

**A Response  
To  
“Connecting the Dots: A Proposal for  
a National Action Plan to Combat  
Human Trafficking”**

**By  
The Office for Systemic Justice  
Canadian Federation of Sisters of St. Joseph**

The **Office for Systemic Justice** is as an initiative of the Canadian Federation of Sisters of St. Joseph. This Office speaks for the Sisters of St. Joseph of Canada on justice matters, seeking policies that promote the dignity of all persons, foster the common good, and protect the integrity of creation.

Our work on the issue of human trafficking is an endeavour that is in keeping with our long history of addressing issues of poverty as well as supporting the human rights of those who migrate to Canada. In addition, we see this work as an embodiment of the scriptural call to create communities of compassion and justice, to welcome the stranger, and to reach out to those who are persecuted.

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## Executive Summary

Even with the United Nations' *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, there is not sufficient clarity to establish common ground with regard to the definition of human trafficking that operates in the day-to-day decision-making of NGOs, outreach groups, law enforcement groups and government officials. This lack of common ground is problematic, especially with regard to protecting the human rights of people who have been in situations of human trafficking.

For this reason, our response to "Connecting the Dots: A Proposal for a National Action Plan to Combat Human Trafficking" recommends that a national action plan on human trafficking use the "Delphi Indicators of Human Trafficking" as a basis for creating a dialogue that would work toward consensus among groups that are working to address the issue of human trafficking. While not necessarily flawless, these indicators would be helpful in opening a fruitful dialogue between NGOs, outreach groups, CIC, CBSA and law enforcement officials. Such a dialogue, identifying strengths, weaknesses and possible applications of the Delphi Indicators, would also facilitate the development of a common-ground definition of human trafficking which builds on the strengths of the Palermo Protocol's definition while providing more detail for day-to-day decision-making.

The Delphi Indicators are the result of a Delphi survey that was implemented by the European Commission and the International Labour Organization. They reflect a significant European consensus among individuals and groups who are addressing the issue of human trafficking. At the same time, the Delphi Indicators acknowledge the increasing reports of human trafficking for the purpose of labour exploitation. In our view, this is a reality that is not sufficiently addressed in "Connecting the Dots."

In addition, the Delphi Indicators provide a more nuanced understanding of the reality of human trafficking, acknowledging the subtle forms of coercion that might be at play. This is an important factor in protecting the human rights of people who have been in situations of trafficking. Furthermore, from this more nuanced understanding, other important elements of a national plan become clear. These would include specific recommendations for changes to the Temporary Foreign Worker Program with the focus of change on deterring traffickers rather than penalizing people who are trying to come to Canada. It also points to the need to address the poverty issues that make people vulnerable to human trafficking, and to re-work government policies that do not sufficiently protect the human rights of people who find themselves in situations that have strong elements of human trafficking. This includes changes to the Temporary Resident Permit, policies regarding Pre-Removal Risk Assessment and the Criminal Code, among others.

## Introduction

Joy Smith, Member of Parliament for Kildonan-St. Paul, Manitoba, is to be commended for her efforts to pull together a National Action Plan to Combat Human Trafficking. Smith's proposed National Action Plan is wide ranging and incorporates the key components of an effective national plan: prosecution of traffickers, protection of people who have been trafficked, preventive measures, as well as measures to confront the demand-side of human trafficking and proposals for collaboration between groups that are working against human trafficking. Within each of these areas, there are helpful suggestions which will be highlighted below.

Nonetheless, this response to the national plan asserts that the above-mentioned component areas are missing some key elements. Therefore, this submission will now examine each section of "Connecting the Dots: A Proposal for a National Action Plan to Combat Human Trafficking" in order to highlight both strengths and weaknesses. Where we identify weaknesses, we also propose ways of strengthening the response.

## Response to the Definition of Human Trafficking

The Proposal's use of the United Nations' *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, provides a helpful starting place for understanding human trafficking. Nonetheless, as the proposal goes on to identify the three key components of trafficking, which are laid out in the Protocol's definition, there is confusion. The first component is identified as "the act of trafficking." This is then followed by the two other components: the means of deception or control, and the exploitative purpose. It does not clarify the understanding of human trafficking to identify the first component as "the act of trafficking". Rather the first component is mobilization i.e., the recruitment, harbouring, transportation, transfer or receipt of persons.

