



**The International Justice and Human Rights Clinic's submissions in advance of the consideration of the seventh Periodic Report of Canada, Human Rights Committee, 145th session, March 2026**

### **Reparations for Victims of Human Trafficking**

February 2026

#### **I. Introduction**

This shadow report is submitted for Canada's review before the Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR) in response to **paragraph 17 on the List of Issues prior to submission of Canada's periodic report**. It examines Canada's failure to provide effective remedies and reparations for victims of human trafficking as required under **Article 2(3)**, following violations of the rights protected under **Article 7** (freedom from cruel, inhuman or degrading treatment) and **Article 8** (slavery and forced labour).

Between 2013 and 2023, more than 4500 instances of human trafficking were reported to Canadian police authorities, with annual reports generally increasing over this period.<sup>1</sup> Statistics Canada data further indicates that from 2012 to 2023, 1184 cases of human trafficking were brought before criminal courts, yet only approximately one in ten resulted in a guilty decision.<sup>2</sup> Human trafficking remains severely under-reported, suggesting that these figures do not reflect the true scale of the problem in Canada.<sup>3</sup> The most prevalent forms of human trafficking in Canada involve sex and labour trafficking,<sup>4</sup> with women, young adults, migrant workers and new immigrants among the most vulnerable groups.<sup>5</sup> Despite the under-reporting of human trafficking, available reparations remain extremely limited even for victims whose cases reach official channels. Victims often face significant barriers in accessing restitution, compensation, immigration protection, and relief from coerced debt.

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<sup>1</sup> Statistics Canada, *Trafficking in Persons in Canada, 2023* (1 November 2024), online: <https://www150.statcan.gc.ca/n1/daily-quotidien/241101/dq241101a-eng.htm> (retrieved 7 December 2025) [TIP Statistics 2023].

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

This submission highlights gaps in Canada's restitution practices, uneven provincial compensation schemes, limited civil remedies, and insufficient legal protections for survivors, all of which undermine Canada's obligation to ensure effective remedies for victims of trafficking.

## **II. Reparations for Victims of Human Trafficking in Canada**

Human trafficking is a federal criminal offence in Canada. Section 279.01(1) of the *Criminal Code* provides that anyone who recruits, transports, holds, or controls a person to exploit them is guilty of an indictable offence, punishable by: (a) life imprisonment with a minimum of five years if the victim is kidnapped, assaulted, sexually assaulted, or killed; or (b) up to 14 years' imprisonment with a minimum of four years in other cases.<sup>6</sup> Also, the *Immigration and Refugee Protection Act* (IRPA) prohibits anyone from knowingly organizing the coming into Canada of persons by means of abduction, fraud, deception or use or threat of force or coercion.<sup>7</sup> Section 120 of the IRPA further provides penalties of up to life imprisonment and/or a fine of up to \$1,000,000.<sup>8</sup>

### **A. Restitution in Criminal Cases**

#### **Enforcement of Restitution Orders in Criminal Cases**

According to the Department of Justice Canada's *2024 Handbook for Criminal Justice Practitioners on Trafficking in Persons* ("2024 Handbook on Trafficking in Persons"), judges may order restitution for victims of human trafficking for financial losses from the offence, including losses linked to physical injury or psychological harm.<sup>9</sup> Judges are required to consider restitution in all criminal sentencing cases and must provide reasons when restitution is not ordered.<sup>10</sup> Courts must also ask prosecutors whether all reasonable steps have been taken to determine whether a victim is seeking restitution.<sup>11</sup> In practice, however, restitution is rarely ordered in criminal cases in practice. From 2014 to 2019, only 1.6% of all cases resulting in a guilty decision led to a restitution order.<sup>12</sup> While this data does not specify whether restitution orders were made in cases of human trafficking, it does suggest that there is an overall lack of restitution being ordered in criminal cases.

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<sup>6</sup> *Criminal Code*, RSC 1985, c C-46, s 279.01 [Trafficking in Persons Offence].

<sup>7</sup> *Immigration and Refugee Protection Act*, SC 2001, c 27, s 118 [Immigration and Refugee Protection Act].

<sup>8</sup> *Ibid*, s 120.

