

# Human Trafficking in Canada



**Human trafficking is a modern form of slavery.**

**It is a violation of human rights and a serious crime.**

In the last decade, people in many countries have become concerned about a growing global problem – trafficking in persons. Billions of dollars are made every year though the illegal exploitation of people who – through force, fraud and threats – are compelled to work in slave-like conditions. The majority of the world’s trafficked human beings are women and girls.

Trafficked persons can be found in many countries, including Canada – but you might not see them. Human traffickers keep their victims hidden, trapped, frightened, and silent by using various methods of control, like lying to them, threatening violence to them or their families, or withholding their identification papers.

**Do not rely on this booklet for legal advice. It provides general information only.**



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## Who is this booklet for?

This booklet is for anyone who wants to learn more about human trafficking. It is for community leaders, teachers and students who want to help their communities learn more about this issue. It is also for people in social service or health care roles who may come into contact with victims of human trafficking.

This booklet gives a brief overview of:

- what is known about human trafficking
- what the law says about it
- what Canada is doing about it
- what you can do
- where you can find more information.

For more detailed information about human trafficking, please see Section 5 starting on page 12.

### Contents

Who is this booklet for? .....	2
1. What is human Trafficking?.....	2
2. What is the law? .....	5
3. What is Canada doing about human trafficking?.....	8
4. What can you do?.....	10
5. Resources and information.....	12
6. References.....	14

## 1. What is human trafficking?

Until recently, there were a number of different definitions of human trafficking used around the world. However, in 2000, the United Nations adopted an international agreement (called the *Trafficking Protocol* in this booklet<sup>1</sup>) to fight human trafficking, which established a standard definition. The *Trafficking Protocol's* definition of human trafficking includes three elements:

- **Act:** recruiting, transporting, transferring, harbouring or receiving people
- **Means:** threat or use of force, coercion, abduction, fraud, deception, or abuse of power, or paying someone in control of the victim
- **Purpose:** exploitation.

**Exploitation** means:

- causing someone to provide their labour or service, the failure of which could result in their safety or the safety of a person known to them to be threatened
- removing people's body organs or tissue by deception or the use or threat of force or any other form of coercion.

The fact that a person has consented is irrelevant once it is established that they were deceived, threatened, or forced.

<sup>1</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the United Nations' *Convention Against Transnational Organized Crime*, 2000. Canada ratified the *Trafficking Protocol* on May 13, 2002, and it came into effect in September 2003.

According to the *Trafficking Protocol*, in cases involving children, human trafficking is established if it can be shown that the child has been recruited, transported, or harboured for the purpose of exploitation; that is, no force, fraud, deception or other improper means are required.

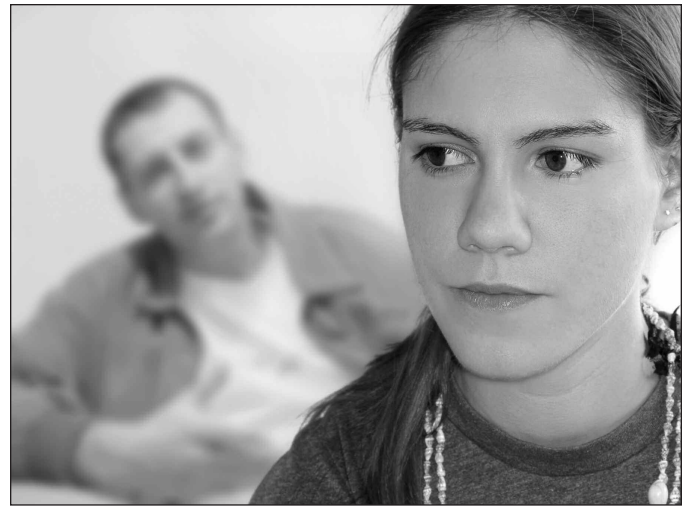
Although human trafficking often involves moving people across international borders, it can also happen domestically, within the borders of a country. The main feature of trafficking is that people are exploited.

### **How is human trafficking different from migrant smuggling?**

Migrant smuggling and human trafficking are different, although in practice they may be difficult to distinguish. Migrant smuggling is a transaction where one person helps another person to enter a country illegally in exchange for money. This can involve dangerous travel conditions and/or the use of illegal identity documents, but it happens with the consent of the smuggled person. People may be smuggled individually or as part of a large group. In Canada, the *Immigration and Refugee Protection Act (2002)* makes migrant smuggling an offence.