The most widely accepted definition of human trafficking maintains that all three components (mobilization, means of deception or control, and the exploitative purpose) must be present for a situation to be identified as human trafficking. While this submission will operate from these assumptions, it must be noted that there is "an ongoing debate among legislators and law enforcement [as to] whether coercion is a necessary condition to make up the offence of human trafficking; or whether an employer who subjects workers to inhuman or degrading conditions, with earnings way below the legal minimum or the national average, can also be convicted of the offence."<sup>1</sup> In fact, the approaches of

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<sup>1</sup> Roger Plant, "Trafficking for Labour Exploitation: Conceptual Issues and Challenges for Law Enforcement," Presentation to Fifth International Law Enforcement Conference, Kiev, April 2009. Accessed on December 13, 2010 at [http://www.ilo.org/sapfl/Informationresources/Speeches/lang--en/WCMS\\_105001/index.htm](http://www.ilo.org/sapfl/Informationresources/Speeches/lang--en/WCMS_105001/index.htm).

various countries in Europe are currently mixed in this regard. If nothing else, this ongoing debate points to the need for the development of indicators of human trafficking that acknowledge the more subtle forms of coercion.

The Palermo Protocol has been ratified by Canada and its broad definition of human trafficking must be a hallmark of any Canadian policies dealing with human trafficking. Currently, Canadian laws (the Criminal Code and Immigration & Refugee Protection Act) do not reflect this broad definition and this has been problematic with regard to the understanding of human trafficking that operates in the day-to-day decision-making of NGOs, outreach groups, law enforcement groups and government officials.

This lack of common ground makes it difficult for NGOs to assist people, who have been in situations with strong elements of human trafficking. Even though a person may have been deceived and exploited, the situation may not fit with the CIC officer's understanding of human trafficking. We need to find common ground as to which actions or situations are viewed as creating the element of coercion or force. For example, does placing a migrant worker in an illegal situation create a situation of control? When is a family's poverty so debilitating that it creates a coercive situation? Likewise, we need to come to a shared understanding of the point at which a wage is so low that it qualifies as exploitation.

**We recommend that a national action plan on human trafficking use the *Delphi Indicators of Human Trafficking* as a starting-point for a national dialogue to create consensus among all of the parties engaged in the issue of human trafficking (see Appendix 1).**

The Delphi Indicators are grouped under six dimensions. The document also categorizes the indicators according to strong indicators, medium indicators and weak indicators. A particular dimension is assessed as positive for human trafficking if it includes:

- two strong indicators
- one strong and one medium or weak indicator
- two medium indicators and one weak indicator

After an assessment is done for each dimension, the final analysis involves combining the six elements to identify whether the person's situation is one of human trafficking.

While not necessarily flawless, these indicators would be helpful in opening a fruitful dialogue between NGOs, outreach groups, CIC, CBSA and law enforcement officials. Such a dialogue, identifying strengths, weaknesses and possible applications of the Delphi Indicators, would also facilitate the development of a common-ground definition of human trafficking that builds on

the strengths of the Palermo Protocol's broad definition while providing more detail for day-to-day decision-making. Finding common ground with regard to the operative understanding of human trafficking is essential for the protection of the human rights of people who have been trafficked.

### Response to Global Overview of Human Trafficking

In this section of the proposed plan, there is a heavy reliance on statistics from the United Nations Office on Drugs and Crimes. As stated in the plan, these statistics suggest that sexual exploitation is the most common form of human trafficking, at 79% of identified cases, with forced labour ranking second at 18%.

However, a report on forced labour from the International Labour Organization suggests a different global picture.<sup>2</sup> For example, the report points to a significant shift in the ratio of sexual exploitation cases to forced labour cases in more recent years as nations have become more sensitized to the realities of human trafficking for the purpose of forced labour. The report notes that while several countries of Central and Eastern Europe have recorded that the majority of identified cases of human trafficking were for the purpose of sexual exploitation, the number of identified cases of forced labour is now growing as more attention is given in this reality. Similar trends were found in the Ukraine. In 2004, identified cases of trafficking for sexual exploitation were more than double those for labour exploitation. In 2007, by contrast, 584 persons were identified as trafficked for sexual exploitation compared with 500 for labour exploitation, and for the first six months of 2008 the number of labour exploitation cases was actually higher. Likewise, recent data from the Russian Federation point to a steady increase in the number of identified persons trafficked for labour exploitation. Finally, between 2002 and 2006, 1,331 trafficked persons were identified by the IOM, half of these for labour exploitation.