<sup>9</sup> Federal/Provincial/Territorial Working Group on Trafficking in Persons, *A Handbook for Criminal Justice Practitioners on Trafficking in Persons* (January 2024) (report, Department of Justice Canada), [Handbook on TIP], at 108, online: <https://www.justice.gc.ca/eng/rp-pr/cj-jp/tp/hcjpotp2-gtpupjp2/pdf/hcjpotp2-gtpupjp2.pdf> (last visited December 2025).

<sup>10</sup> *Ibid* at 108.

<sup>11</sup> *Ibid* at 108.

<sup>12</sup> Office of the Federal Ombudsperson for Victims of Crime, *Repairing the Harm: A Special Report on Restitution for Victims of Crime in Canada* (2021) (report) [2021 Report on Restitution], online: [https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/publications/specialreports-rapportsspeciaux/rr-ofovc-2021-final-en.html#\\_ftn2](https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/publications/specialreports-rapportsspeciaux/rr-ofovc-2021-final-en.html#_ftn2) (retrieved 6 December 2025).

### Restitution in Sex Trafficking Cases

Despite guidance from the *2024 Handbook on Trafficking in Persons*, restitution is often not mentioned in court in many sex trafficking cases, even when the facts indicate that victims suffered financial losses, with rates of pay documented in some instances.<sup>13</sup> Restitution orders are frequently dismissed for various reasons, including the perpetrator's lack of ability to pay and the difficulties in quantifying financial loss.<sup>14</sup> In a 2022 case in the Ontario Superior Court of Justice, one victim (H.S.) was awarded \$48,000 in restitution, but restitution was not ordered for the second victim (E.L.) without explanation, despite evidence that the perpetrator retained all of the money E.L. earned during the period she was sexually exploited, possibly because her exact earnings could not be determined from the facts of the case.<sup>15</sup>

### Restitution in Labour Trafficking Cases

In cases of labour trafficking, restitution is ordered even more rarely. One of the few Canadian cases where a restitution order was granted is *R v Domotor* (2012).<sup>16</sup> This case involved three perpetrators who recruited 19 victims from Hungary to come to Canada and work for very little pay. The victims were told to make false claims for social service benefits and refugee claims. Although the offenders were sentenced to imprisonment, restitution was awarded only to the City of Hamilton for improperly obtained social service benefits, and not to any of the 19 victims.<sup>17</sup> Similarly, in a more recent labour trafficking case in 2023, the judge noted that none of the ten victims received restitution.<sup>18</sup>

Canadian caselaw illustrates that restitution is often not considered by judges in cases of human trafficking. These practices run directly contrary to the *2024 Handbook on Trafficking in Persons*, which requires judges to consider ordering restitution in all cases, and to provide reasons when restitution is not granted. It is also unclear whether judges have consistently complied with the *Handbook's* guidance to consult prosecutors regarding whether victims are seeking restitution.<sup>19</sup>

Even when victims of human trafficking seek restitution, orders are often denied on the basis that financial loss cannot be calculated.<sup>20</sup> The *2024 Handbook on Trafficking in Persons* specifies that restitution should cover readily ascertainable losses, and information from the Department of Justice Canada suggests that victims must provide documentation of their financial losses for restitution to be

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<sup>13</sup> See *R v McEwan*, 2023 ONSC 1608 and *R v Greaves*, 2023 ONSC 5474; Cases where restitution was ordered include a 2024 decision from the Ontario Superior Court of Justice that ordered restitution in the amount of \$3000 for a victim of sex trafficking and a 2022 decision from the Ontario Superior Court of Justice that ordered restitution in the amount of \$10,000 for a victim of sex trafficking [*R v Koehler*, 2024 ONSC 6442 at para 69; *R v M.E.D.*, 2022 ONSC 1899 at para 4].

<sup>14</sup> *R v Taylor*, 2023 ONSC 5334 at paras 119, 121 [*R v Taylor*].

<sup>15</sup> *Ibid* at para 80; *R v S.H.*, 2022 ONSC 4900 at para 99.

<sup>16</sup> *R v Domotor*, [2012] OJ No 3630.

<sup>17</sup> *Ibid* at paras 60, 65.

<sup>18</sup> *R v Gonzalez-Valbuena*, 2023 ONCJ 537 at para 9.

<sup>19</sup> *Handbook on TIP*, *supra* note 9 at 108.