Once a smuggled person arrives at their final destination, the transaction is usually completed and the person is left to make his or her own way. In some cases, however, a smuggled migrant may become a victim of human trafficking.

Unlike a smuggled migrant, a trafficked person is not free to go their own way once they reach their final destination. Instead, traffickers use force, coercion, deception or fraud in order to exploit their victims.



A trafficked person may also enter the destination country legally, only to be subsequently exploited after arriving.

### **Does human trafficking occur in Canada?**

Yes, people are brought into Canada for exploitation every year. However, it is difficult to estimate the total number. This is due to many factors, including the hidden nature of the crime.

A conservative estimate is that at least 800 people are trafficked into Canada each year, and from 1500 to 2200 people are trafficked each year through Canada to the United States.<sup>2</sup>

Trafficking also occurs wholly within Canada, and may involve moving people from one province to another for the purpose of exploitation. However, the critical point to remember is not that people are moved but rather that people are

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<sup>2</sup> Oxman-Martinez, J., et al. 2005. Victims of trafficking in persons: Perspectives from the Canadian community service sector (section 1.1, p. 2). Research and Statistics Division, Department of Justice Canada. Online at: [www.canada.justice.gc.ca/eng/pi/rs/rep-rap/2006/rr06\\_3/toc-tdm.html](http://www.canada.justice.gc.ca/eng/pi/rs/rep-rap/2006/rr06_3/toc-tdm.html).

compelled to provide their labour or services; this is the critical element central to the crime of trafficking in persons.

### **Who is trafficked?**

Trafficked persons come from rural and urban settings and can vary in age. While men and boys can be victims of trafficking, the majority of the world's trafficked people are women and girls. Children may become victims of trafficking after being abandoned or orphaned, or may be sold by family members who cannot support them.

Generally, trafficked people are drawn from the most vulnerable populations of society. Those facing extreme poverty, unemployment, inequality and lack of opportunity can be more vulnerable to trafficking.



### **What happens to people who have been trafficked?**

People who have been trafficked find themselves in situations they did not expect and cannot escape. They may end up in a country that is not the one they thought they were going to. They may have been promised a job in entertainment, modeling, hairdressing, or a restaurant, only to be forced to work in conditions they did not expect.

Not all trafficked people are exploited in the sex trade. They may be exploited in textile or garment sweatshops or other factory work, domestic work, farm work, restaurants, construction, or as drug “mules.” People who have been trafficked may also have body organs or tissue removed without their consent.

Victims of trafficking can be forced to work long hours and get paid nothing or very little. They may be told they must continue to work until their debt to the trafficker is paid, but their costs of living continue to be added to their debt. They may live in a confined place and have their movements restricted and closely monitored. They may be prohibited from contacting anyone or seeking medical help if they need it.

Trafficked people, especially those from another country, can find themselves in an unfamiliar environment where they may fear the authorities, do not know where to find help, and may be unable to speak the language.

**It is important to remember that people who have been trafficked have human rights. The *Trafficking Protocol* urges countries to take steps to protect and assist victims of trafficking in persons, with full respect for their human rights. (See Section 2, page 5.)**

## Why does human trafficking happen?

There is no simple answer to this question. Trafficking in human beings is not new. Slavery, servitude, forced labour and other similar practices have existed for thousands of years. But changing conditions around the world have led to a global increase in human trafficking, mainly of women and girls, in the last two decades. Many things, referred to as push and pull factors, have contributed to this increase.

“Push factors” that can lead to human trafficking include poverty, gender inequality, lack of opportunity and education, political unrest, and unemployment. “Pull factors” can include globalization of the economy, the demand for cheap goods and services, and new communications technologies.

Taken together, these conditions can make people more vulnerable to human traffickers. Traffickers prey upon people’s vulnerability by offering false promises of a better job, more money, and a better home, or by using threats or force. A victim’s family may pay the trafficker money in hopes that the victim will be able to support the family later. Yet once the person arrives in the new country or location, she is not given the promised job, but cannot escape.

## Who are the traffickers?

Perpetrators of trafficking can take many forms. Those who traffic human beings may operate independently, or work with a small network, or be part of a much larger transnational organized crime network moving people long distances.

In some countries, employment or talent agencies may claim to provide training and help for people who want to find legitimate

work in another country but are really recruiting them for the purposes of exploitation. In some countries, government and law enforcement officials may also be involved in trafficking.

