

**Comment on immigration amendments in C-10 (omnibus crime bill): trafficking in persons**

Bill C-10, the omnibus crime bill introduced September 20, 2011, includes amendments to the *Immigration and Refugee Protection Act*. These amendments would give immigration officials the power to deny a work permit to applicants overseas, on the basis that they might be exploited in Canada.

The Canadian Council for Refugees opposes these amendments.

The approach is condescending and moralistic. The amendments empower visa officers to decide which women should be kept out of Canada for their own good. They fail to protect the rights of trafficked persons already here in Canada.

Exploitative jobs should not be on offer.

The amendments do not address the root problem with the existence in Canada of jobs that humiliate and degrade workers. Work permits are issued to individuals by visa officers after the employer's job offer has been validated by Human Resources and Social Development Canada. The backgrounder refers to exotic dancers and low-skilled labourers, and suggests that they might be vulnerable to humiliating and degrading treatment. Why are job offers approved by the government if the work may humiliate and degrade workers?

Excluding women is not protecting them.

The bill proposes to address the problem of exploitation by excluding people, mostly women, from Canada. It is demeaning for women to have a visa officer decide that they should be kept out of Canada for their own protection.

Failure to protect the most vulnerable.

The bill fails to address the situation of the most vulnerable of exploited non-citizens: those who have no valid work permit. In fact, closing the door on valid work permits may expose women to greater vulnerability, by forcing them underground.

A moralistic approach.

The government's focus on strippers betrays a moralistic approach. Instead of passing moral judgment, the government should work on ensuring that non-citizens' rights are protected and that they have the freedom to make informed choices about their own lives.

Responsibility to protect and assist trafficked persons.

Canada is a signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. One of the purposes of the protocol is to protect and assist the victims of trafficking in persons, "with full respect for their human rights". In line with this

protocol, Canada must take more concrete action than simply refusing a work permit, if there is evidence of trafficking. Action should be taken to refer the woman to the appropriate local institutions or authorities for her protection and to promote the prosecution of the criminals involved.

The law needs to be amended to protect trafficked persons

Instead of amending the law to deny rights to women who may or may not be vulnerable to trafficking, we should change the law to ensure protection for trafficked persons.

Currently, non-citizen women, children and men who are trafficked into or within Canada often fall between the cracks in the system. Detained and deported, they may be treated more as criminals than as victims of a crime.

Legislative amendment is needed to bring a permanent and fundamental change in policy so that trafficked persons in Canada are protected. The Canadian Council for Refugees has developed a specific proposal for legislative amendment to protect trafficked persons:

<http://ccrweb.ca/en/proposal-legislative-amendment-protect-trafficked-persons>.

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