<sup>20</sup> *R v Taylor*, *supra* note 14 at paras 119, 121.

granted.<sup>21</sup> Such a requirement creates a high threshold of proof, particularly in the context of human trafficking, where victims are under strict control by perpetrators and are unlikely to be able to collect supporting documentation.<sup>22</sup>

**Recommended Question:**

1. What concrete measures will the State party take to ensure restitution is consistently accessible to survivors of human trafficking, including measures to remove procedural and evidentiary barriers that prevent victims from claiming restitution?
2. How will the State ensure that criminal courts systematically consider and order restitution from perpetrators of human trafficking, and provide reasons whenever restitution is not granted?

**Recommendation:**

- Canada should implement mandatory restitution orders for all victims of human trafficking. Courts should be required to provide clear reasons whenever restitution is not granted, and the State should remove procedural and evidentiary barriers, such as the high threshold for proving financial loss, that currently prevent victims from exercising their right to restitution.

**B. Restitution in Civil Claims**

*Enforcement of Unpaid Restitution Orders in Civil Courts*

When a restitution order is granted and the offender fails to pay, victims of human trafficking may enforce the unpaid restitution order in civil court under the *Canadian Victims Bill of Rights*.<sup>23</sup> Article 17 of the *Bill of Rights* provides that “*every victim in whose favour a restitution order is made has the right, if they are not paid, to have the order entered as a civil court judgment that is enforceable against the offender*”.<sup>24</sup> However, this process places an additional burden on victims, who may face reluctant or uncooperative offenders, experience intimidation in pursuing enforcement proceedings, and incur significant time and expense in civil court.<sup>25</sup>

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<sup>21</sup> Handbook on TIP, *supra* note 9 at 108; Department of Justice Canada, *Victims’ Rights in Canada* (10 May 2024), online: <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/factsheets-fiches/restitution-dedommage.html> (retrieved 7 December 2025).

<sup>22</sup> Handbook on TIP, *supra* note 9 at 8.

<sup>23</sup> *Canadian Victims Bill of Rights*, SC 2015, c 13, s 2 [Canadian Victims Bill of Rights].

<sup>24</sup> *Ibid.*

<sup>25</sup> Government of British Columbia, *Victim Restitution* (6 December 2021) [BC Restitution], online: <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/victim-restitution> (retrieved 7 December 2025).

### Provincial and Territorial Victim Restitution Programs

To address the legal challenges in seeking restitution, some provinces have developed programs to assist victims with enforcing unpaid restitution orders. In **British Columbia**, the Restitution Program provides guidance to victims on civil court processes and restitution orders, encourages offenders to pay, and liaises with other service providers.<sup>26</sup> In **Saskatchewan**, the Restitution Civil Enforcement Program allows victims to register restitution orders with the Ministry of Justice free of charge,<sup>27</sup> collection officers then enforce the order with the Court of King's Bench in Saskatchewan. Similarly, in **Alberta**, the Restitution Recovery Program acts on behalf of the victims to enforce restitution orders if the perpetrator has not paid by a specified date.<sup>28</sup> These programs however exist only in certain provinces, leaving many victims responsible for pursuing enforcement themselves.

#### **Recommended Question:**

3. What measures will the State party take to ensure that unpaid restitution orders are enforced, and that survivors are not left to bear the burden of civil enforcement themselves? How will the Government guarantee that victims across all Canadian jurisdictions have timely access to support and mechanisms for enforcing unpaid restitution orders?

#### **Recommendation:**

- Canada should consider creating a federal fund to compensate victims within a certain period of time if traffickers do not pay restitution. This would relieve victims from having to apply through civil courts to enforce unpaid restitution orders.

### C. Compensation

#### Provincial and Territorial Victim Compensation Programs

Canada has no federal program that directly compensates victims of crime. In the absence of a national framework, provinces and territories have established their own compensation schemes to address this gap. **Alberta, British Columbia, Manitoba, New Brunswick, Ontario, Prince Edward Island, and Saskatchewan** all operate programs that provide financial assistance to victims of crime, including

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<sup>26</sup> *Ibid.*

<sup>27</sup> Government of Saskatchewan, "Victim Impact Statement and Restitution", online: Government of Saskatchewan <https://www.saskatchewan.ca/residents/justice-crime-and-the-law/victims-of-crime-and-abuse/victim-impact-statement-and-restitution> (last accessed 7 December 2025).