As these statistics indicate, human trafficking for the purpose of labour exploitation is a growing problem. Nations, including Canada, need to attend more closely to this reality.

### Response to Canadian Overview On Human Trafficking

The proposed plan suggests that people are trafficked into Canada primarily for the purpose of sexual exploitation. However, this contradicts the evidence provided by Citizenship and Immigration Canada, which started tracking suspected cases of human trafficking in May 2006.<sup>3</sup> As of November 2008, there

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<sup>2</sup> The following statistics are taken from "The Cost of Coercion," International Labour Office, 2009, p. 20, 21. [http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS\\_106268/index.htm](http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS_106268/index.htm) Accessed December 10, 2010.

<sup>3</sup> The figures that follow were quoted by Benjamin Perrin, based on his research of CIC files. <http://www.edmontonjournal.com/news/Hungarians+found+alleged+Ontario+human+traffic+ring/3643342/story.html> Accessed December 10, 2010.

were 50 cases of human trafficking involving foreign nationals in the database. Of these, 46% involved alleged forced labour while 42% involved alleged sexual exploitation.

**We recommend that a national action plan on human trafficking make detailed indicators of human trafficking for the purpose of both labour exploitation and sexual exploitation widely available to Canadian citizens. Equal attention should be given to awareness-raising for both labour and sexual exploitation.**

#### Response to Summary of Canadian Initiatives and Rationale for a National Plan

The proposed plan provides a helpful summary of the initiatives to address human trafficking that have taken place in Canada. In the subsequent Rationale for a Canadian National Action Plan, the report correctly notes that, despite many helpful initiatives, there is a need for a collaborative approach between federal, provincial and territorial governments and stakeholders.

#### Response to Recommendations for the Prevention of Human Trafficking

Re: Recommendation 1

The plan's first recommendation for the prevention of human trafficking is to "review and amend immigration regulations and policy to provide effective counter human trafficking point of entry services." We strongly support the *Action Item* under this section that calls for an increase in the number of languages in which the federal human trafficking pamphlet is available.

*Action Items* also include a review of "current legislation and regulations surrounding the Temporary Foreign Worker Program and Live-In Caregiver Program to develop effective detection and prevention protocols within programs." While further changes to the Temporary Foreign Worker program would be welcome, a national plan needs to specify the types of changes that are required. Above all, it is critical that a national plan on human trafficking gives priority to the protection of workers' human rights. Unfortunately, recent changes to the Temporary Foreign Worker Program, announced by Immigration Minister Jason Kenney in October 2009, did not have this effect. Instead, these changes limited the stay of foreign workers in Canada to four years and banned them from returning to Canada for at least another six years.

Rather than protecting workers, these changes function to penalize temporary foreign workers and reinforce a disposable workforce in Canada. Likewise, the suggestions in the plan to review Canada's visa exempt policies, and to meet with young female immigrants on a monthly basis, penalize those who are trying to come to Canada instead of deterring those who commit human trafficking. It would be more helpful to ensure that people entering Canada receive information

about NGOs that have resources to assist people who have been trafficked should there be a need.

The report of the Standing Committee on Citizenship and Immigration, “Temporary Foreign Workers and Non Status Workers,” studied the Temporary Foreign Worker Program and made many helpful recommendations to improve the program.<sup>4</sup> Unfortunately, most of the recommendations were not adopted by the government.

**We recommend that the federal government incorporate key recommendations from the Standing Committee, including but not limited to:**

- **an advisory board to monitor the program,**
- **a path to permanent residency for foreign workers,**
- **work permits that are sector-and province specific instead of employer-specific,**
- **unannounced spot checks focused only on work and housing conditions on temporary foreign worker job sites.**

A national action plan on human trafficking needs to give priority to the protection of workers’ human rights. This can be achieved through an adequate monitoring of conditions and eliminating the abuse of vulnerability.

