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CANADA

# **A GLOBAL FIGHT: SUPPORTING EFFORTS TO ADDRESS SEX TRAFFICKING IN SOUTH ASIA**

**Report of the Standing Committee on Foreign Affairs  
and International Development**

**The Honourable Robert D. Nault, Chair**

**Subcommittee on International Human Rights**

**Michael Levitt, Chair**

**FEBRUARY 2018  
42<sup>nd</sup> PARLIAMENT, 1<sup>st</sup> SESSION**

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### **Reports from committee presented to the House of Commons**

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

To assist the reader:

A glossary of terms used in this report is available on page 43

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# **THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT**

has the honour to present its

## **FIFTEENTH REPORT**

Pursuant to the motion adopted by the Standing Committee on Foreign Affairs and International Development on Thursday, February 4, 2016, and the motion adopted by the Subcommittee on Thursday, June 16, 2016, the Subcommittee has studied human trafficking in South Asia.

Your Committee has adopted the report, which reads as follows:



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## SUMMARY

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Human trafficking for the purposes of commercial sexual exploitation (sex trafficking) is universally acknowledged as an abhorrent violation of fundamental human rights; yet the phenomenon continues to be a pervasive problem and is present in all countries, including Canada. The Subcommittee on International Human Rights of the House of Commons Committee on Foreign Affairs and International Development (the Subcommittee) undertook a study on sex trafficking in South Asia, a region in which sex trafficking is particularly prevalent. The Subcommittee's study focused on six South Asian countries: Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka.<sup>1</sup> The purpose of this study was to identify measures to combat sex trafficking that the Government of Canada may incorporate in its initiatives in the region. Witness testimony during the study focused in particular on India, which has the largest number of victims of sex trafficking in South Asia in absolute terms. This fact combined with India's regional influence makes understanding the Indian experience central to combating sex trafficking in South Asia as a whole.

This report begins by relaying witness testimony describing the nature, shape and size of sex trafficking networks, which range in scale from local to national, intraregional and international. The discussion then turns to select drivers of sex trafficking, including poverty and inequality, culture and social practices, humanitarian crises, public sector corruption and private sector complicity.

The report focuses on two particular areas for action: addressing significant information gaps which are currently hindering the global fight against sex trafficking, and identifying potentially fruitful partnerships at the international and national levels, as well as with non-governmental organizations (NGOs).

The Subcommittee learned that NGOs and state-level actors working towards the elimination of sex trafficking use different definitions and divergent methods of data collection. Witnesses regularly noted that there was a distinct lack of reliable information. Information on sex trafficking was not consistently disaggregated from more widely available information on human trafficking or modern slavery. The challenge this poses is compounded by the reality that sex trafficking is under-reported due to victims' fears of being stigmatized or prosecuted. The transnational nature of trafficking combined with South Asian states' limited capacity to detect and profile

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1 The Subcommittee based its study on the six countries on which the South Asia bureau of the United Nations Office on Drugs and Crime (UNODC) is focused.

victims and offenders, and to monitor trends, further add to this difficulty. With this in mind, this report then addresses the legislative frameworks in place in South Asia, and challenges in implementing these frameworks.

This report also relays witness testimony regarding potential partners whose cooperation can help to achieve meaningful progress in the fight against sex trafficking in South Asia. This includes discussion of relevant multilateral organizations, opportunities for partnership through Canada's existing bilateral development programming, and NGOs already working at the grassroots level on the prevention of sex trafficking and the rescue and rehabilitation of survivors of sex trafficking.

In light of the testimony received during the course of this study, the Subcommittee makes four recommendations to the Government of Canada. These recommendations are mutually reinforcing, and can be implemented in concert with one another. The first recommendation addresses government corruption and its impact on sex trafficking. The second covers data collection and enhancing detection capacity by supporting law enforcement and creating the conditions for sex trafficking victims and survivors to come forward. The Subcommittee also recommends that the Government of Canada include the fight against sex trafficking in South Asia as a development goal and a priority in bilateral relations. Finally, the Subcommittee recommends that the Government of Canada provide concrete support to NGOs working to eliminate sex trafficking in South Asia and to protect and rehabilitate victims and survivors of sex trafficking. Ultimately, these recommendations represent only a starting point to support South Asian governments and NGOs working to address the injustice of sex trafficking in South Asia.

## LIST OF RECOMMENDATIONS

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*As a result of their deliberations, committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.*

### **Recommendation 1: Combating corruption in the fight against sex trafficking in South Asia**

**That the Government of Canada use all means to encourage South Asian states to implement their obligations under the UN *Convention Against Corruption*, and to address the impact of corruption on existing national anti-trafficking initiatives. .... 20**

### **Recommendation 2: Enhancing data collection and detection capacity to hold perpetrators accountable and protect survivors**

**That the Government of Canada provide concrete support to regional efforts to collect evidence and information on the nature of sex trafficking across South Asia, with a focus on enhancing investigations and prosecutions of crimes related to sex trafficking, while protecting victims and survivors. .... 29**

### **Recommendation 3: Including the prevention of sex trafficking as a development goal and a priority in bilateral relations in the region**

**That the Government of Canada make reducing women and girls' vulnerability to human trafficking – and commercial sex trafficking in particular – a specific goal in its bilateral relations within the region and a metric through which to evaluate its international assistance policy and programming..... 35**

### **Recommendation 4: Providing concrete support to NGOs working to eliminate sex trafficking and to rehabilitate survivors**

**That the Government of Canada prioritize support for non-governmental organizations working towards preventing sex trafficking and rehabilitating survivors in South Asia in its international assistance programming. Further, the Government of Canada should encourage those organizations with appropriate expertise to expand programming related to the prevention of sex trafficking and the rehabilitation of victims and survivors. .... 41**







# A GLOBAL FIGHT: SUPPORTING EFFORTS TO ADDRESS SEX TRAFFICKING IN SOUTH ASIA

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## INTRODUCTION

Human trafficking for the purposes of commercial sexual exploitation (sex trafficking) is a crime and a violation of fundamental human rights; yet the phenomenon persists across the globe, including in Canada. Over the course of four meetings held in May and June of 2017,<sup>1</sup> the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (the Subcommittee) heard testimony on sex trafficking in South Asia.<sup>2</sup> The following witnesses appeared before the Subcommittee: Mr. David Drake and Mr. Robert McDougall of Global Affairs Canada (GAC); Dr. Nipa Banerjee, subject-matter expert and professor at the University of Ottawa; Mr. Dipesh Tank of the Rescue Foundation, an Indian non-governmental organization (NGO) working towards the rescue of trafficked girls and women; Mr. Joshy Jose of *Breakthrough*, an Indian NGO working to promote women’s empowerment; and Mr. David Matas, counsel for Beyond Borders ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) Canada, which works towards combating the sexual exploitation of children across the world. The Subcommittee also received a brief from Mr. Sergey Kapinos, Representative of the Regional Office for South Asia of the United Nations (UN) Office on Drugs and Crime (UNODC), the UN agency responsible for transnational organized crime, including sex trafficking.

According to Dr. Banerjee, “[e]xploitation is the overarching theme that subsumes all forms of human trafficking.”<sup>3</sup> The [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#) (the Palermo Protocol), to which Canada is a party,<sup>4</sup> defines trafficking in persons as the recruitment, transportation, transfer,

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1 Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development [SDIR], [Meetings](#).

2 SDIR, [Minutes](#), 1 June 2017.

3 Dr. Nipa Banerjee, *Stop the Traffic: Human Trafficking – Illegal Trade of Humans for Commercial Gain*, July 2017 [Banerjee, *Brief*], p. 4.