<sup>28</sup> Handbook on TIP, *supra* note 9 at 117; Government of Alberta, "Victim restitution and recovery", online: Government of Alberta <https://www.alberta.ca/victim-restitution-and-recovery#jumplinks-2> (last accessed 7 December 2025).

victims of human trafficking.<sup>29</sup> However, eligibility criteria and compensation coverage vary significantly across jurisdictions, limiting consistent access to meaningful compensation.

**Ontario** illustrates the limitations on access to compensation clearly. Between 2020 and 2025, Ontario allocated approximately \$27 million CAD through the Anti-Human Trafficking Community Supports Fund and the Indigenous Led-Initiatives Fund.<sup>30</sup> These programs do not provide compensation directly to victims. Instead, funding is allocated to anti-human trafficking organizations, which may or may not be able to offer limited financial assistance to survivors depending on organizational capacity and program criteria.<sup>31</sup> As a result, survivors' access to financial support remains indirect and uncertain.

Ontario's approach to compensation contrasts with other provincial programs, such as **British Columbia**'s Crime Victim Assistance Program and **Alberta**'s Victims of Crime Assistance Program, where victims may apply directly for emergency financial assistance covering medical services, counselling, or childcare.<sup>32</sup>

#### Provincial Civil Lawsuits

In addition to the Victim Compensation Programs, victims of human trafficking can also seek compensation through civil lawsuits in some Canadian provinces. **Alberta, Saskatchewan, Manitoba, and Ontario** have all passed legislation that allows victims to directly sue their traffickers for the tort of human trafficking and receive damages.<sup>33</sup>

As of November 2025, only one civil case has been brought in Canada for the tort of human trafficking: *Osmani v Universal Structural Restorations Ltd.* (2022)<sup>34</sup>. The case was brought under section 16 of Ontario's *Anti-Human Trafficking Act*, which allows victims of human trafficking to bring an action

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<sup>29</sup> Government of Canada, "Financial assistance available to victims" (30 July 2024) online: Government of Canada <https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/services-services/financialassistancefinanciere.html#toc1> (last visited 7 December 2025).

<sup>30</sup> Ontario Ministry of Children, Community and Social Services, "Anti-Human Trafficking Community Supports Fund Call for Applications Guidelines" (2020), online: Ontario Ministry of Children, Community and Social Services [https://forms.mgcs.gov.on.ca/dataset/b964738c-9c84-4c18-bf71-dfae1e5e092f/resource/f42629c6-a497-4194-aaa5-f7b9e47bd5a6/download/on00100e\\_guidelines.pdf](https://forms.mgcs.gov.on.ca/dataset/b964738c-9c84-4c18-bf71-dfae1e5e092f/resource/f42629c6-a497-4194-aaa5-f7b9e47bd5a6/download/on00100e_guidelines.pdf) (last accessed 7 December 2025).

<sup>31</sup> *Ibid* at 3.

<sup>32</sup> Government of Alberta, "Victims of Crime Assistance Program", at <https://www.alberta.ca/victims-of-crime-assistance-program> (last visited 7 December 2025); Government of British Columbia, "Crime Victim Assistance Program", 25 November 2025, at <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/financial-assistance-benefits?keyword=Crime&keyword=Victim&keyword=Assistance&keyword=program> (last visited 7 December 2025).

<sup>33</sup> Protecting Survivors of Human Trafficking Act, SA 2020, c P-26.87; The Protection from Human Trafficking Act, SS 2021, c 23; The Child Sexual Exploitation and Human Trafficking Act, CCSM c C94; Anti-Human Trafficking Act, 2017, SO 2017, c 12 [Anti-Human Trafficking Act].

<sup>34</sup> *Osmani v Universal Structural Restorations Ltd.*, 2022 ONSC 6979 [Osmani].

against their perpetrator, even without proof of damage.<sup>35</sup> The plaintiff, employed for 14 months, experienced abusive and degrading conduct by his supervisor, including an incident of physical violence.