Re: Recommendation 2

The national plan recommends the development and implementation of a tailored strategy to address trafficking of First Nations women and children. This is an important point and should be grounded in “evidence-based research and data collection specific to Aboriginal women and trafficking in persons, both on and off-reserve” and in consultation with Native Women’s Association of Canada, the Assembly of First Nations, and Aboriginal police forces.<sup>5</sup> In addition, the national plan’s suggestions to consult with First Nations’ communities and to support the development of regional working groups are helpful. Finally, our conversations with workers from First Nations outreach groups in our urban area, point to the need for funding for First Nations’ youth shelters that would be appropriate for pre-teens and young teens, an age group that is particularly vulnerable to human trafficking.

**We recommend federal government funding for First Nations’ youth shelters for pre-teens and young teens.**

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<sup>4</sup> “Temporary Foreign Workers and Non-Status Workers,” Report of the Standing Committee on Citizenship and Immigration, May 2009, 40<sup>th</sup> Parliament, 2<sup>nd</sup> Session. (<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3866154&Mode=1&Parl=40&Ses=2&Language=E>).

<sup>5</sup> “Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada” Report of the Standing Committee on the Status of Women, February 2007, 39<sup>th</sup> Parliament, 1<sup>st</sup> Session, p. 11, Recommendation 3.

Re: Recommendations 3 and 4

Both of these recommendations point toward the key role that poverty plays in creating a vulnerability to human trafficking. This focus should be incorporated into the second recommendation as well so that the national plan identifies action items for addressing First Nations' poverty issues, including but not limited to issues of safe and affordable housing, education and land rights. Likewise, the national plan should examine and respond to the root causes of poverty both nationally and internationally, stressing poverty as a root cause of human trafficking.

**We recommend that the federal government adopt a national strategy for poverty eradication as well as the implementation of both human rights and poverty-reduction criteria in the development of trade agreements.**

We strongly support the action item that proposes policy to prohibit the importation of products created or harvested through the use of forced labour or child labour. This is a good example of ways that ethical filters can be used to refine our trade policies.

Re: Recommendation 6

We strongly support the suggested *Action Points* which focus on creating and implementing an extensive public awareness campaign. This should include a focus on both labour and sexual exploitation.

#### Response to Proposals for the Protection of People Who Have Been in Situations of Human Trafficking

Recommendation 7 from the proposed national plan calls for “adequate funding for NGOs to deliver care, counseling, shelter and assistance to victims.” We support this call for funding; it will help NGOs to address current gaps in protection in Canada, especially for non-citizens who have been trafficked.

We also support the suggestion to “make use of existing infrastructure and programs.” In fact, in our view, this should have priority over the development and funding of organizations that are trafficking-specific, especially in smaller cities. The use of existing infrastructure and programs, combined with agency collaboration, allows agencies to access the appropriate level of security and services for each particular person; it also mitigates the risk of a person being identified as someone who has been trafficked. Furthermore, such an approach creates an ever-widening pool of people who are trained to recognize and respond to situations of human trafficking.

**We recommend that a pool of funding be established which community agencies could access for building community capacity to respond to human trafficking and for ongoing training of staff.**

From the perspective of human rights, which we see as a critical lens for responding to human trafficking, Canada's efforts at protection should also focus on further changes to the Temporary Resident Permit (TRP) for people who have been in situations of human trafficking.

**We recommend that the TRP be granted on the basis of a broader definition of human trafficking than is currently found in Canada's Criminal Code (diminishing the obstacle presented by the definition of exploitation which requires the person to fear for their safety) and CIC decision-making. This would include a more nuanced understanding of the vehicles of control that are used by human traffickers, especially in the context of labour exploitation (see earlier comments on the Delphi Indicators).**

As stated earlier, this understanding would need to be developed in the context of a national dialogue to create common ground with regard to the operating definition of trafficking. This dialogue should include NGOs, outreach organizations, enforcement personnel and government officials.<sup>6</sup>

In addition, the Canadian Council for Refugees (CCR) has outlined some critical changes that would greatly improve this process.<sup>7</sup>