## Why is human trafficking a problem?

Human trafficking is a serious violation of human rights and it is a crime. It has direct and immediate consequences on its victims, their family members and communities in general. Victims may be physically and/or sexually assaulted, and subjected to psychological harm.

The next section outlines the laws that help combat human trafficking internationally and within Canada.

## 2. What is the law?

### **The United Nations *Trafficking Protocol***

Until fairly recently, many countries did not have laws to deal specifically with human trafficking, or had very different laws from each other. In 2000, the United Nations adopted the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*.

The *Trafficking Protocol* establishes the most widely accepted international framework to fight human trafficking, especially of women and children. The *Trafficking Protocol* is part of the UN effort to fight international organized crime. (There are also many other international treaties that protect human rights, the rights of women, the rights of children, employment rights, and the rights of migrant workers.)

Canada ratified the *Trafficking Protocol* in 2002 and is therefore bound by the obligations it creates. This means Canada is committed to combating this crime and developing national laws and programs to implement the Protocol.

The *Trafficking Protocol* requires countries that have ratified it to address trafficking by focusing on three main areas:

1. **preventing** human trafficking, especially of women and children
2. **protecting** the victims of human trafficking with full respect for their human rights
3. **prosecuting** traffickers.

### **1. Prevention**

The *Trafficking Protocol* requires countries that have ratified it to establish policies, programs and other measures to help prevent, raise awareness of, and reduce the likelihood of trafficking. For example, it requires countries to:

- develop research, information, and media campaigns to educate the public and **source countries** (where trafficked people come from) about human trafficking
- work with other countries to reduce poverty, underdevelopment and lack of equal opportunity that make people vulnerable to trafficking
- create laws and education programs to discourage demand for the labour or services of trafficked persons
- work with non-governmental organizations to achieve these goals.

### **2. Protection**

The *Trafficking Protocol* also provides a number of measures designed to assist and protect victims of trafficking in persons including:

- provide legal information to the trafficked person
- protect, to the extent possible, the privacy and identity of victims of trafficking
- provide for the trafficked person's physical safety
- enable the trafficked person to participate and express their views in legal and administrative processes
- provide a legal process for trafficking victims to seek compensation for damage suffered
- protect victims, especially women and children, from being revictimized (intimidated, threatened or further harmed).

The *Trafficking Protocol* also requires that countries consider providing help for people who have been trafficked to recover physically, psychologically and socially.

It advises countries to work with community organizations to provide these services. For more information about such services, see the section later in this booklet called "Human rights and support services" on page 10.

### **3. Prosecution**

The *Trafficking Protocol* requires that participating countries make it a crime to traffic or to help in trafficking human beings.

Additionally, the *Trafficking Protocol* requires national governments to:

- exchange information and training with law enforcement and immigration authorities of other countries
- strengthen border controls
- strengthen control over identity documents
- increase training for law enforcement and other authorities on how to prevent trafficking, how to identify traffickers, and how to protect the rights of victims.

## What is the law in Canada?

### ***Criminal Code of Canada***

In November 2005, Canada added provisions to the *Criminal Code* to deal specifically with human trafficking. There are three main offences:

1. **Trafficking in persons** (section 279.01)
  - it is a crime to recruit, transport, transfer, receive, hold, or hide a person, or exercise control, direction or influence over a person’s movements for the purpose of exploiting them or helping to exploit them. This offence carries a maximum penalty of life imprisonment where it involves kidnapping, aggravated assault or sexual assault, or death, and a maximum penalty of 14 years in all other cases.

**Exploitation** (section 279.04) means coercing a person to provide labour or services by doing something that could cause them to fear for their safety or the safety of someone they know if they did not perform the labour or services. It also



includes using force, threats of force, deception, or coercion to remove a body organ or tissue from someone.

2. **Material benefit** (section 279.02)
  - anyone who benefits materially from human trafficking can be charged with an offence. This applies to those who may not directly engage in trafficking but who profit from it. It also may apply to buyers of services from a trafficked person if they know the person is being exploited. This offence is punishable by 10 years imprisonment.
3. **Withholding or destroying identity documents** (section 279.03)
  - it is a crime to withhold or destroy a person’s travel or identification documents, such as a passport or visa, for the purpose of trafficking, or helping to traffic, that person. This offence is punishable by 5 years imprisonment.

There are also many other offences in Canada’s *Criminal Code* that can be used to prosecute people involved in human trafficking. Examples of such offences include sexual assault, fraud, forgery, forcible confinement, extortion, abduction, assault, and organized crime activity.