4 UN Treaty Collection, [“Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,” Status of Treaties.](#)



harbouring or receipt of an individual for the purpose of exploitation, by threat or use of force, coercion, abduction, fraud, abuse of power, or by purchase from a person having control over the individual. By this definition, forms of exploitation can include, but are not limited to, forced labour, slavery, servitude, sexual exploitation or the removal of organs.<sup>5</sup> Human trafficking affects children and adults made vulnerable to exploitation in myriad ways, including through the circumstances of their birth, a lack of opportunities, or by the effects of conflict or environmental disaster.<sup>6</sup> The Palermo Protocol specifies that trafficking in children should be criminalized regardless of whether it involved coercion, abduction, fraud, abuse of power or purchase from another person having control.<sup>7</sup>

Sex trafficking disproportionately affects girls and women.<sup>8</sup> In Dr. Banerjee's assessment, the trafficking of women for commercial sex work is one of "the worst forms of exploitation" in South Asia.<sup>9</sup> According to Mr. McDougall, the Government of Canada has focused on the promotion of gender equality and the empowerment of women in its international assistance programs.<sup>10</sup>

The Subcommittee focused its study on the six countries under the mandate of the South Asia bureau of the UNODC – Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka.<sup>11</sup> South Asia is home to one-fifth of the world's population and has countries which are source, transit and destination countries for human trafficking. South Asia has the greatest prevalence of non-consensual exploitation globally – meaning that exploitation is induced by an element of coercion, fraud or deception. This stands in contrast to situations where individuals accept exploitative working conditions due to a lack of alternatives.<sup>12</sup> Despite their differing historical and cultural contexts, the dynamics of human trafficking follow a similar pattern across the South Asian countries studied.<sup>13</sup> South Asian countries share some of the primary drivers of human trafficking:

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5 UN Office of the High Commissioner for Human Rights, [\*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime\*](#), 15 November 2000 [*Palermo Protocol*], Art. 3.

6 SDIR, [\*Evidence\*](#), 6 June 2017, 1325 (Banerjee).

7 [\*Palermo Protocol\*](#), Arts. 3(c) and (d).

8 SDIR, [\*Evidence\*](#), 4 May 2017, 1310 (McDougall); SDIR, [\*Evidence\*](#), 20 June 2017, 1315 (Matas).

9 Banerjee, *Brief*, p. 8.

10 SDIR, [\*Evidence\*](#), 4 May 2017, 1310 (McDougall).

11 UN Office on Drugs and Crime [UNODC], [\*South Asia\*](#). These six countries are referred to collectively as South Asia in this report.

12 Banerjee, *Brief*, p. 4.

13 *Ibid.*, pp. 13-14.

socio-economic inequality; intense migratory flows, including across porous borders; corruption; weak judicial and law enforcement capacities; and culturally sanctioned discrimination against women.<sup>14</sup>

South Asian countries have all recently made tangible efforts to combat human trafficking and sex trafficking in particular. According to the United States (U.S.) Department of State's *Trafficking in Persons Report 2017* (TIP Report), all six South Asian countries studied by the Subcommittee do "not fully meet the minimum standards for the elimination of trafficking; however, [they] are making significant efforts to do so."<sup>15</sup> The Subcommittee learned that across South Asia, and in India in particular, a vibrant community of grassroots civil society organizations is dedicated to ending sex trafficking and to protecting and rehabilitating survivors.<sup>16</sup>

A large proportion of witness testimony focused on India. India is a source, destination and transit country for sex trafficking,<sup>17</sup> and, in absolute terms, has the largest number of sex trafficking victims in South Asia.<sup>18</sup> Given India's regional influence, the proliferation of Indian NGOs dedicated to ending sex trafficking and protecting its victims, as well as India's ongoing law enforcement and legislative efforts, the Subcommittee acknowledges that understanding the lessons learned through the Indian experience is central to advancing the fight against sex trafficking in the region as a whole.

Sex trafficking is an international human rights issue; it is also a crime. Canada and South Asian states have prohibited sexual exploitation under domestic criminal law. International conventions such as the UN *Convention on Transnational Organized Crime* (UNTOC) and the Palermo Protocol, as well as regional conventions such as the South Asian Association for Regional Cooperation (SAARC)'s 2002 *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* (the SAARC Convention), have led to more targeted and comprehensive approaches to preventing

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14 Sergey Kapinos, UNODC, *Brief on Human Trafficking & Smuggling of Migrants in South Asia*, July 2017 [Kapinos, *Brief*], p. 2; SDIR, *Evidence*, 6 June 2017, 1310 (Banerjee).

15 United States [U.S.] Department of State, "Bangladesh," *Trafficking in Persons Report 2017*, p. 80; U.S. Department of State, "Bhutan," *Trafficking in Persons Report 2017*, p. 90; US Department of State, "India," *Trafficking in Persons Report 2017*, p. 205; U.S. Department of State, "Maldives," *Trafficking in Persons Report 2017*, p. 267; U.S. Department of State, "Nepal," *Trafficking in Persons Report 2017*, p. 294; U.S. Department of State, "Sri Lanka," *Trafficking in Persons Report 2017*, p. 369.

16 SDIR, *Evidence*, 4 May 2017, 1330 (Drake); Kapinos, *Brief*, p. 7; SDIR, *Evidence*, 6 June 2017, 1330 (Banerjee).

17 Kapinos, *Brief*, p. 4.

18 Banerjee, *Brief*, p. 6.



and prosecuting human trafficking and sex trafficking in particular, as well as protecting trafficked persons, within national systems.<sup>19</sup>

International human rights instruments require states to protect their citizens from sexual exploitation. The UN *Convention for the Elimination of Discrimination Against Women* (CEDAW) and the UN *Convention on the Rights of the Child* (CRC) require state parties to take all appropriate measures to suppress the traffic, exploitation and prostitution of women,<sup>20</sup> and to protect children from all forms of sexual exploitation, respectively.<sup>21</sup> Canada and the South Asian states studied are all party to the CEDAW<sup>22</sup> and the CRC.<sup>23</sup>

Guided by international guidelines and obligations, the Government of Canada currently takes a multi-pronged approach to combating human trafficking nationally and internationally. This approach includes:

**Prevention:** preventing and combating trafficking in persons, paying particular attention to women and children;

**Protection:** protecting and assisting victims of human trafficking, with full respect for their human rights;

**Prosecution:** criminalizing and adopting legislative and other measures to prosecute offenders; and

**Partnership:** creating collaborative partnerships in all regions to address human trafficking on a global scale.<sup>24</sup>

At the outset of this study, Mr. McDougall emphasized the fight against human trafficking “will remain a priority for Canada globally.”<sup>25</sup> Mr. McDougall stated that the Government of Canada is alert to opportunities to collaborate with foreign governments

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19 UNODC, *Global Report on Trafficking in Persons 2016*, p. 111.

20 UN, *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, Art. 6.

21 UN, *Convention on the Rights of the Child*, 20 November 1989, Art. 34.

22 UN Treaty Collection, “*Convention on the Elimination of All Forms of Discrimination Against Women*,” *Status of Treaties*.

23 UN Treaty Collection, “*Convention on the Rights of the Child*,” *Status of Treaties*.

24 SDIR, *Evidence*, 4 May 2017, 1310 (McDougall); Global Affairs Canada, *Human Trafficking and Migrant Smuggling*, 29 November 2016; *Palermo Protocol*, Arts. 2 & 5. See also: U.S. Department of State Office to Monitor and Prevent Trafficking in Persons, *3Ps: Prosecution, Protection, and Prevention*.

25 SDIR, *Evidence*, 4 May 2017, 1315 (McDougall).

and civil society partners.<sup>26</sup> GAC officials acknowledged that sex trafficking is too complex to be combated on a single front: “It’s a matter of priorities and having too many things we could be doing to help and not being able to help all of them.”<sup>27</sup> Given the pervasiveness and complexity of human trafficking, Mr. McDougall concluded that “more needs to be done.”<sup>28</sup>

This report focuses on two particular areas for action: addressing significant information gaps which are currently hindering the global fight against sex trafficking, and identifying potentially fruitful partnerships at the international and national levels, as well as with NGOs. To underpin this discussion, this report begins by relaying witness testimony describing the nature, shape and size of sex trafficking networks, which range in scale from local to national, intraregional and international. Select drivers of sex trafficking, including poverty, cultural practices, humanitarian crises and corruption, are also highlighted. In light of testimony, the Subcommittee has made four recommendations to the Government of Canada on the matters of combating corruption, enhancing data collection and detection capacity, prioritizing the fight against sex trafficking in development aid and bilateral relations, and partnering with civil society in the fight against sex trafficking.

