907
37.	Paraguay	July 17, 1911
38.	Peru	May 20, 1907
39.	Philippines**	November 12, 1990
40.	Portugal*	March 19, 1894
41.	Romania	May 21, 1894
42.	San Marino	March 19, 1900
43.	Slovakia	December 15, 1926
44.	South Africa	May 4, 2001 (Vol. 135, No. 23 – June 9, 2001)
45.	Spain* **	August 15, 1990 (Vol. 125, No. 11, Part 1 – March 10, 1991)
46.	Sweden*	October 30, 2001 (Vol. 135, No. 51 – Dec. 22, 2001)
47.	Switzerland* **	March 19, 1996 (Part 1 – December 7, 1996)
48.	Thailand	November 24, 1911
49.	Tonga	November 29, 1879
50.	United States**	March 22, 1976
51.	Uruguay	March 20, 1885
	* Does not extradite its nationals	
	** Death penalty provisions	

### States or entities designated as extradition partners

1.	Antigua and Barbuda	17.	Nauru
2.	Australia	18.	New Zealand
3.	The Bahamas	19.	Papua New Guinea
4.	Barbados	20.	Singapore
5.	Botswana	21.	Solomon Islands
6.	Costa Rica*	22.	St. Kitts and Nevis
7.	Ghana	23.	St. Lucia
8.	Grenada	24.	St. Vincent & The Grenadines
9.	Guyana	25.	Swaziland

- |               |   |
|---------------|---|
| 10. Jamaica   | 26. Trinidad and Tobago                                     |
| 11. Japan     | 27. Tuvalu  |
| 12. Lesotho   | 28. United Kingdom of Great Britain<br>and Northern Ireland |
| 13. Maldives  | 29. Vanuatu   |
| 14. Malta     | 30. Zimbabwe  |
| 15. Mauritius |   |
| 16. Namibia   |   |

31. The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, established by Resolution 955 (1994) of the Security Council of the United Nations.

32. The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991, established by Resolution 827 (1993) of the Security Council of the United Nations.

33. The International Criminal Court.

---