**We support the following CCR recommendations:**

**(i) Temporary protection: Where an immigration officer has reasonable grounds to suspect that a person has been trafficked into or within Canada, the officer will issue the person a special temporary protection permit for trafficked persons, valid for a period of 6 months. This permit will entitle the holder to the same benefits as a refugee claimant (including access to Interim Federal Health program, work permit, study permit). If the person decides to apply for permanent protection, the temporary protection permit will be valid until a decision has been made on permanent status. The following factors will be taken into account in deciding whether there are reasonable grounds for suspecting that a person has been trafficked:**

- a. the person's allegations that they have experienced treatment that may correspond to the definition of trafficking;**
- b. facts about the person's arrival in Canada or situation within Canada that suggest that the person may have been trafficked;**

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<sup>6</sup> See the prior discussion in the section entitled "Defining Human Trafficking" for a more detailed explanation of the proposed "common ground understanding" of human trafficking.

<sup>7</sup> The following six points (i-vi) are taken from a more extensive list found on the website of the Canadian Council for Refugees. <http://www.ccrweb.ca/documents/traffickingproposal07.pdf>. Accessed December 13, 2010.

- c. representations from a credible non-governmental organization that believes that the person may have been trafficked;
- d. the fact that the person does not believe that they have been trafficked will not negate other evidence of trafficking (given that trafficked persons often deny that they have been trafficked);
- e. where the evidence establishes on a balance of probabilities that the person is a child, any evidence suggestive of trafficking will be sufficient to constitute reasonable grounds for suspecting that the child has been trafficked.

The test of “reasonable grounds for suspecting” is a low standard and does not require that all the evidence be assessed, although there must be some credible evidence for believing that the person might have been trafficked. A single piece of evidence is enough to meet the standard, unless clearly contradicted by other evidence. The intention is to give the benefit of doubt to the potentially trafficked person with respect to temporary protection. The temporary status provides the conditions for a fuller evaluation to be made, if necessary. In the case of a child, the immigration officer will be responsible for ensuring that the child is placed immediately under the protection of child protection services and has access to necessary services including counseling. The immigration officer will have the discretion to extend the validity of the temporary permit for a further six months, if circumstances warrant (i.e. if there continue to be reasonable grounds for suspecting that the person has been trafficked and for any reason the person has not been able to make decisions for the future within the initial six months).

(ii) **Interviewing by enforcement:** Trafficked persons being considered for a temporary protection permit will not be interviewed by enforcement officers unless necessary for specific law enforcement purposes. Where interviews are necessary, enforcement officers will be guided by clear instructions on conducting such interviews, designed to ensure sensitivity to trafficked persons. The instructions will include a requirement that enforcement officers must clearly state that temporary protection is not contingent upon cooperation during the interview. The instructions will also direct officers to ensure that the person is accompanied by an NGO representative, if the person so wishes. Officers conducting such interviews will have undergone training on interviewing trafficked persons.

(iii) **Permanent protection:** Trafficked persons will be eligible for permanent residence in Canada through a special class. To meet the class, persons will:

- establish on a balance of probabilities that they have been trafficked into, within or through Canada, and
- face hardship if removed from Canada, taking into account the best interests of any child affected by such removal.

**Factors to take into account in determining hardship include:**

- a. risk of physical harm from traffickers**
- b. risk of re-trafficking<sup>8</sup>**
- c. psychological and/or physical impacts of the experience of trafficking (including mental and physical health consequences)**
- d. social isolation or stigmatization as a result of having been trafficked (e.g. marginalization of women who have done sex work)**
- e. children who have been trafficked should be given permanent protection, unless it is shown that it is in the best interests of the child not to remain in Canada.**
- f. where compelling reasons exist, arising out of the atrocious abuse suffered as a trafficked person, the applicant who expresses a desire to remain in Canada will be deemed to meet the test of hardship.**
- g. persons who cooperate with Canadian authorities in regard to a prosecution of their traffickers are presumed to be at increased risk if removed from Canada and thus to face hardship. Cooperation means providing all information requested by the authorities except where disclosure of the information would place the trafficked person or other persons at risk of harm. The outcome of the prosecutorial process is irrelevant to the assessment of the person's cooperation. The fact that a person chooses not to cooperate with a prosecution shall not count against the person in the evaluation of their application for permanent residence. Applicants for permanent protection will not be refused without benefit of an interview and the right to counsel. Members of the trafficked persons class will be exempt from the Right of Permanent Residence Fee and inadmissibility bars in the same way as Protected Persons.**

