



Ontario's Free Legal Support Program for Victims & Survivors of Human Trafficking

Kelly Beale

Counsel, Ministry of the Attorney General of Ontario

What We'll Cover:

- ▶ Human Trafficking & How it Happens
- ▶ Legal Support & Human Trafficking Restraining Orders
- ▶ Program Expansion to Other Provinces

What is Human Trafficking?

- ▶ Human trafficking is the **exploitation** of human beings for profit
 - People who are being trafficked provide their services or labour as a result of behaviour (of someone else) that causes them to fear for their safety or for the safety of someone they know
- ▶ It can exist in many forms and often means that the person who is being trafficked has to provide their sexual services or labour because they are being threatened, forced, coerced, deceived and/or someone is abusing a position of trust, power or authority

How Does it Happen?

- ▶ Psychological manipulation, isolation from family, friends and other supports, intimidation, violence, addiction, deception, creating a dependency, instilling fear, creating distrust of others (parents, teachers, police), withholding sleep and food, threats, blackmailing → **POWER AND CONTROL**
- ▶ **Luring** (asks questions, accesses vulnerabilities, makes the victim feel special and loved) → **Grooming** (honeymoon stage) → **Coercion/Manipulation** (isolation, mixed messages, conditioning) → **Exploitation** (introduces working in sex trade, ownership of victim, broken down self-esteem, violence, threats, intimidation, **trauma bond**)
- ▶ **“Romeo pimp”** – uses romance to lure the victim and an intimate relationship – sells a “dream” - eventually expects/demands something in return (e.g., contribution to achieving dream), the victim feels bonded to the trafficker – promise of love and a future
- ▶ **“Gorilla pimp”** – controls the victim almost entirely through physical violence and force

Prevention of and Remedies for Human Trafficking Act, 2017 (*PRHTA*)

- ▶ Initiative of Ontario's Strategy to End Human Trafficking
- ▶ The development of provincial legislation to enable a new type of restraining order, specifically for survivors of human trafficking or those **at risk** of being trafficked
- ▶ Allows other individuals to apply for Restraining Orders against traffickers – not only victims (parents, legal guardians and Customary Caregivers, as well)
- ▶ Part II (restraining order provisions) came into effect May 2018
- ▶ *Combatting Human Trafficking Act, 2021*

Legal Support Program

- ▶ Since May 2018, The *Victims and Vulnerable Persons Division* of the Ministry of the Attorney General has been providing free legal representation province-wide to obtain a human trafficking restraining order against a trafficker
- ▶ The Program also provides legal advice to victims and their families on available options for protection against a trafficker and for exiting a human trafficking situation and provides assistance in connecting to supports to assist victims of human trafficking
- ▶ Solicitor client privilege – why is this important?

What is a Human Trafficking Restraining Order?

- ▶ A court order signed by a judge when a judge determines that the victim is being trafficked or is “at risk” of being trafficked and needs protection. It can also be considered a “protection order”
- ▶ “Victim” includes “...a person who may be a victim of human trafficking”
- ▶ An application has to be made to a court to get a HT Restraining Order
- ▶ The Restraining Order can lay out certain conditions that the trafficker must follow or else he or she will be arrested for breaching a court order
- ▶ For example, a Restraining Order can include conditions that the trafficker cannot have any contact, directly or indirectly, with the victim; cannot attend any place where the victim may be (the victim’s home, work, school, shelter, group home); must return the victim’s personal items including documents to the police station; cannot possess any weapons; must delete all explicit photos of the victim and cannot post, sell or make them available, etc.

- ▶ They can be used in situations where there is no police involvement at all, no current charges or arrests, no charges ever laid, no conviction after trial, after a conviction and sentence served or period of probation ends, when the victim is trying to get life back on track (on probation)
- ▶ Offers another layer of support for a victim to escape his/her trafficker; reluctant to talk to police victim – offers an alternative route
- ▶ Protection of children (under 18) who do not identify as or recognize they are being trafficked
- ▶ Order can be made without notice to the trafficker (*ex-parte*) when the victim is in immediate or imminent danger
- ▶ Quick turnaround to obtain an Order
- ▶ Order can be made for up to three years or longer and renewed upon its expiry
- ▶ Order can prevent a trafficker from having any contact with not only the victim but others at risk (victim's children, family members and friends)
- ▶ Binds the trafficker to a Court Order that can lead to immediate arrest if breached – Disobeying a Court Order – **Criminal Code - Section 127**
- ▶ Obtained when a Court determines that “on reasonable grounds” the trafficker has engaged in or may engage in the human trafficking of the victim (**Burden of proof → A Reasonableness Standard**)
- ▶ Setting aside and varying a Restraining Order provisions found in Regulations

Who and How?

▶ Who:

- Adult victims who want a Restraining Order for themselves;
- Child victims (under 18) who want a Restraining Order for themselves;
- Another person, acting on behalf of a victim to obtain the Restraining Order, when the victim consents to the Application; and
- Parents, legal guardians, and Customary Caregivers of a child victim (under 18) who want a Restraining Order to protect a child, with or without the child's consent.
 - (In those cases, the child victim is a party to the Application and can oppose it)

▶ How:

- **Human Trafficking Help Line: 1-833-900-1010**
 - Ask to be connected to a lawyer for protection against a trafficker
 - Or email Kelly.Beale@ontario.ca

- ▶ **Referrals come from:** child protection agencies, police, community groups, medical professionals, anti-human trafficking organizations, victim services, probation and parole officers, support workers, Crown Attorneys, “Lived Experienced” survivors of human trafficking, educators, victim advocates, shelter and group home staff, victim's family members, Indigenous communities and organizations, child protection lawyers, and **victim to victim referrals.**

Canadian National Inquiry into Missing and Murdered Indigenous Women and Girls:

- ▶ In 2019, the Canadian National Inquiry into the Missing and Murdered Indigenous Women and Girls, identified the deadly results of the trafficking of Indigenous women and girls
- ▶ Under the 231 recommended “**Calls for Justice**” of the Final Report, Recommendation 5.9 reads, “Ensure protection orders are available, accessible, promptly issued and effectively serviced and resourced to protect the safety of Indigenous women, girls and 2SLGTQQIA people”

Program Expansion

- ▶ How can this Program get to your province?
 - Does similar legislation exist?
 - Contact your Members of Provincial Parliament
 - Bring it to the Legislative Assembly
 - Prepared as a Bill
 - Debated
 - Voted on for approval
 - Bill is signed and becomes a law (An Act or Statute)
 - DON'T STOP THERE – who is going to navigate the legislation and legal system for victims and survivors FOR FREE?

Contact Information

Kelly Beale
Counsel
Ministry of the Attorney General of Ontario

Email: Kelly.Beale@ontario.ca

**The Canadian Human Trafficking Hotline:
1-833-900-1010**