## TRAFFICKING FLOWS ACROSS SOUTH ASIA

Human trafficking for the purposes of sexual exploitation is a pervasive problem in South Asia. In the words of Dr. Banerjee:

... the dynamics of trafficking reach across the South Asia region, embracing all countries of the Subcommittee’s interest; and similarities of patterns are clear, despite different historical and cultural contexts.<sup>29</sup>

According to the UNODC, 88% of detected victims in South Asia are trafficked domestically, while 8% are trafficked across borders within South Asia, facilitated by the open and porous borders between some neighboring South Asian countries.<sup>30</sup> Less than 5% of reported trafficking cases include persons brought to North America from South Asia.<sup>31</sup> These statistics are based on a UNODC “elaboration of national data,” and as a

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26 Ibid.

27 Ibid., 1345.

28 Ibid., 1315.

29 Banerjee, *Brief*, p. 12.

30 Ibid., p. 2; UNODC, *Global Report on Trafficking in Persons 2016*, December 2016, p. 110.

31 UNODC, *Global Report on Trafficking in Persons 2016*, December 2016, p. 111.



result may be interpreted, at least in part, as a reflection of detection capacity.<sup>32</sup> The 2016 *Global Slavery Index* includes India, Nepal and Bangladesh in its list of top 10 countries with the highest number of known trafficking victims.<sup>33</sup> Witnesses reported that forced labour is the most prevalent form of human trafficking, followed by forced sexual exploitation.<sup>34</sup> Men and boys are most commonly victims of forced labour in the region, while, as previously discussed, sex traffickers target mainly women and girls.<sup>35</sup>

Perhaps the most common occurrence of intraregional sex trafficking in South Asia is the movement of women and girls from Bangladesh and Nepal to brothels in India. People from South Asia are also frequently trafficked for all purposes to the Middle East.<sup>36</sup> Dr. Banerjee explained that the poorest countries in South Asia, such as Nepal and Bangladesh, tend to be the source countries. Meanwhile, the countries that are performing better economically, such as India, are more often destination countries for victims of trafficking.<sup>37</sup>

The Subcommittee learned that, in the case of India, most trafficking is conducted internally.<sup>38</sup> Mr. McDougall explained that this fact is partly due to India's large geographic and population size, stating: "India is one of those places that are so big it's like they have their own climate: it has its own human [trafficking] network."<sup>39</sup> Those most vulnerable to internal trafficking in India are from traditionally disadvantaged groups, such as low caste Dalits, members of tribal communities, religious minorities, and women and girls from excluded groups.<sup>40</sup> Women and girls are typically trafficked from poor, rural areas to brothels in larger, metropolitan cities like Mumbai and Delhi.<sup>41</sup> Mr. Tank informed the Subcommittee that the majority of internal human trafficking

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32 Ibid., pp. 110–111.

33 SDIR, [Evidence](#), 6 June 2017, 1310 (Banerjee).

34 SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall); Kapinos, *Brief*, p. 3, fn. 4. The UNODC reports that 85% of detected exploitation in South Asia is forced labour, while the remaining 15% is forced sexual exploitation.

35 SDIR, [Evidence](#), 20 June 2017, 1315 (Matas); SDIR, [Evidence](#), 13 June 2017, 1335 (Tank).

36 SDIR, [Evidence](#), 6 June 2017, 1305 (Banerjee).

37 Ibid., 1335.

38 SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall).

39 Ibid., 1335.

40 Ibid., 1305. The Dalits are a group of individuals outside the traditional caste system in India, which divides Hindus into rigid hierarchical groups. Dalits were traditionally viewed as being at the bottom of this social order and delegated to perform "menial" and "degrading" tasks. Despite the existence of laws protecting them, Dalits continue to endure segregation in housing, schools, and access to public services, and suffer significant discrimination: Dalit Solidarity, "[Dalits and Untouchability](#)," *Who We Are*.

41 SDIR, [Evidence](#), 13 June 2017, 1305 (Tank).

victims are trafficked from West Bengal state, while Rajasthan state is the number one source for girl victims of sex trafficking. Mr. Tank explained that the lack of economic opportunities in these states allows traffickers to lure vulnerable women and girls with false promises of employment or of a better life.<sup>42</sup>

Women and girls are also trafficked into or through India from countries such as Nepal, Bangladesh and Afghanistan.<sup>43</sup> Trafficking from Nepal and Bangladesh in particular is facilitated by the long and porous borders between the countries.<sup>44</sup> After the Nepal earthquakes of 2015, Nepali women were transited through India to be trafficked in the Middle East and Africa. Dr. Banerjee also referred to Bangladeshi victims being transited through India and subjected to trafficking elsewhere.<sup>45</sup> Indian men, women and children are also trafficked abroad for sexual exploitation and forced labour, to areas including Southeast Asia.<sup>46</sup>

In Nepal, women and girls are subjected to sex trafficking within the country, as well as in India and the Middle East. Internal trafficking in Nepal includes child sex tourism.<sup>47</sup> Mr. Kapinos noted that since the 2015 earthquakes, there has been a dramatic increase in human trafficking, especially in children.<sup>48</sup> Mr. McDougall explained that following the collapse of Nepal's economy after the earthquakes, "there was a major movement out of Nepal" whereby many workers – both voluntarily and involuntarily – traveled to India and the Middle East, particularly the Gulf States.<sup>49</sup> Nepali women and girls are being trafficked increasingly to China, South Korea, and Afghanistan.<sup>50</sup> Mr. Tank shared that the Rescue Foundation has seen a "massive decline" in the number of Nepalese women and girls from the sex trafficking victims it rescues in India, compared to 5 to 10 years ago.<sup>51</sup>

Bangladesh is a major country of origin for victims of human trafficking, especially for forced labour and commercial sexual exploitation. A large proportion of cross-border trafficking occurs when Bangladeshis migrate voluntarily in search of employment, with

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42 Ibid.

43 SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall).

44 Banerjee, *Brief*, p. 10.

45 Ibid.

46 Kapinos, *Brief*, p. 4.

47 Ibid., p. 6.

48 Ibid.

49 SDIR, [Evidence](#), 4 May 2017, 1335 (McDougall).

50 Kapinos, *Brief*, p. 6.

51 SDIR, [Evidence](#), 13 June 2017, 1335 (Tank).



the assistance of smugglers and middlemen who, according to Dr. Banerjee, “in all instances” deceive migrants about working conditions. Upon arrival, victims may be unpaid or poorly paid, are unprotected from sexual exploitation, and may later be trafficked.<sup>52</sup> According to Dr. Banerjee, the numbers of Bangladeshi women and children trafficked to India for commercial sexual exploitation “are large but precise figures are not available.”<sup>53</sup> The majority of trafficking flows from Bangladesh to India occur by land.<sup>54</sup> Dr. Banerjee described “human trafficking enclaves” that have been set up on both sides of the long and porous border between India and Bangladesh and serve as recruitment and collection centres of trafficked victims, indicating the presence of a sophisticated operation.<sup>55</sup>

Sri Lanka is a source for internal and transnational trafficking. Dr. Banerjee described internal human trafficking as a “major concern” in Sri Lanka, wherein men, women and children are trafficked for labour and commercial sexual exploitation, including domestic child sex tourism. Dr. Banerjee informed the Subcommittee that Sri Lanka serves, “to a much lesser extent,” as a destination for trafficked victims from Thailand, China and post-Soviet states for commercial sexual exploitation.<sup>56</sup>

The Subcommittee received relatively little testimony on sex trafficking in the Maldives and Bhutan. Regarding the Maldives, Dr. Banerjee explained that because its economic situation is better than that of other South Asian countries, it is primarily a destination country.<sup>57</sup> Maldivians are less vulnerable to trafficking as they are less likely to seek employment opportunities abroad and subsequently fall victim to traffickers.<sup>58</sup> Similarly, the Subcommittee learned that human trafficking is not as pervasive a problem in Bhutan. Dr. Banerjee emphasized that instances of human trafficking do occur within the country. Bhutanese children are internally trafficked for forced labour or prostitution. Girls working as domestic servants or entertainers in bars are particularly vulnerable to

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52 Banerjee, *Brief*, pp. 9-10.

53 *Ibid.*, p. 10.