## **Immigration and Refugee Protection Act**

In 2002, new laws came into effect to address both migrant smuggling and human trafficking (sections 117 to 123 of the *Immigration and Refugee Protection Act*).

**These sections apply when people have been transported across an international border.**

Under section 118 of the *Immigration and Refugee Protection Act*, it is an offence to use deception, coercion, abduction, fraud, force, or threats of force to transport someone across the border. It is also an offence to receive, hold or transport people who have been recruited in this way, once they arrive in Canada.

Penalties for these offences can be up to \$1 million in fines or life in prison or both.

It is also an offence to have or use national identity documents, such as a visa or passport, for the purpose of human trafficking or migrant smuggling. Penalties for this offence can be up to 14 years in prison.



## **3. What is Canada doing about human trafficking?**

Fighting human trafficking requires a multidisciplinary response involving participation from all levels of government.

### **Federal Efforts**

In Canada, federal efforts to combat trafficking in persons are coordinated by the Interdepartmental Working Group on Trafficking in Persons (IWGTIP). Co-chaired by the Department of Justice and Foreign Affairs and International Trade, the IWGTIP brings together 16 departments and agencies and serves as the federal coordinating body.

It provides a forum for the development of government policy and responses relating to human trafficking and facilitates cooperation and collaboration with key partners including the provinces and territories and other countries. For more information on the federal government's anti-trafficking efforts, please see: [www.justice.gc.ca/eng/fs-sv/tp/index.html](http://www.justice.gc.ca/eng/fs-sv/tp/index.html).

### **Provincial government role**

In British Columbia, the Ministry of Public Safety and Solicitor General's **Office to Combat Trafficking in Persons (OCTIP)** is responsible for the overall coordination of the provincial strategy to address human trafficking.

The OCTIP works with the federal government, provincial ministries, law enforcement, academic organizations and community agencies to:

- build services for trafficked persons, including shelter, health care, counselling

and support services, legal consultation, and interpretations services

- coordinate the development and implementation of awareness and training activities for front line workers, service providers, legal professionals and anyone who is likely to encounter a trafficked persons
- partner with law enforcement to ensure that services for trafficked persons are accessed as required
- maintain an updated website: [www.pssg.gov.bc.ca/octip](http://www.pssg.gov.bc.ca/octip), listing research, resources, and community services available.

## **Law enforcement role**

Canada's national police force, the **Royal Canadian Mounted Police (RCMP)** established the Human Trafficking National Coordination Centre as part of the Immigration and Passport Branch in Ottawa.

The Centre provides national leadership and awareness to law enforcement officers and helps to develop guidelines to protect victims of trafficking. It monitors investigations nationally, gathers and exchanges intelligence, and works with international law enforcement agencies. The Centre works closely with its federal partners, through the IWGTIP (discussed above).

The RCMP has established six Immigration and Passport sections across Canada, and one of these is located in British Columbia.

## **Law enforcement in British Columbia**

The RCMP, municipal police forces, Canada Border Services Agency, non-government community organizations, and immigration lawyers in BC continue to work together to develop strategies to stop human trafficking:

1. Prevention – public awareness to increase identification of possible victims and traffickers, law enforcement education, proactive investigation of criminal organizations, and development of international agreements
2. Protection – ensuring the safety of victims of trafficking through investigation, risk assessment and referral to appropriate community services
3. Prosecution – gathering evidence so that traffickers can be charged and prosecuted for their crimes.

## **What are the challenges for law enforcement?**

- the international nature of trafficking – different laws in other countries, coordination with other authorities, authorities in source countries may be involved in crime
- the hidden nature of trafficking and its connection to organized crime
- trafficked people are frequently moved to different locations
- victims are afraid to report or testify against traffickers, and fear the police and immigration authorities
- trafficked people may not see themselves as victims of crime.

## Human rights and support services

The *Trafficking Protocol* emphasizes that the human rights of trafficked people must be respected, and urges countries to work in cooperation with non-governmental organizations to provide for the basic needs of victims. In addition to the specific protection related to legal procedures listed on page 6, the *Trafficking Protocol* requires countries to consider providing:

- housing
- medical and psychological care
- counseling and information in a language they can understand
- material help (clothes, food, etc)
- employment, educational and training opportunities

The *Trafficking Protocol* also requires countries to consider adopting laws that enable victims of trafficking to remain in the receiving country temporarily or permanently, with consideration of humanitarian and compassionate concerns. Countries are also required to consider the safety risks of returning trafficked people to their home country.