The court in *Osmani* outlined that, to succeed, a victim must prove that the perpetrator exercised control or influence over their movements for the purpose of exploitation. In *Osmani*, the judge found that while the supervisor exercised control over certain tasks, the evidence did not establish that this control was for the purpose of exploitation.<sup>36</sup> As a result, Osmani's claim under the tort of human trafficking was dismissed, though he received damages for assault, battery, Human Rights Code violations, and wrongful dismissal. This case is an illustration that the threshold for proving exploitation under Ontario's tort of human trafficking is very high, which continues to create limitations to victims' ability to access civil remedies and compensation under civil lawsuits.

**Recommended Question:**

4. Given the high threshold for civil claims under the tort of human trafficking, which limits survivors' ability to obtain compensation, what steps will the State party take to ensure victims of human trafficking have access to timely and adequate compensation? How will the Government standardize access to compensation across all Canadian jurisdictions to prevent survivors from being left without redress?

**Recommendation:**

- Canada should consider establishing a federal victim compensation fund that provides direct, guaranteed compensation to victims of human trafficking, ensuring timely and equitable access regardless of the jurisdiction or the challenges in pursuing civil claims.

## **D. Rehabilitation**

### **Provincial and Territorial Victim Service Programs**

Canada currently has no federal victim rehabilitation program and instead relies on provincial and territorial services to fill the role. Some provinces have specialized initiatives, such as **Ontario's** Free Legal Support Program for Human Trafficking Survivors, while others provide more limited or differently focused support.<sup>37</sup> For example, **Manitoba's** Tracia's Trust primarily focuses on victims of sexual exploitation, leaving gaps in support for victims of labour trafficking.<sup>38</sup> In **British Columbia**, programs such as VictimLinkBC and the Victim Safety Unit provide general victim support but are not specific to human

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<sup>35</sup> Anti-Human Trafficking Act, *supra* note 33.

<sup>36</sup> *Osmani*, *supra* note 34 at para 369.

<sup>37</sup> Department of Justice Canada, "Victim Services in the Provinces and Territories", 20 December 2024 [Provincial Victim Services], at <https://www.justice.gc.ca/eng/rp-pr/jr/vsc-savc/servicespt.html> (last visited 7 December 2025).

<sup>38</sup> Government of Manitoba, "Tracia's Trust: Manitoba Sexual Exploitation Strategy", at <https://www.gov.mb.ca/fs/traciastrust/index.html#> (last visited 7 December 2025).

trafficking.<sup>39</sup> As a result, access to specialized rehabilitation services depends largely on location, and many survivors struggle to obtain support suited to their particular experiences and recovery needs.

#### Victims of Trafficking in Persons Temporary Resident Permits

Another form of rehabilitation support for victims of human trafficking is the issuance of temporary resident permits (TRPs) under the *Immigration and Refugee Protection Act*.<sup>40</sup> TRPs grant temporary immigration status for at least 12 months, provide access to work or study permits, and allow access to health-care coverage.<sup>41</sup> According to Public Safety Canada, 81 TRPs were issued to victims and their dependents from 2021 to 2022, rising to 166 in 2022–2023.<sup>42</sup> While this increase suggests growing use of the mechanism, the relatively small number of permits issued compared with the estimated prevalence of trafficking indicates that access to this protection remains limited.

#### Open Work Permit for Vulnerable Workers

Migrant workers make up a significant portion of Canada's labour force, accounting for 18% of labourers in the agriculture sector and 10% in the accommodation and food-services sector in 2021.<sup>43</sup> A significant portion of these workers arrive in Canada under the Temporary Foreign Workers Program (TFWP).<sup>44</sup> Permits issued under the TFWP are employer-specific ("closed") work permits, tying a foreign national's immigration status to a single employer, thereby making it difficult to leave an exploitative employer without risking their livelihood or legal status.<sup>45</sup> Changing employers requires a new work

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<sup>39</sup> Provincial Victim Services, *supra* note 37.

<sup>40</sup> Government of Canada, "Protection and assistance for victims of human trafficking", 4 February 2025, at <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/protection-assistance-victims-human-trafficking.html> (last visited 7 December 2025).

<sup>41</sup> Government of Canada, "Protection and assistance for victims of human trafficking", 4 February 2025, at <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/protection-assistance-victims-human-trafficking.html> (last visited 7 December 2025).