**(iv) Family reunification: Members of the trafficked persons class will have the right to include family members both inside Canada and outside Canada, as do Protected Persons.**

**(v) Non-prosecution of offences: Amend s. 133 to protect trafficked persons from prosecution for offences related to entry into Canada (as currently for refugees).**

**(vi) Detention: Amend Regulations s. 245 (flight risk) and s. 249 (special considerations for minor children) to remove reference to trafficking connection as a factor in favour of detention.**

We support the proposed national plan's suggestion for an independent National Rapporteur for Human Trafficking. Other important points with regard to the protection of people who have been in situations of human trafficking include:

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<sup>8</sup> While this perspective is not stated by the Canadian Council for Refugees, it is our view that the "risk of re-trafficking" should include the risk that is posed when persons, and their families, live in deep poverty.

- **Recommendation 13 from Status of Women report on human trafficking, which states that “the Committee recommends that the federal government work with the provinces and territories to address the need to develop regulations pertaining to the modeling industry to prevent the industry from being used as a vehicle to traffic individuals.”<sup>9</sup>**
- **Recommendation 16 from the Status of Women report on human trafficking, which states that the “Committee recommends that the federal government enrich and strengthen the pre-removal risk assessment process and provide specific policy guidelines that trafficked persons qualify as people who are at risk.”<sup>10</sup>**
- The Status of Women report also notes the need, not only for adequately funded social services but also for access to legal support for people who have been in situations of human trafficking.<sup>11</sup> It is important that these services be available in the person’s language and that they be culturally appropriate. These points reiterate the need for another pool of funding to make interpretation services widely available.

### Prosecution of Human Trafficking

We agree with the proposed national plan’s recommendation 12, that the government commit to additional resources for the training and education of judges, prosecutors and law enforcement on human trafficking legislation.

**In addition, we recommend that immigration lawyers and immigration consultants receive training as well as criminal and labour lawyers. This training could be offered by provincial law societies through the development of a Continuing Legal Education program on human trafficking. Also IRB members and PRAA officers should have training on human trafficking.**

**We also recommend changes to the Criminal Code provisions which address human trafficking. In particular, Section 279.04 should be amended by removing the stipulation that ‘exploitation’ requires the person to fear for their safety or that of someone known to them. This change would enable the Criminal Code to more fully reflect Canada’s international obligations under the Palermo Protocol. Instead of the current requirement of fear, the Criminal Code should incorporate the more nuanced understanding of exploitation that is found in the Delphi Indicators.**

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<sup>9</sup> “Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada” Report of the Standing Committee on the Status of Women, February 2007, 39<sup>th</sup> Parliament, 1<sup>st</sup> Session, p. 19, Recommendation 13.

<sup>10</sup> Ibid., p. 20 Recommendation 16.

<sup>11</sup> Ibid., p. 22.

## Partnerships

We agree with the proposed national plan's view that it is important to foster partnerships and collaboration between Canadian agencies, law enforcement and NGOs. However, we think it is important to reiterate that, if these partnerships are to be effective, each of these stakeholders must have their own roles and priorities. In particular, the role of NGOs in reaching out to people who have been in situations of trafficking must be prioritized and supported. The goal of partnerships also reinforces the need for building community capacity among social agencies to recognize and respond to human trafficking.

## **Appendix One**

*The Delphi Indicators for Human Trafficking – Implemented by the International Labour Organization and the European Commission*

Below are some excerpts from the Delphi Indicators for Human Trafficking of Adults for Labour Exploitation. The full brochure, including Indicators for Human Trafficking of Adults for Sexual Exploitation can be accessed at:

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_105023.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105023.pdf)

### **The Delphi Methodology**

The methodology used to reach consensus on the indicators of human trafficking is called the Delphi method. This method was developed in the 1950s and has since been widely used in the social, medical and political sciences. The objective of the Delphi methodology is to produce a result based on consensus from a wide group of experts. In the present context, this involved two successive electronic surveys of experts in the fight against human trafficking: a first survey in April 2008 to collect indicators from the expert group; and a second one in July 2008 to establish a rating of the indicators.