In Canada, Citizenship and Immigration officers can authorize short-term temporary resident permits (TRP) to trafficking victims for a period of reflection up to 180 days. This reflection period is designed to help victims of trafficking escape the influence of their traffickers and recover from their ordeals.

Permit-holders are eligible to receive essential and emergency health services for the treatment and prevention of serious medical conditions and the treatment of emergency dental conditions. Trafficking victims also receive trauma counselling.

(Trafficking victims are also entitled to apply for a work permit). Victims are not required to assist law enforcement with investigations in order to receive these benefits.

## 4. What can you do?

### Educate yourself and others

- Educate yourself about human trafficking. This booklet is a good start. There are more information sources listed in Resources and Information starting on page 12.
- Educate others about the issue of human trafficking and the rights of human trafficking victims.
- Urge the Canadian and provincial governments to support anti-trafficking efforts and to fully fund community organizations to assist trafficking victims by contacting your Member of Parliament (MP) and your Member of the Legislative Assembly (MLA).

### Identify potential victims of human trafficking

Watch for signs indicating that someone may be a trafficked person. Some signs are listed on the next page.

**If you think someone may be a trafficked person, contact your municipal police or local detachment of the RCMP. If you are concerned that someone is in immediate danger, you should call 911.**

**For more information, you may also wish to call one of the organizations listed under Resources and Information starting on page 12.**

## Signs that an adult may be trafficked

The person:

- is unfamiliar with the neighbourhood where they live or work
- is accompanied by someone who speaks for her
- has extensive or unusual injuries, bruises, or burns
- is malnourished
- is not free to leave the place of work or where she is living
- does not have access to personal identification papers
- was promised a better job, but is not doing the job that was promised
- cannot leave her job or try to find another one
- has no choice about hours of work
- works long hours but does not get paid normal wages
- cannot meet friends or attend community events or religious services
- suffers injuries that appear to be the result of the application of control measures
- is subjected to violence or threats of violence against themselves or against their family members or loved ones
- is threatened with being handed over to the authorities
- is afraid of revealing their immigration status
- doesn't know their home and work address
- is under the perception that they are bonded by debt
- has had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination country.

## Signs that a child may be trafficked

The child:

- has no access to their parents or guardians
- has no friends of their own age outside of work
- has no access to education
- has no time for playing
- lives and eats apart from other children in the family in substandard accommodation
- is engaged in work that is not suitable for children.



## **Signs that a person is living in domestic servitude**

The person:

- lives with a family
- doesn't eat with the rest of the family
- has no private space
- shares in a shared or inappropriate space
- never or rarely leaves the house for social reasons
- never leaves the house without the employer
- is given leftovers to eat.

## **Signs that a person is being sexually exploited**

The person:

- has tattoos or other marks indicating "ownership" by their exploiters
- sleeps or lives where they work
- has very little clothing or other possessions
- lives and travels in a group, sometimes with other women who do not speak the same language.

## **Signs that a person is being exploited for labour**

The person:

- depends on their employer for a number of services including work, transportation, accommodation and food
- has no choice of accommodation
- never leaves the work premises without the employer
- is disciplined through fines
- the employer is unable to show records of wages paid to workers.

## **5. Resources & information**

### **VictimLINK**

Information and referral line for **victims** of crime. When a victim calls this number, their information is confidential.

VictimLINK will not give information about the call to anyone without the caller's permission. Open 24 hours a day, 7 days a week.

Toll free number for anywhere in BC:  
1-800-563-0808.

For hearing impaired: TTY 604-875-0885  
(Collect calls accepted), or  
Text 604-836-6381.

[www.communityinfo.bc.ca/victims.htm](http://www.communityinfo.bc.ca/victims.htm)

### **Servants Anonymous Society**

Provides emergency housing for trafficked women from anywhere in Canada, and support and training for women trying to exit, or at risk of entering, the sex trade.

Ph: 604-590-2304

[www.sasurrey.ca](http://www.sasurrey.ca)

### **Sex Workers Advocacy Network (SWAN)**

Advocacy and educational outreach regarding sex trade work, human trafficking, and migrant women.

Ph: 604-719-6343

E-mail: [info@swanvancouver.ca](mailto:info@swanvancouver.ca)

[www.swanvancouver.ca](http://www.swanvancouver.ca)

### **West Coast Domestic Workers Association**

Information, advocacy and support for domestic workers.