<sup>42</sup> Public Safety Canada, "National Strategy to Combat Human Trafficking 2021–2023 Report", 23 May 2024, at <https://www.publicsafety.gc.ca/cnt/rsrcs/pblictns/2024-2021-23-nscht-snltcp/index-en.aspx?wbdisable=true#:~:text=share%20valuable%20information.-,Protecting%20foreign%20nationals,the%20government%20confidential%20tip%20line> (last visited 7 December 2025).

<sup>43</sup> Yuqian Lu & Feng Hou, "Foreign workers in Canada: Industry retention after transitioning to permanent residency among work permit holders for work purposes" (27 November 2024), online: Statistics Canada <https://www150.statcan.gc.ca/n1/pub/36-28-0001/2024011/article/00002-eng.htm>.

<sup>44</sup> Statistics Canada, *Temporary Foreign Workers in Canada, explained* (28 November 2024) (web page), online: <https://www.statcan.gc.ca/o1/en/plus/7457-temporary-foreign-workers-canada-explained>; House of Commons, Standing Committee on Citizenship and Immigration, *Conditions for Growth: Reconsidering Closed Work Permits in the Temporary Foreign Workers Program (21st Report, 44th Parliament, 1st Session)* (November 2024) [CIMM Conditions for Growth] at 13-15 online:

<https://www.ourcommons.ca/Content/Committee/441/CIMM/Reports/RP1339994/cimmrp21/cimmrp21-e.pdf>.

<sup>45</sup> Canada, *Canada Gazette*, Part II, Vol 153, No 11, SOR/DORS 148 (29 May 2019), [Regulations Amending the IRPA], online: Canada Gazette <https://gazette.gc.ca/rp-pr/p2/2019/2019-05-29/html/sor-dors148-eng.html>; Immigration, Refugees and Citizenship Canada, "Temporary Workers" (11 September 2025), online: Government of Canada <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/transition-binders/minister-2025-05/temporary-workers.html> (last accessed 1 February 2026).

permit,<sup>46</sup> and in most cases, the new employer must hold a Labour Market Impact Assessment (LMIA), which is a document issued by Employment and Social Development Canada to confirm a need for hiring a temporary foreign worker.<sup>47</sup> Critics have consistently argued that the mobility restrictions of closed work permits make temporary foreign workers more vulnerable to abuse.<sup>48</sup> In 2023, the UN Special Rapporteur on contemporary forms of slavery described the agricultural and low-wage streams of the TFWP as “*a breeding ground for contemporary forms of slavery.*”<sup>49</sup>

Migrant workers experiencing abuse may apply for an Open Work Permit for Vulnerable Workers (OWP-VW), which allows them to work for almost any employer in Canada while applying for a new work permit.<sup>50</sup> While helpful, OWP-VWs are limited in their remedial potential: workers must remain with their abusive employer or survive without employment while waiting for the permit<sup>51</sup>; the permits are temporary and non-renewable; and applicants must provide evidence of abuse, which can be difficult for those under strict control or with limited documentation.<sup>52</sup> Further, language barriers of the workers, and the complexity of the application process further hinder access.<sup>53</sup>

**Recommended Questions:**

5. What steps will the State party take to strengthen and ensure sufficient and accessible rehabilitation support for survivors of human trafficking across Canada?
6. What measures will the State party implement to protect temporary residents and migrant workers from exploitation and trafficking, including addressing the limitations of employer-specific work permits, and providing safe, practical avenues for victims to leave abusive employment?

<sup>46</sup> Regulations Amending the IRPA, *supra* note 45.

<sup>47</sup> Immigration, Refugees and Citizenship Canada, “Find out if you need a labour market impact assessment”, online: Government of Canada <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/hire-temporary-foreign/find-need-labour-market-impact-assessment.html#do you nedd LMIA> (last accessed 1 February 2026).

<sup>48</sup> CMM Conditions for Growth, *supra* note 44 at 7; House of Commons, Standing Committee on Citizenship and Immigration, *Immigration Programs to Meet Labour Market Needs* (June 2021) (8th Report, 43rd Parliament, 2nd Session) at 30-35, online:

<https://www.ourcommons.ca/Content/Committee/432/CIMM/Reports/RP11425133/cimmrp08/cimmrp08-e.pdf>.

<sup>49</sup> Tomoya Obokata, Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, *End of Mission Statement* (6 September 2023), online: Office of the United Nations High Commissioner for Human Rights

<https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/statements/eom-statement-canada-sr-slavery-2023-09-06.pdf> (last accessed 1 December 2026).