Experts were selected from the 27 EU Member States from police, government, academic and research institutes, NGOs, international organisations, labour inspectorates, trade unions and judiciaries. Responding to requests from the European Council's Hague Programme on strengthening freedom, security and justice in the EU, the European Commission adopted a decision to set up an expert group on the policy needs for data on crime and criminal justice [2006/581/EC]. The mandate of this group includes assisting the Commission in implementing the EU Action Plan for 2006-2010 [COM(2006)437]. The mandate of this group includes assisting the Commission in: (i) establishing cooperation crime and criminal justice; (ii) identifying the policy needs for data on crime and criminal justice; and (iii) identifying the needs for – and/or developing – common indicators and tools designed to measure crime and criminal justice.

In accordance with its powers to create separate subgroups, the expert group decided in April 2007 to call for an expert sub-group on “trafficking in human beings.” The objective of this sub-group was to “develop harmonised definitions and associated indicators that will facilitate greater comparability of data across EU member states on the crime area under consideration.” In follow up to the sub-group’s recommendations, a joint European Commission-ILO project was established to implement the Delphi methodology to reach consensus among

European experts on what indicators should be used to characterize the various elements of the definition of trafficking for data collection purposes.

A European consensus on operational indicators and their appropriate combination is necessary for harmonizing both qualitative and quantitative research. For qualitative research, better indicators will provide guidance to researchers and practitioners on the evidence that should be gathered when interviewing possible victims. They will also guide labour inspectors when they attempt to find out whether a specific worker should be considered a victim of trafficking (whether or not the case has been prosecuted as such). With regard to quantitative estimates, these indicators can guide national statistical offices in their attempts to produce national estimates, particularly in countries of origin when interviewing a representative sample of returned migrants.

The result of the surveys consists of **four sets of operational indicators** for adult and child victims of trafficking for labour and sexual exploitation. Each set is a structured list of indicators relevant to the following dimensions of the trafficking definition:

**Deceptive recruitment** (or deception during recruitment, transfer and transportation): 10 indicators

**Coercive recruitment** (or coercion during recruitment, transfer and transportation): 10 indicators

**Recruitment by abuse of vulnerability:** 16 indicators

**Exploitative conditions of work:** 9 indicators

**Coercion at destination:** 15 indicators

**Abuse of vulnerability at destination:** 7 indicators

Within each set, each indicator is qualified as either **strong, medium** or **weak**. However, a single indicator can be strong for children and at the same time be medium for adults, or strong for sex exploitation and weak for labour exploitation. The definitions of all 67 indicators are presented in a separate document that can be accessed at [www.ilo.org/forcedlabour](http://www.ilo.org/forcedlabour).

## **Indicators of trafficking of adults for labour exploitation** ◦

### **DECEPTIVE RECRUITMENT**

#### *Strong Indicator*

Deceived about the nature of the job, location or employer

*Medium Indicators*

Deceived about conditions of work  
 Deceived about content or legality of work contract  
 Deceived about family reunification  
 Deceived about housing and living conditions  
 Deceived about legal documentation or obtaining legal migration status  
 Deceived about travel and recruitment conditions  
 Deceived about wages/earnings  
 Deceived through promises of marriage or adoption

*Weak Indicator*

Deceived about access to education opportunities

**INDICATORS OF COERCIVE RECRUITMENT***Strong Indicator*

Violence on victims

*Medium Indicators*

Abduction, forced marriage, forced adoption or selling of victim  
 Confiscation of documents  
 Debt bondage  
 Isolation, confinement or surveillance  
 Threat of denunciation to authorities  
 Threats of violence against victim  
 Threats to inform family, community or public  
 Violence on family (threats or effective)  
 Withholding of money

**INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY***Medium Indicators*

Abuse of difficult family situation  
 Abuse of illegal status  
 Abuse of lack of education (language)  
 Abuse of lack of information  
 Control of exploiters  
 Economic reasons  
 False information about law, attitude of authorities  
 False information about successful migration  
 Family situation  
 Personal situation  
 Psychological and emotional dependency  
 Relationship with authorities/legal status

*Weak Indicators*

Abuse of cultural/religious beliefs  
 General context  
 Difficulties in the past  
 Difficulty to organise the travel