Ph: 604-669-4482 or  
toll-free at: 1-888-669-4482

E-mail: [info@wcdwa.ca](mailto:info@wcdwa.ca)

[www.wcdwa.ca/](http://www.wcdwa.ca/)

## **Canadian Red Cross – Lower Mainland Region**

Ph: 604-709-6662

[www.redcross.ca/lowermainland](http://www.redcross.ca/lowermainland)

## **Canadian Council for Refugees**

Information on trafficking in women and girls and federal advocacy for increased human rights protection.

[www.ccrweb.ca/eng/engfront/frontpage.htm](http://www.ccrweb.ca/eng/engfront/frontpage.htm)

## **The Future Group**

A Canadian research organization that provides resources on human trafficking.

[www.thefuturegroup.org](http://www.thefuturegroup.org)

## **Government Links**

### **Office to Combat Trafficking in Persons**

Ministry of Public Safety and Solicitor General

Web: [www.pssg.gov.bc.ca/octip](http://www.pssg.gov.bc.ca/octip)

Email: [octip@gov.bc.ca](mailto:octip@gov.bc.ca)

Ph: 1-250-953-4970

Toll free and after hours number:

1-888-712-7974

### **RCMP “E” Division Border Integrity Program**

<http://bc.rcmp.ca/ViewPage.action?siteNodeId=754&languageId=1&contentId=-1>

Ph: 604-264-3111

### **RCMP – Human Trafficking National Coordination Centre**

[www.rcmp-grc.gc.ca/ht-tp/index-eng.htm](http://www.rcmp-grc.gc.ca/ht-tp/index-eng.htm)

### **RCMP – Passport and Immigration Program**

FAQs on Human Trafficking.

[www.rcmp-grc.gc.ca/ht-tp/q-a-trafficking-traite-eng.htm](http://www.rcmp-grc.gc.ca/ht-tp/q-a-trafficking-traite-eng.htm)



## **Department of Justice Canada**

Information on trafficking in persons:

[www.justice.gc.ca/eng/fs-sv/tp/index.html](http://www.justice.gc.ca/eng/fs-sv/tp/index.html)

Public awareness poster:

[www.justice.gc.ca/eng/fs-sv/tp/pub/post-aff/eng-ang/eng-ang.html](http://www.justice.gc.ca/eng/fs-sv/tp/pub/post-aff/eng-ang/eng-ang.html)

Publication – *Don't Become a Victim of the Illegal Trade in People*:

[www.justice.gc.ca/eng/fs-sv/tp/pub/brochure/pdf/eng-ang.pdf](http://www.justice.gc.ca/eng/fs-sv/tp/pub/brochure/pdf/eng-ang.pdf)

Interdepartmental Working Group on Trafficking in Persons:

[www.justice.gc.ca/eng/fs-sv/tp/p4.html](http://www.justice.gc.ca/eng/fs-sv/tp/p4.html)

## **International Organizations**

**Coalition Against Trafficking in Women**

[www.catwinternational.org/index.php](http://www.catwinternational.org/index.php)

**Global Alliance Against Traffic in Women**

Defends rights of migrant women workers and trafficked persons. Has several publications.

[www.gaatw.org/](http://www.gaatw.org/)

**Humantrafficking.org**

Web resource for combating Pacific Rim human trafficking.

[www.humantrafficking.org](http://www.humantrafficking.org)

**Human Rights Watch, Campaign Against the Trafficking of Women and Girls**

<http://hrw.org/about/projects/traffcamp/intro.html>

**International Labour Organization (ILO)**

United Nations specialized agency that promotes social justice and internationally recognized human and labour rights.

[www.ilo.org/global/lang-en/index.htm](http://www.ilo.org/global/lang-en/index.htm)

**International Organization for Migration (IOM)**

Focuses on global labour migration and addresses human trafficking and human smuggling.

[www.iom.int/jahia/Jahia/pid/7/counter\\_human\\_trafficking.shtml](http://www.iom.int/jahia/Jahia/pid/7/counter_human_trafficking.shtml)

**United Nations Office on Drugs and Crime**

Trafficking in Human Beings

[www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuaside](http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuaside)

**Organization for Security and Cooperation in Europe (OSCE)**

Special Representative on Trafficking in Human Beings – includes information on the Americas.

[www.osce.org/activities/13029.html](http://www.osce.org/activities/13029.html)



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