<sup>50</sup> *Immigration and Refugee Protection Regulations*, SOR/2002-227, s 207.1.

<sup>51</sup> Immigration, Refugees and Citizenship Canada, “After you apply — Open work permit for vulnerable workers” (online: Government of Canada <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/special-instructions/vulnerable-workers/after-apply.html>).

<sup>52</sup> *Ibid.*

<sup>53</sup> CMM Conditions for Growth, *supra* note 44 at 40-41.

**Recommendation:**

- The Government of Canada should consider establishing a nationwide rehabilitation program for survivors of human trafficking to ensure consistent, sufficient, and accessible support across all jurisdictions.
- The Government of Canada should take all necessary steps to reduce the vulnerability of temporary foreign workers, including by addressing the limitations of employer-specific work permits.
- The Government of Canada could also extend the duration of temporary resident permits (TRPs) and open work permits for vulnerable workers (OWP-VWs) to provide victims of human trafficking with longer-term stability and access to sufficient rehabilitation and support services.

*Provincial and Territorial Protections from Coerced Debts*

For many survivors of human trafficking, coerced or fraudulent debt is a significant barrier to rehabilitation. Coerced debt refers to all “*non-consensual credit-related transactions that occur within an abusive relationship.*”<sup>54</sup> Many trafficked individuals are either forced to take out loans while being exploited, or their traffickers accrue debt under their name and identity – often to cover expenses associated with the trafficking activity.<sup>55</sup> According to Victim Services Toronto (VST), at least one in four human trafficking survivors has coerced or fraudulent debt tied to their name,<sup>56</sup> with an average of \$20,000 in debt.<sup>57</sup> Unpaid debts negatively impact the credit scores of survivors, hampering their ability to secure employment, rent housing, and access financial loans to rebuild their lives.<sup>58</sup>

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<sup>54</sup> Canadian Centre to End Human Trafficking, “Coerced debt: the financial abuse of survivors of human trafficking in Canada” (10 September 2020), [CCTEHT Coerced Debt], online: Canadian Centre to End Human Trafficking <https://www.canadiancentretoendhumantrafficking.ca/coerced-debt-the-financial-abuse-of-survivors-of-human-trafficking-in-canada/> (last accessed 1 February 2026).

<sup>55</sup> Canadian Centre for Women’s Empowerment, “What is Coerced Debt?” (online: Canadian Centre for Women’s Empowerment <https://ccfwe.org/what-is-coerced-debt/> (last accessed 1 February 2026)); Sawyer Bogdan, “‘Low Risk, High Reward’: How Sex Traffickers Use Coercive Debt to Exploit Survivors” (10 November 2024) [Global News], online: Global News <https://globalnews.ca/news/10856864/canada-sex-trafficking-financial-debt/>.

<sup>56</sup> Global News, *supra* note 55.

<sup>57</sup> Victim Services Toronto, *Annual Report 2023-2024* (2023-24) [VST Annual Report 2023-24], at 15, online: Victim Services Toronto <https://report.victimservicestoronto.com/2023/VST2402-AnnualReport.pdf> (last accessed 2 February 2026).

<sup>58</sup> See Global News, *supra* note 55; Legislative Assembly of Ontario, Official Report of Debates (Hansard), Standing Committee on Justice Policy, *Protection from Coerced Debts Incurred in relation to Human Trafficking Act, 2023* (10 July 2023) (1st Sess, 43rd Parl) [Ontario Hansard], online: Legislative Assembly of Ontario [https://www.ola.org/sites/default/files/node-files/hansard/document/pdf/2023/2023-07/10-JUL-2023\\_JP017.pdf](https://www.ola.org/sites/default/files/node-files/hansard/document/pdf/2023/2023-07/10-JUL-2023_JP017.pdf) (last accessed 1 February 2026); CCTEHT Coerced Debt, *supra* note 54.