54 Kapinos, *Brief*, p. 4.

55 Banerjee, *Brief*, p. 9.

56 Banerjee, *Brief*, p. 11. See also: Kapinos, *Brief*, p. 6.

57 SDIR, [Evidence](#), 6 June 2017, 1335 (Banerjee).

58 *Ibid.*



trafficking.<sup>59</sup> According to Dr. Banerjee, Bhutanese children are also trafficked to India for forced labour and sex work.<sup>60</sup>

## UNDERLYING CAUSES AND DRIVERS OF SEX TRAFFICKING

Human trafficking is primarily carried out by – and “thrives” on – organized criminal networks.<sup>61</sup> Globally, human trafficking generates approximately US\$150 billion in profits each year,<sup>62</sup> second only to drug trafficking.<sup>63</sup> In his testimony, Mr. Kapinos characterized the factors which allow organized crime – and sex trafficking – to thrive in South Asia as follows:

[South Asia] comprises socio-economic inequalities and intense internal migratory flows; the reality in many instances being open and porous borders between some countries of the region. Growing economies here, combined with corruption, juridical flaws [and] unequal law enforcement capacities offer opportunities for organised crime to thrive.<sup>64</sup>

Dr. Banerjee also identified “social exclusion” and “culturally sanctioned discrimination against women and resulting gender discrimination and gender violence” as “commonly identified factors promoting human trafficking.”<sup>65</sup> These factors will be discussed in further detail below.

### A Lack of Economic or Educational Opportunity

One of the main drivers of sex trafficking in South Asia is persistent poverty and unequal income distribution, particularly between rural and urban communities. Dr. Banerjee noted that the majority of trafficking victims come from the poorest segments of the population in South Asia. These segments include impoverished women, adolescents and children, especially those belonging to the lower castes and other excluded groups. With less access to education and employment, these individuals are more vulnerable to being trafficked while in search of opportunities to earn money.<sup>66</sup>

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59 Banerjee, *Brief*, p. 11.

60 *Ibid.*, p. 12.

61 *Ibid.*, p. 13; Kapinos, *Brief*, p. 2.

62 Banerjee, *Brief*, p. 6; Kapinos, *Brief*, p. 2.

63 Banerjee, *Brief*, p. 6.

64 Kapinos, *Brief*, p. 2.

65 SDIR, *Evidence*, 6 June 2017, 1310 (Banerjee).

66 *Ibid.*



Regarding the situation in India, Mr. Tank informed the Subcommittee that poverty was the “primary reason” for girls becoming victims of prostitution. The lack of opportunities in rural India makes women and girls vulnerable to being “fooled by traffickers and pimps in the hope of getting a better job and livelihood.”<sup>67</sup> Traffickers in India and other South Asian countries prey on these women and girls’ desperation, promising them a new life in the city then subjecting them to sexual exploitation.<sup>68</sup>

Witnesses such as Mr. McDougall recognized that some South Asian countries, particularly India, have experienced significant economic growth in recent years. However, Mr. McDougall added that India “still has an enormous population of extremely poor people who have enormous difficulty making ends meet.”<sup>69</sup> Therefore, the high numbers of human trafficking victims in India and elsewhere in South Asia can partly be explained by the large population of people living in poverty with “few other places to turn.”<sup>70</sup> This extreme poverty drives some families to sell their children into slavery, for example.<sup>71</sup>

Persistent poverty also leads to a lack of education and illiteracy among those affected.<sup>72</sup> This in turn makes impoverished people’s exposure to information on the dangers of trafficking less likely. As a result, those most vulnerable to trafficking are often unaware of its existence and more easily lured by traffickers’ false promises of lucrative employment.<sup>73</sup> Dr. Banerjee emphasized that raising literacy levels and providing access to education is important in preventing human trafficking and raising awareness of the problem.<sup>74</sup>

## Discrimination against Women and other Disadvantaged Groups

In order to address culture and social practices that promote trafficking, the Subcommittee heard that governments need to address and eliminate laws and policies that discriminate against women, minorities, and other disadvantaged groups.<sup>75</sup>

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67 SDIR, *Evidence*, 13 June 2017, 1305 (Tank).

68 Ibid.

69 SDIR, *Evidence*, 4 May 2017, 1340 (McDougall).

70 Ibid.

71 Ibid.

72 Banerjee, *Brief*, p. 14.

73 SDIR, *Evidence*, 6 June 2017, 1340 (Banerjee).

74 Ibid., 1345.

75 Banerjee, *Brief*, p. 14.

However, as stated by Mr. Tank, “laws will only get enforced if people, governments, authorities and police change their mindset.”<sup>76</sup> In other words, a general “cultural shift” in society is required.<sup>77</sup> This shift has already begun in South Asia. According to Mr. McDougall and Mr. Matas, the growth of India’s economy has been accompanied by a larger urban population and middle class, reducing the influence of anachronistic social norms prevalent in rural areas.<sup>78</sup> However, the Subcommittee learned that these cultural norms have deep historical roots and remain entrenched in many parts of South Asian society.<sup>79</sup> The marginalization of women and the caste system, a rigid social hierarchy, are discussed below.

### The Marginalization of Women

Witnesses testified that the pervasive marginalization of women drives sex trafficking in the region. According to Dr. Banerjee:

The consensus is that gender-based differences and attitudes play important roles in promoting both supply and demand of trafficking. From an analysis of the situation in South Asia, a conclusion can be drawn that [the] worst forms of exploitation [occur] in trafficking in women for commercial sex work and child labour.<sup>80</sup>

Dr. Banerjee also noted the “predominance of trafficking in women and girls for prostitution, forced marriages and bonded labour” as a vivid reflection of widespread discrimination against women in the region.<sup>81</sup> Gender discrimination makes women and girls more susceptible to trafficking for a variety of reasons. First, women and girls in the region often face heightened barriers to education and employment, increasing their susceptibility to poverty and consequently, being trafficked. Women from lower castes face these barriers in particular; social hierarchies will be discussed in further detail below. Second, gender discrimination results in women and girls being valued less in society. As a result, they are more likely to be sold by their impoverished families to traffickers, or forced to become bonded labourers to help repay their families’ debts.<sup>82</sup> Mr. Tank described the sale of girls who have reached puberty to individuals or brothels as a practice rising to the level of custom in some communities, though he did not

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76 SDIR, [Evidence](#), 13 June 2017, 1330 (Tank).

77 SDIR, [Evidence](#), 20 June 2017, 1335 (Matas).

78 Ibid., 1315; SDIR, [Evidence](#), 4 May 2017, 1325 (McDougall).

79 SDIR, [Evidence](#), 20 June 2017, 1345 (Matas); SDIR, [Evidence](#), 4 May 2017, 1325 (McDougall).

80 Banerjee, *Brief*, p. 8.

81 Ibid., p. 12.

82 Ibid.



specify the communities to which he was referring.<sup>83</sup> These practices are compounded by the fact that issues that affect predominately women and girls, such as sex trafficking, are less likely to receive sufficient attention compared to problems affecting men and boys.<sup>84</sup>

Women being seen as inferior to men has also led to a high rate of female feticide in parts of India, as reported by Mr. Jose. The Subcommittee learned that in Haryana, a state of India where Mr. Jose's organization, *Breakthrough*, works, there are many men who cannot find wives due to the prevalence of gender-biased sex selection and resulting skewed sex ratios. Some men have resorted to "buying" brides from poorer states such as Jharkhand, fuelling the trafficking of women and girls into forced marriages.<sup>85</sup>

Mr. Jose recounted the predominance of customary law over government-imposed law in many villages in India. Customary law, which is based on cultural norms, reinforces existing disadvantages for women. For example, according to Mr. Jose, under customary law, justice is achieved if a girl marries the man who raped her.<sup>86</sup> It was unclear to what extent traditional community leaders work with national authorities to counter trafficking.<sup>87</sup>

Mr. Tank informed the Subcommittee that cultural attitudes regarding gender have also contributed to a resigned acceptance of commercial sex trafficking among some communities. According to Mr. Tank:

...there is this understanding in [India] that red light areas and brothels are our need. If you go on the street to find out, they will tell you, yes, it's important because apparently it keeps the sexually frustrated men calm, so that they can go to the brothels and satisfy themselves.<sup>88</sup>

By contrast, women and girl victims of sex trafficking are often stigmatized.<sup>89</sup> Mr. Tank noted that compared to other causes, the cause of rescue and rehabilitation of these

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83 SDIR, [Evidence](#), 13 June 2017, 1315 (Tank).

