

CANADA – HUMAN TRAFFICKING LAWS



Criminal Code, R.S.C., 1985, c. C-46, s. 279.01

Trafficking in persons

- (1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence and liable
 - (a) to imprisonment for life and to a minimum punishment of imprisonment for a term of five years if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence; or
 - (b) to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of four years in any other case.

Consent

- (2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

Presumption

- (3) For the purposes of subsections (1) and 279.011(1), evidence that a person who is not exploited lives with or is habitually in the company of a person who is exploited is, in the absence of evidence to the contrary, proof that the person exercises control, direction or influence over the movements of that person for the purpose of exploiting them or facilitating their exploitation.

Criminal Code, R.S.C., 1985, c. C-46, s. 279.011

Trafficking of a person under the age of eighteen years

- (1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person under the age of eighteen years, or exercises control, direction or influence over the movements of a person under the age of eighteen years, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence and liable
 - (a) to imprisonment for life and to a minimum punishment of imprisonment for a term of six years if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence; or
 - (b) to imprisonment for a term of not more than fourteen years and to a minimum punishment of imprisonment for a term of five years, in any other case.

Consent

- (2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

Criminal Code, R.S.C., 1985, c. C-46, s. 279.02

Material benefit — trafficking

- (1) Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 279.01(1), is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years.

Material benefit — trafficking of person under 18 years

- (2) Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 279.011(1), is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of two years.

Criminal Code, R.S.C., 1985, c. C-46, s. 279.03

Withholding or destroying documents — trafficking

- (1) Everyone who, for the purpose of committing or facilitating an offence under subsection 279.01(1), conceals, removes, withholds or destroys any travel document that belongs to another person or any document that establishes or purports to establish another person's identity or immigration status — whether or not the document is of Canadian origin or is authentic — is guilty of an indictable offence and liable to imprisonment for a term of not more than five years.

Withholding or destroying documents — trafficking of person under 18 years

- (2) Everyone who, for the purpose of committing or facilitating an offence under subsection 279.011(1), conceals, removes, withholds or destroys any travel document that belongs to another person or any document that establishes or purports to establish another person's identity or immigration status — whether or not the document is of Canadian origin or is authentic — is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years and to a minimum punishment of imprisonment for a term of one year.

Criminal Code, R.S.C., 1985, c. C-46, s. 279.04

Exploitation

- (1) 279.04 (1) For the purposes of sections 279.01 to 279.03, a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service.

Factors

- (2) In determining whether an accused exploits another person under subsection (1), the Court may consider, among other factors, whether the accused
 - (a) used or threatened to use force or another form of coercion;
 - (b) used deception; or
 - (c) abused a position of trust, power or authority.

Immigration and Refugee Protection Act, S.C. 2001, c. 27, s. 118

Offence – trafficking in persons

- (1) No person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion.
- (2) Definition of organize: For the purpose of subsection (1), organize, with respect to persons, includes their recruitment or transportation and, after their entry into Canada, the receipt or harbouring of those persons.

LEGAL DISCLAIMER

This document contains only a selection of human trafficking laws in Canada and is not comprehensive. There may be other laws not included in this document that are relevant to human trafficking. Human trafficking laws and requirements may also vary by region. Please consult an attorney for legal advice.

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