In 2023, **Ontario** passed Bill 41 to amend the *Consumer Reporting Act* to prevent the inclusion of coerced debt in consumer reports of information.<sup>59</sup> Bill 41 also amended the *Prevention of and Remedies for Human Trafficking Act* to prohibit creditors from collecting coerced debts or considering them when extending credit to the debtor.<sup>60</sup> Effectively, Bill 41 creates a mechanism to expunge coerced debts. However, the responsible Minister must pass regulations to operationalize the process that allows victims to access the debt protections set out in the statute. For example, the Minister must create regulations that prescribe the criteria that must be satisfied for a debtor to establish that their debt was coerced.<sup>61</sup> To date, the Ontario government has not passed these supporting regulations, absent which Bill 41 is not fully operational.<sup>62</sup>

**Saskatchewan** has introduced similar legislation to protect individuals from coerced debts. The *Protection from Human Trafficking (Coerced Debts) Amendment Act (2023)* amends existing legislation and creates a process for survivors of human trafficking to apply for a certificate confirming the history of debts incurred as a result of trafficking.<sup>63</sup> Once a survivor has a certificate, lenders are prohibited from considering any coerced debt in their decision to extend credit to the survivor. Additionally, credit reporting agencies are prohibited from including information on the coerced debt in the survivor's credit report.

The legislative measures in **Ontario** and **Saskatchewan** have the potential to address financial abuse associated with human trafficking. However, like other reparative measures in Canada, these protections are uneven and not standardized across Canada. Other provinces still lack a robust strategy for addressing coercive or trafficking-related debts.<sup>64</sup> Canada must therefore ensure that all survivors have access to timely and effective relief from debts incurred as a result of trafficking.

**Recommended Question:**

7. Provinces such as Ontario and Saskatchewan have adopted measures to protect survivors of human trafficking from coerced or fraudulent debts, while other provinces have not. What

<sup>59</sup> *Protection from Coerced Debts Incurred in relation to Human Trafficking Act*, 2023, S.O. 2023, c 16; *Prevention of and Remedies for Human Trafficking Act*, 2017, S.O. 2017, c 12, Sch 2, s 9(3)(b.1).

<sup>60</sup> *Prevention of and Remedies for Human Trafficking Act*, 2017, S.O. 2017, c 12, Sch 2, ss 19 and 20.

<sup>61</sup> *Ibid* s 22.

<sup>62</sup> Kieran Moloney, Sam Billard & Calvin Horsten, "Lenders Take Note: Consultations Set to Begin on Ontario's New Coerced Debt Legislation" (17 June 2025), online: Aird & Berlis LLP <https://www.airdberlis.com/insights/publications/publication/lenders-take-note--consultations-set-to-begin-on-ontario-s-new-coerced-debt-legislation> (last accessed 1 February 2026); the authors acknowledge that the Ontario government proposed to proceed with consultations on regulations to support the implementation of Bill 41.

<sup>63</sup> Government of Saskatchewan, "Government Introduces New Protections for Human Trafficking Victims" (23 November 2023), online: Government of Saskatchewan <https://www.saskatchewan.ca/government/news-and-media/2023/november/23/government-introduces-new-protections-for-human-trafficking-survivors> (last accessed 1 February 2026).

<sup>64</sup> Global News, *supra* note 55.

steps will the State party take to ensure consistent and effective protection across Canada against debts incurred through coercion or fraud in the context of human trafficking?

**Recommendation:**

The Government of Canada should establish a **nationwide legal framework** to provide automatic or accessible cancellation, suspension, or relief from debts incurred as a direct result of human trafficking, and to ensure survivors are protected from enforcement actions related to such debts across all jurisdictions.

## **Acknowledgements**

### **Institutional information of the organizations submitting this report**

#### **International Justice & Human Rights Clinic Peter A. Allard School of Law, University of British Columbia**

The International Justice & Human Rights Clinic (“IJHRC”) is a legal clinic for upper-level law students at the Peter A. Allard School of Law, University of British Columbia, Canada. The clinic addresses pressing human rights and global justice issues through hands-on work on international cases and projects.

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### **Credits and acknowledgements**

Samantha Bockhold, clinician at the International Justice & Human Rights Clinic, Peter A. Allard School of Law, University of British Columbia, contributed to the research, drafting, and review of this submission to the UN Human Rights Committee. This submission draws largely on research and analysis developed by clinician Elizabeth Laplante and adapted for the purposes of this submission. The submission was reviewed and edited by IJHRC Research Associate Vannie Lau.

This report reflects the views of the individual authors and should not be attributed to other parties. The report does not represent the official position of the Peter A. Allard School of Law or the University of British Columbia.