84 Ibid., 1330.

85 Ibid., 1305–1310 (Jose).

86 Ibid., 1305.

87 Ibid., 1325.

88 Ibid., 1325 (Tank).

89 Ibid., 1305; SDIR, [Evidence](#), 6 June 2017, 1335 (Banerjee).

victims receives relatively little attention due to the stigma surrounding sex trafficking.<sup>90</sup> This stigma often prevents rescued victims from returning to their communities because of rejection from their families and communities or their own perceived shame and embarrassment.<sup>91</sup> Dr. Banerjee emphasized the importance of raising awareness among the educated, higher earning classes in order to increase activism on the issue of gender equality.<sup>92</sup>

### The Caste System

Witnesses identified the caste system as a cultural practice that contributes to the trafficking crisis in the region. Most countries in South Asia have some form of caste system that divides the population into rigid hierarchical groups, particularly in India.<sup>93</sup> The caste structure is particularly prevalent in communities that adhere to customary law.<sup>94</sup> Due to their position in society and the discrimination they face, lower-caste individuals, especially women, face barriers to education and employment and largely live in poverty.<sup>95</sup> Consequently, these groups are the most vulnerable to trafficking.<sup>96</sup>

### Humanitarian Crises

Humanitarian crises, including those stemming from conflict and natural disasters, are another factor linked to high rates of human trafficking and sex trafficking in particular. Mr. Kapinos explained that in conflict and post-conflict zones, such as Sri Lanka or Nepal, human trafficking can proliferate for a variety of reasons. Refugees escaping conflict are easily targeted by traffickers “who leverage [the refugees’] desperation to deceive them into exploitation.”<sup>97</sup> In addition, the presence of the military increases demand for labour and sexual services. This demand generates increased trafficking flows when combined with ineffective rule of law and weak institutions. Armed groups also recruit or abduct women and girls for the purposes of forced marriage, domestic work and sexual slavery, and men and boys for forced labour.<sup>98</sup>

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90 SDIR, [Evidence](#), 13 June 2017, 1330 (Tank).

91 Ibid., 1315.

92 SDIR, [Evidence](#), 6 June 2017, 1345 (Banerjee).

93 T.N. Madan, “[Caste](#),” *Britannica Academic*.

94 SDIR, [Evidence](#), 13 June 2017, 1305 (Jose).

95 SDIR, [Evidence](#), 6 June 2017, 1310 (Banerjee).

96 SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall).

97 Kapinos, *Brief*, p. 8.

98 Ibid.



According to witnesses, natural disasters have also contributed to spikes in trafficking, particularly in Nepal and Bangladesh.<sup>99</sup> Mr. Tank explained that “natural calamities or riots are the best places for traffickers, because they take advantage of [people] who are vulnerable.”<sup>100</sup> A recent example of this occurred following the 2015 earthquakes in Nepal, where Indian gangs rounded up women and children from earthquake-hit areas of Nepal and sent them to India and the Gulf to be trafficked into the sex trade or for forced labour.<sup>101</sup> Mr. Kapinos cited a report by the National Human Rights Commission of Nepal which found that over 6,000 Nepalis were trafficked and over 4,000 went missing following the 2015 earthquakes, with a majority of them being women.<sup>102</sup>

### Government Corruption and Private Sector Complicity

The Subcommittee learned that sex trafficking in South Asia is fuelled by government corruption and private sector complicity. According to Mr. Kapinos, private sector actors who appear “clean” on the surface, such as travel agencies, model agencies, marriage bureaus, hotels and others, actually facilitate trafficking.<sup>103</sup> Regarding government corruption, Mr. Kapinos recounted anecdotal evidence collected from victims and NGOs on the ground that indicates the complicity of public officials in South Asia in all stages of trafficking. For example, traffickers bribe customs officials and border guards to transfer victims between countries.<sup>104</sup> Dr. Banerjee specified that, in the case of India, “police, judiciary and border guards are found to be involved in trafficking and making profits.”<sup>105</sup>

Not only does corruption involving public officials, law enforcement agents and lawyers enable sex trafficking, it also hampers efforts to reduce its prevalence.<sup>106</sup> In Mr. Kapinos’ words, “experience shows that law enforcement, immigration control and border protection activities can effectively be sabotaged and their impact neutralized by

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99 Banerjee, *Brief*, p. 8; Kapinos, *Brief*, p. 6; SDIR, [Evidence](#), 13 June 2017, 1335 (Tank).

100 SDIR, [Evidence](#), 13 June 2017, 1335 (Tank).

101 SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall).

102 Kapinos, *Brief*, p. 6.

103 *Ibid.*, p. 7.

104 *Ibid.*

105 Banerjee, *Brief*, p. 8.

106 SDIR, [Evidence](#), 6 June 2017, 1315 (Banerjee); Kapinos, *Brief*, p. 7.

corruption.”<sup>107</sup> Furthermore, corruption can stall efforts to prosecute traffickers. Dr. Banerjee noted that “trials of trafficking cases do not move without bribes.”<sup>108</sup>

The Indian government has investigated and prosecuted some cases of official complicity. According to Mr. McDougall, however, independent analysis indicates that it remains widespread.<sup>109</sup> The U.S. Department of State noted that official complicity remained “a serious problem” in Sri Lanka, particularly to facilitate travel abroad. Despite ongoing allegations that police and other officials accepted bribes to permit brothels – including brothels who exploited trafficking victims – to operate, there were no reports of investigations into such cases of bribery. This stands in contrast to investigations that were opened into officials complicit in other forms of trafficking.<sup>110</sup> Likewise, in Nepal, the U.S. Department of State noted the existence of allegations that local officials have facilitated child sex trafficking, but that no investigations, prosecutions or convictions of complicit government officials have been initiated since 2013.<sup>111</sup>

Mr. Kapinos noted that combating corruption is an essential element of any comprehensive and effective law enforcement strategy, but that the impact of corruption has yet to be fully acknowledged by policy makers.<sup>112</sup> According to Mr. Kapinos, no targeted strategy to tackle corruption in trafficking in persons has been devised, and anti-trafficking and anti-corruption circles have not yet started to integrate their work. Mr. Kapinos cautioned that, though there is room to expand engagement in this field, “this issue is very sensitive to governments.”<sup>113</sup>

The Government of Canada and all six of the South Asian states studied by the Subcommittee are party to the UN *Convention Against Corruption* (UNCAC).<sup>114</sup> The UNCAC is legally binding and covers five main areas: preventive measures, criminalization and law enforcement, international cooperation, asset recovery, as well as technical assistance and information exchange.<sup>115</sup> According to GAC, the Government

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107 Kapinos, *Written Brief*, p. 7.

108 SDIR, *Evidence*, 6 June 2017, 1315 (Banerjee).

109 SDIR, *Evidence*, 4 May 2017, 1310 (McDougall).

110 U.S. Department of State, “Sri Lanka,” *Trafficking in Persons Report 2017*, p. 370.

111 U.S. Department of State, “Nepal,” *Trafficking in Persons Report 2017*, p. 295.

112 Kapinos, *Brief*, p. 7.

113 Ibid.

114 UNODC, *Signature and Ratification Status*, 11 July 2017; Kapinos, *Brief*, p. 9.

115 UNODC, *United Nations Convention Against Corruption*.



of Canada “encourages other countries to ratify and implement their legal obligations under these international instruments.”<sup>116</sup>

### **Recommendation 1: Combating corruption in the fight against sex trafficking in South Asia**

**That the Government of Canada use all means to encourage South Asian states to implement their obligations under the UN *Convention Against Corruption*, and to address the impact of corruption on existing national anti-trafficking initiatives.**

## **DIFFICULTIES IN DEFINING AND DOCUMENTING SEX TRAFFICKING**

During the course of its study, the Subcommittee encountered significant difficulties associated with gathering data and information connected to human trafficking, and sex trafficking in particular.<sup>117</sup> As articulated by Mr. McDougall, “human trafficking is a largely hidden crime.”<sup>118</sup> In Dr. Banerjee’s view, “statistics available and quoted most often represent an underestimation.”<sup>119</sup> These challenges manifest themselves in divergent and incomplete reports of human trafficking, and sex trafficking in particular, on which witnesses relied. These reports include the U.S. Department of State’s annual TIP reports, the UNODC’s *Global Report on Trafficking in Persons*, the International Labour Organization (ILO)’s *Global Estimates of Modern Slavery* and the Walk Free Foundation’s *Global Slavery Index*, among others.<sup>120</sup>

GAC does not have an independent data source to measure human trafficking, and relies on external reporting, including reporting provided by the aforementioned organizations.<sup>121</sup> Mr. McDougall noted that Canada’s International Development Research Centre has an active presence in India, running projects which “fill knowledge gaps, [inform] discussions, and [assess] programs and policies to effect policy change.”<sup>122</sup>

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116 Global Affairs Canada, *Transnational Crime*.