**INDICATORS OF EXPLOITATION***Strong Indicator*

Excessive working days or hours

*Medium Indicators*

Bad living conditions  
 Hazardous work  
 Low or no salary  
 No respect of labour laws or contract signed  
 No social protection (contract, social insurance, etc.)  
 Very bad working conditions  
 Wage manipulation

*Weak Indicators*

No access to education

**INDICATORS OF COERCION AT DESTINATION***Strong Indicators*

Confiscation of documents  
 Debt bondage  
 Isolation, confinement or surveillance  
 Violence on victims

*Medium Indicators*

Forced into illicit/criminal activities  
 Forced tasks or clients  
 Forced to act against peers  
 Forced to lie to authorities, family, etc.  
 Threat of denunciation to authorities  
 Threat to impose even worse working conditions  
 Threats of violence against victim  
 Under strong influence  
 Violence on family (threats or effective)  
 Withholding of wages

*Weak Indicator*

Threats to inform family, community or public

## **INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION**

### *Medium Indicators*

Dependency on exploiters  
 Difficulty to live in an unknown area  
 Economic reasons  
 Family situation  
 Relationship with authorities/legal status

### *Weak Indicators*

Difficulties in the past  
 Personal characteristics

## **Indicators of human trafficking of adults for sexual exploitation**

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## **INDICATORS OF DECEPTIVE RECRUITMENT**

### *Strong Indicator*

Deceived about the nature of the job or location

### *Medium Indicators*

Deceived about conditions of prostitution  
 Deceived about content or legality of work contract  
 Deceived about family reunification  
 Deceived about housing and living conditions  
 Deceived about legal documentation or obtaining legal migration status  
 Deceived about travel and recruitment conditions  
 Deceived about wages/earnings  
 Deceived through promises of marriage or adoption

### *Weak Indicator*

Deceived about access to education opportunities

## **INDICATORS OF COERCIVE RECRUITMENT**

### *Strong Indicators*

Abduction, forced marriage, forced adoption or selling of victim  
 Debt bondage  
 Threats of violence against victim  
 Violence on victims

### *Medium Indicators*

Confiscation of documents

Isolation, confinement or surveillance  
 Threat of denunciation to authorities  
 Threats to inform family, community or public  
 Violence on family (threats or effective)  
 Withholding of money

## **INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY**

### *Medium Indicators*

Abuse of difficult family situation  
 Abuse of illegal status  
 Abuse of lack of education (language)  
 Abuse of lack of information  
 Control of exploiters  
 Difficulties in the past  
 Difficulty to organise the travel  
 Economic reasons  
 False information about law, attitude of authorities  
 False information about successful migration  
 Family situation  
 General context  
 Personal situation  
 Psychological and emotional dependency  
 Relationship with authorities/legal status

### *Weak Indicator*

Abuse of cultural/religious beliefs

## **INDICATORS OF EXPLOITATION**

### *Medium Indicators*

Bad living conditions  
 Excessive working days or hours  
 Hazardous work  
 Low or no salary  
 No respect of labour laws or contract signed  
 No social protection (contract, social insurance, etc.)  
 Very bad working conditions  
 Wage manipulation

## **INDICATORS OF COERCION AT DESTINATION**

### *Strong Indicators*

Confiscation of documents  
 Debt bondage

Forced tasks or clients  
 Isolation, confinement or surveillance  
 Threats of violence against victim  
 Violence on victims

*Medium Indicators*

Forced into illicit/criminal activities  
 Forced to act against peers  
 Forced to lie to authorities, family, etc.  
 Threat of denunciation to authorities  
 Threat to impose even worse working conditions  
 Threats to inform family, community or public  
 Under strong influence  
 Violence on family (threats or effective)  
 Withholding of wages

**INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION**

*Medium Indicators*

Dependency on exploiters  
 Difficulty to live in an unknown area  
 Economic reasons  
 Family situation  
 Personal characteristics  
 Relationship with authorities/legal status

*Weak Indicator*

Difficulties in the past

**More detailed explanations of each one of these indicators can be found at**  
[http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/lang--en/docName--WCMS\\_105035/index.htm](http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/lang--en/docName--WCMS_105035/index.htm).

Indicators of trafficking of children for