117 SDIR, *Evidence*, 4 May 2017, 1315 (Sweet), (Levitt).

118 Ibid., 1305 (McDougall).

119 Banerjee, *Brief*, pp. 5–6.

120 See, for example: SDIR, *Evidence*, 4 May 2017, 1320 (McDougall); Global Affairs Canada, *Response to Follow-Up Questions from the House of Commons Subcommittee on International Human Rights May 4, 2017 Meeting on Human Trafficking in India [Brief]*, 13 July 2017, p. 1; Banerjee, *Brief*, p. 6; Kapinos, *Brief*, p. 2.

121 SDIR, *Evidence*, 4 May 2017, 1320 & 1350 (McDougall); Global Affairs Canada, *Brief*, p. 1.

122 SDIR, *Evidence*, 4 May 2017, 1315 (McDougall).



Ultimately, Mr. McDougall concluded, “measuring it is a real difficulty, and I think that will be an essential part of [the Subcommittee's] work.”<sup>123</sup>

## Identifying Information Gaps

In September 2017, the ILO and the Walk Free Foundation, in partnership with the International Organization for Migration (IOM), jointly published the *2017 Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (2017 Global Estimates). They found that on any given day in 2016, 4.8 million people were subject to forced sexual exploitation and sex trafficking, almost exclusively girls and women.<sup>124</sup> This was presented as a subset of a group of 25 million people who were subject to some form of forced labour in 2016.<sup>125</sup> Witnesses testified to the Subcommittee prior to the release of the 2017 Global Estimates, relying on statistics captured using different methodologies and levels of specificity.<sup>126</sup> The Walk Free Foundation’s 2016 *Global Slavery Index* estimated that 45.8 million people are “subject to some form of modern slavery in the world today.” The *Global Slavery Index* does not specify what proportion of that number is subject to sex trafficking.<sup>127</sup> Witnesses also relied on the ILO *2012 Global Estimate of Forced Labour* which concluded that 20.9 million people were in forced labour – the definition of which includes sexual exploitation – at any given point in time between 2002 and 2011.<sup>128</sup> The ILO reported that of this group, 22%, or 4.5 million, were the victims of sexual exploitation.<sup>129</sup>

These three reports relied on different methodologies to arrive at their conclusion. The 2017 Global Estimates were based on data collected from face-to-face surveys conducted in local languages in 27 countries in 2016, from surveys from 26 additional countries between 2014 and 2016, as well as from the IOM’s victim assistance database.<sup>130</sup> The Walk Free Foundation’s 2016 *Global Slavery Index* collected data based

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123 Ibid., 1320.

124 Alliance 8.7, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, 2017, p. 39.

125 Ibid., p. 5.

126 SDIR, *Evidence*, 4 May 2017, 1305 (McDougall); SDIR, *Evidence*, 6 June 2017, 1310 (Banerjee); Kapinos, *Brief*, p. 2.

127 The Walk Free Foundation, “*Global Findings*,” *The Global Slavery Index*.

128 International Labour Organization [ILO], *ILO 2012 Global estimate of forced labour: Executive summary*, p. 6. The margin of error for the global estimate of 20.9 million is 7% (1.4 million) - meaning that the actual number lies between 19.5 million and 22.3 million, with a 68% level of confidence.

129 ILO, *ILO Global Estimate on Forced Labour: Results and methodology*, p. 13.

130 Alliance 8.7, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, 2017.



on national random sample surveys or face-to-face interviews.<sup>131</sup> By contrast, the ILO's *2012 Global Estimate of Forced Labour* reviewed "secondary sources of information, ranging from official statistics and NGO reports to newspaper articles."<sup>132</sup>

Instead of relying on surveys or secondary sources, the UNODC relied on official figures to prepare its 2016 *Global Report on Trafficking in Persons*. The UNODC collected information through a questionnaire distributed to governments, and through the collection of publicly available official information, such as national police reports, ministry of justice reports, national reports and others.<sup>133</sup> However, the UNODC described information emanating from South Asia as "very poor."<sup>134</sup> In 2016, the Indian Ministry of Women & Child Development reported that just under 20,000 women and children were victims of human trafficking in India, with the highest number of victims recorded in the eastern state of West Bengal. This represents an increase of 25% from 2015.<sup>135</sup> However, outside experts, such as the authors of the U.S. Department of State's 2017 TIP Report, estimated that "millions" of women and children are victims of sex trafficking in India.<sup>136</sup>

Witnesses, as well as the reports on which they relied, identified several significant information gaps, which are themselves reflected in this report. Witnesses noted that the illegal nature of human trafficking hinders attempts to gather accurate and useful statistics, particularly on the scale of human trafficking networks.<sup>137</sup> The UNODC noted that a lack of data meant it could provide no conclusive regional information on the profile of victims or offenders, or forms of exploitation, for the 2012–2014 period.<sup>138</sup> Likewise, ECPAT International reported that it was "problematic to quantify the number of children affected and understand how trends evolve."<sup>139</sup> It attributed this difficulty

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131 The Walk Free Foundation, "[India](#)," *The Global Slavery Index*. To produce its 2016 *Global Slavery Index* report on India, the Walk Free Foundation relied on national random sample surveys. In the case of India, the Walk Free Foundation commissioned a survey of 1000 individuals across 15 states representing 80% of India's population.

132 ILO, [ILO 2012 Global estimate of forced labour: Executive summary](#), p. 4.

133 UNODC, [Annex I: Methodology and data coverage 2016 Global Report](#), p. 1.

134 UNODC, [Global Report on Trafficking in Persons 2016](#), December 2016, p. 109.

135 SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall).

136 U.S. Department of State, "India," [Trafficking in Persons Report 2017](#), p. 208; SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall).

137 Banerjee, [Brief](#), pp. 5–6; SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall).

138 UNODC, [Global Report on Trafficking in Persons 2016](#), pp. 109–110.

139 ECPAT International, [The Commercial Sexual Exploitation of Children in South Asia](#), November 2014, p. 26.

not only to under-reporting or the secrecy inherent in criminality, but also to “a lack of reliable and standardised data-collection systems.”<sup>140</sup>

## Factors Contributing to a Lack of Reliable Information

The Subcommittee learned that there are several factors inherent to sex trafficking and to national and international responses that present obstacles to defining and documenting the phenomenon. The Subcommittee heard that victims of sex trafficking are “often fearful or unable to self-identify to authorities or other first responders,”<sup>141</sup> partly due to the powerful social stigma they face.<sup>142</sup> This is compounded by the isolation of red light districts from mainstream society, further reducing opportunities for self-identification.<sup>143</sup> Mr. Tank noted that his organization acquires information on the numbers and profiles of victims from “spies” who themselves may be clients or traffickers.<sup>144</sup> In addition to testimony surrounding obstacles to survivor self-identification, witnesses specifically addressed challenges posed within existing legislative frameworks and within law enforcement communities.

## Legislative Frameworks

South Asian countries have “more recent legislative frameworks than other regions.”<sup>145</sup> While certain aspects of human trafficking or prostitution have long been criminally prohibited, a significant body of comprehensive legislation dedicated to the prevention and suppression of human trafficking, and of women and children in particular, has

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140 Ibid.

141 SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall).

142 SDIR, [Evidence](#), 13 June 2017, 1305–1315 (Tank).

143 Ibid.

144 Ibid., 1320.

145 UNODC, [Global Report on Trafficking in Persons 2016](#), p. 111.



emerged since the enactment of the SAARC Convention and the Palermo Protocol.<sup>146</sup> However, witnesses agreed that the phenomenon of sex trafficking remains “poorly understood by the general public, law enforcement, prosecutors, and judges.”<sup>147</sup> According to Dr. Banerjee, national authorities and interested parties operate with “misconstrued definitions of human trafficking.”<sup>148</sup>

Witnesses informed the Subcommittee that existing national and international legal frameworks may create further obstacles to the identification of victims of sex trafficking. For example, criminal prohibitions on prostitution that do not distinguish between victims and perpetrators of sex trafficking may stop survivors from coming forward for fear of prosecution.<sup>149</sup> This represents a missed opportunity to understand the profile of victims of sex trafficking, and to ultimately serve their interests.<sup>150</sup>

The U.S. Department of State has reported that Sri Lankan authorities have imprisoned and charged individuals, possibly including children, for prostitution and other offences without proper consideration of their potential status as victims of trafficking.<sup>151</sup> Bhutan imposes a criminal prohibition of human trafficking that does not focus on exploitation, but on whether the act which the exploited person is forced to perform is itself illegal. The U.S. Department of State notes that Bhutan’s “response to human trafficking remained limited by a general lack of understanding of the crime.”<sup>152</sup>

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146 For example: Human trafficking is addressed in Bangladesh by the [Prevention and Suppression of Human Trafficking Act \(2012\)](#) and the [Prevention of Oppression Against Women and Children Act \(2000\)](#); in Bhutan, relevant national laws include Articles 154, 227 and 379 of the [Penal Code](#), amended in 2011, Section 9 of the [Labour and Employment Act \(2007\)](#) and Article 224 of the [Child Care and Protection Act \(2011\)](#); India’s relevant legislation includes Section 370 of the [Penal Code](#), amended in 2013, the [Immoral Traffic \(Prevention\) Act \(1956\)](#), and the [Scheduled Castes and Scheduled Tribes \(Prevention of Atrocities\) Act \(1989\)](#); in Maldives, relevant legislation includes the Anti-Human Trafficking Act (2013) [not available in English] and [Special Provisions Act to Deal Child Sex Abuse Offenders \(2009\)](#); in Nepal, relevant legislation includes the [Human Trafficking and Transportation \(Control\) Act \(2007\)](#), the [Bonded Labour \(Prohibition\) Act \(2002\)](#), the [Child Labour Act \(2000\)](#) and the [Foreign Employment Act \(2007\)](#); in Sri Lanka, relevant legislation includes section 360C of the [Penal Code](#) and the [Convention On Preventing And Combating Trafficking In Women And Children For Prostitution Act \(2005\)](#). For more information, see: The Bali Process, “[National Laws & Action Plans](#),” *The Regional Strategic Roadmap*.

147 SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall); Banerjee, *Brief*, pp. 2, 5–6.

148 Banerjee, *Brief*, pp. 2, 5–6.

149 SDIR, [Evidence](#), 4 May 2017, 1305 (McDougall).

150 Banerjee, *Brief*, pp. 5, 6 and 16. See also: The Walk Free Foundation, “[India](#),” *The Global Slavery Index*.

151 U.S. Department of State, “Sri Lanka,” [Trafficking in Persons Report 2017](#), p. 370.

152 U.S. Department of State, “Bhutan,” [Trafficking in Persons Report 2017](#), p. 91.

According to the Walk Free Foundation, current Indian legislation does not sufficiently differentiate between sex trafficking and consensual prostitution, meaning that there are no formal guidelines on who is identified as a victim in rescue situations. As a result, the Walk Free Foundation has determined that it is impossible to know which cases in India involve force or children, and which cases involve individuals who turn to prostitution for economic survival.<sup>153</sup> It should be noted that a draft Indian Bill, entitled Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016 (2016 draft bill), which remains under consideration by the Indian cabinet, proposes a victim-centric approach, including victim compensation. However, Mr. Tank suggested that such a law would only be enforced if “people, governments, authorities, and police change their mindset.”<sup>154</sup>

In Maldives, survivors of those acts covered by the *Prevention of Human Trafficking Act* are eligible to receive rehabilitative services while deciding whether to assist authorities in a criminal case, including shelter, health care, counseling, translation services, and police protection.<sup>155</sup> However, Maldives’ *Prevention of Human Trafficking Act* only criminalizes trafficking involving the transportation of the victim. The U.S. Department of State notes that it is not clear whether the Act’s definition of human trafficking includes the exploitation of the prostitution of adults, though the prostitution of children is specifically included as a form of “exploitative conduct” that is criminalized.<sup>156</sup>

The U.S. Department of State reported that in Nepal, government efforts to identify domestic sex trafficking survivors have improved, including through raids on Kathmandu adult entertainment businesses. Nepali police continued to implement post-2015 earthquake orders to maintain vigilance against human trafficking of women and children in displaced persons camps, border crossings, and transportation hubs. Efforts are made to identify survivors, who are not detained, fined or jailed as a result of being subjected to human trafficking.<sup>157</sup> However, Nepal’s *Human Trafficking and Transportation (Control) Act* does not currently consider the prostitution of children as a form of trafficking absent force, fraud, or coercion.<sup>158</sup> Nepal’s National Committee for Controlling Human Trafficking is working on draft revisions to the *Human Trafficking and*

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153 The Walk Free Foundation, “[India](#),” *The Global Slavery Index*. See also: Banerjee, *Brief*, p. 4.

154 SDIR, [Evidence](#), 13 June 2017, 1330 (Tank).

155 U.S. Department of State, “Maldives,” [Trafficking in Persons Report 2017](#), p. 269.

156 *Ibid.*, p. 268.

157 U.S. Department of State, “Nepal,” [Trafficking in Persons Report 2017](#), p. 295.

158 U.S. Department of State, “Maldives,” [Trafficking in Persons Report 2017](#), p. 269.



*Transportation (Control) Act* to bring the definition of human trafficking closer in line with international law.<sup>159</sup>

The UNODC has provided legislative assistance to Bhutan, Bangladesh, India, Sri Lanka and Nepal to help in the alignment of their national legal frameworks with international conventions.<sup>160</sup> However, according to Dr. Banerjee, the fight against human trafficking, and sex trafficking in particular, continues to suffer due to a lack of a common definition and framework for documentation across South Asia. In Dr. Banerjee's estimation, the lack of a common framework has "consistently hampered the fight against human trafficking."<sup>161</sup> Dr. Banerjee has suggested that regional and international policy dialogue is needed to establish a set definition of human trafficking and build a database on the traffickers, their collaborators and those trafficked.<sup>162</sup> Mr. Kapinos requested that the Government of Canada provide financial support for a UNODC transnational organized crime threat assessment for South Asia. According to Mr. Kapinos, this would be a first of its kind assessment in South Asia and would capture the trends and nature of organized crimes including, but not limited to, human trafficking.<sup>163</sup>

### **National Law Enforcement and Detection Capacity**

The UNODC has illustrated the importance of the detection capacity of national authorities in order to create accurate representations of the prevalence of human trafficking as follows:

It is likely that flows affecting countries with lower detection capacity – both at origin and destination – are inadequately represented.... The figures reported here do not and cannot reflect the real extent of the crime of trafficking in persons, but rather, a sub-population of victims and offenders that can be used to infer some information on patterns and flows of this crime.<sup>164</sup>

Witnesses informed the Subcommittee that while legislative frameworks were in place, their full implementation has not yet been achieved due to capacity and coordination

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159 U.S. Department of State, "Nepal," *Trafficking in Persons Report 2017*, p. 294; United Nations Treaty Collection, *Status as at : 14-08-2017 12. a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Status of Treaties*.

160 Kapinos, *Brief*, p. 9.

161 Banerjee, *Brief*, pp. 2, 5–6.

162 *Ibid.*, p. 16.

163 Kapinos, *Brief*, p. 10.

164 UNODC, *Annex I: Methodology and data coverage 2016 Global Report*, p. 2.

issues. Dr. Banerjee reminded the Subcommittee that “political will and commitment of the countries would essentially act as the deciding factor in reducing human trafficking.”<sup>165</sup> Mr. Matas specified that the political will to combat sex trafficking is not tested at the policy level, but in the implementation of concrete measures. He testified, “it’s one thing to get an agreement in principle... but it’s another thing to actually implement these changes that sometimes can be disruptive.”<sup>166</sup>

The Subcommittee learned that, while significant efforts are being made to establish specialized investigative units and tribunals focusing on human trafficking in South Asia, they are generally under-resourced. Furthermore, investigators, prosecutors, border guards, judges and other key officials may not be sufficiently trained to apply their state’s anti-human trafficking legislation.<sup>167</sup> According to Dr. Banerjee, “non-operational” justice systems contribute to a trafficking crisis.<sup>168</sup>

In India, human trafficking investigations are carried out by anti-human trafficking units (AHTUs) which exist in 225 of India’s over 600 districts.<sup>169</sup> The UNODC helped establish the first nine AHTUs in India in 2006.<sup>170</sup> AHTU officers receive training through partnerships between state and local governments as well as NGOs and international organizations, including the UNODC.<sup>171</sup> According to the 2015 *Crime in India Report*, issued by India’s national crimes record bureau, Indian police investigated 3,363 cases of sex trafficking in 2015. This represents an increase from 2014, when 2,604 cases of sex trafficking were investigated. Of those 3,363 cases of sex trafficking related crimes investigated in 2015, 2,180 prosecutions were completed. The acquittal rate decreased from 77% in 2014 to 65% in 2015.<sup>172</sup> India’s aforementioned 2016 draft bill proposes a national anti-trafficking bureau for investigation and prosecution of cross-border crimes and for national level coordination.<sup>173</sup>

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165 Banerjee, *Brief*, p. 16.

166 SDIR, [Evidence](#), 20 June 2017, 1340 (Matas).

167 U.S. Department of State, “Bangladesh,” [Trafficking in Persons Report 2017](#), p. 81; U.S. Department of State, “India,” [Trafficking in Persons Report 2017](#), p. 206; U.S. Department of State, “Nepal,” [Trafficking in Persons Report 2017](#), pp. 294–295; U.S. Department of State, “Sri Lanka,” [Trafficking in Persons Report 2017](#), p. 369.

168 SDIR, [Evidence](#), 6 June 2017, 1310 (Banerjee).

169 SDIR, [Evidence](#), 4 May 2017, 1310 (McDougall); Kapinos, *Brief*, p. 9.

170 Kapinos, *Written Brief*, p. 9.

171 SDIR, [Evidence](#), 13 June 2017, 1325 (Tank); Kapinos, *Written Brief*, p. 9.

172 U.S. Department of State, “India,” [Trafficking in Persons Report 2017](#), p. 205.

173 Ambika Pandit, “[Draft Bill to prevent human trafficking will not make it to Winter Session of Parliament](#),” *The Times of India*, 21 November 2016.



Mr. Tank reported that he has seen a “massive change” over the past two to five years, which he attributes to police sensitization and having male and female officers within AHTUs who are dedicated to rescue efforts.<sup>174</sup> However, he noted that Indian law enforcement officials remain understaffed and overburdened, stating that “one of the biggest challenges is manpower.”<sup>175</sup> Mr. Tank also illustrated the necessity of interjurisdictional coordination using an Indian example:

The whole nexus [of traffickers] works and, unfortunately, they get away because of the loopholes in the law.... For example, if I rescue a girl in Mumbai and I know that I can catch the brothel owner, I can catch the local trafficker. The local trafficker is this one point of contact for three to four other traffickers, which are on the route. For example, if a girl has been trafficked from West Bengal, she has been trafficked by one guy who brings her to Delhi. From Delhi they will bring her to Pune. From Pune they will bring her to Mumbai.... [T]he most unfortunate part is that there is nothing called an interstate investigation. When an inquiry has been lodged in Mumbai, the police do not have the power to go and investigate the matter in West Bengal or in Delhi or any other state outside the state of Maharashtra.<sup>176</sup>

In his brief, Mr. Kapinos requested Canadian funding for the UNODC to conduct an assessment of the effectiveness of AHTUs.<sup>177</sup> The UNODC has provided some training to law enforcement officers and prosecutors in India, Bangladesh and Bhutan.<sup>178</sup> The Government of Canada supports the work of the UNODC to “deliver capacity building to countries in need of assistance to implement their international obligations.”<sup>179</sup> In his brief, Mr. Kapinos requested enhanced funding to strengthen “law enforcement and criminal justice capacities of South Asian countries to counter human trafficking with an aim to increase prosecutions and convictions.”<sup>180</sup> He also requested that the Government of Canada provide funding focused specifically on “generating evidence on new forms of human trafficking in South Asia.”<sup>181</sup>

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174 SDIR, [Evidence](#), 13 June 2017, 1350 (Tank).

175 Ibid., 1325.

176 SDIR, [Evidence](#), 13 June 2017, 1320 (Tank).

177 Kapinos, *Brief*, p. 11.

178 Ibid., p. 9.

179 Global Affairs Canada, [Transnational Crime](#).

180 Kapinos, *Brief*, p. 11.

181 Ibid.



## **Recommendation 2: Enhancing data collection and detection capacity to hold perpetrators accountable and protect survivors**

**That the Government of Canada provide concrete support to regional efforts to collect evidence and information on the nature of sex trafficking across South Asia, with a focus on enhancing investigations and prosecutions of crimes related to sex trafficking, while protecting victims and survivors.**

## **BUILDING PARTNERSHIPS TO RESPOND TO SEX TRAFFICKING IN SOUTH ASIA**

Attempts to prevent and prosecute sex trafficking, and to protect survivors, must be done in partnership with a broad range of actors. Dr. Banerjee outlined the need for a collaborative approach as follows:

In terms of operational needs, the challenge of combating traffic is so large that it is close to impossible for a single country and/or government department to address all the root causes. Thus, a collaborative approach, in partnership with all stakeholders - regional and international governments, international donor partners, multilateral agencies and national and international non-governmental organizations (NGOs), would be of benefit.<sup>182</sup>

The following section serves to highlight the existing efforts of a selection of potential partners in the fight against sex trafficking as well as some of the intractable challenges they face. This section addresses both national-level efforts, cross-border efforts as facilitated by multilateral and international organizations, as well as the work of civil society organizations.

## **Multilateral Coordination and Cooperation**

### **Key Forums for International and Regional Cooperation**

The main international organization dedicated to combating human trafficking, including sex trafficking, is the UNODC, whose mandate is to assist UN Member states to address illicit drugs, crime and terrorism. Its mandate is enshrined in several conventions including the UNTOC and the Palermo Protocol.<sup>183</sup> The UNODC also focuses on working with states to align their legal frameworks with international conventions, and to build law enforcement capacity and effective criminal justice systems to address trafficking.<sup>184</sup>

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182 Banerjee, *Brief*, p. 16.

183 UNODC, *United Nations Office on Drugs and Crime*.

184 Kapinos, *Brief*, p. 9.



Furthermore, the “UNODC is actively working in the region to strengthen regional, cross-border and inter-agency cooperation.”<sup>185</sup>

The Subcommittee learned that the UNODC collaborates with other international bodies to combat trafficking in South Asia. UNODC South Asia is working with UN Women, UNICEF and other UN agencies to develop a platform to counter trafficking in persons. With participation from stakeholders including governments, civil society and donors, the platform will raise the importance of addressing trafficking in persons and seek joint partnerships for programming and funding to respond to the crime. The UNODC has also partnered with the European Union (EU) and the IOM on anti-trafficking initiatives.<sup>186</sup>

The Government of Canada provides funding to the UNODC to deliver capacity-building projects to countries in need of assistance to implement their international obligations.<sup>187</sup> In 2016, the Government of Canada pledged US\$8.8 million in funding to the UNODC, or 2.9% of its annual budget. These contributions were directed to special purpose funds to finance technical assistance activities at UNODC headquarters and in approximately 60 program and project offices in the field.<sup>188</sup> In his brief, Mr. Kapinos noted that “funding is critical to the work of the UNODC,” stating that the UNODC “seeks the Government of Canada’s support” for several proposals, discussed further below.<sup>189</sup>

Mr. Kapinos reported that ratification by South Asian countries of relevant UN agreements has been “quite encouraging,”<sup>190</sup> though not all South Asian states have ratified key international instruments. Five out of six countries in South Asia, Bhutan being the exception, have either ratified or acceded to the UNCTOC.<sup>191</sup> Only three countries – India (2011), Maldives (2016) and Sri Lanka (2015) – have ratified the

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185 Ibid.

186 Ibid., p. 10.

187 Global Affairs Canada, *Transnational Crime*.

188 UNODC, Annual Report, *UNODC Annual Report: Covering activities during 2016*, pp. 105-109.

189 Kapinos, *Brief*, p. 10.

190 Ibid., p. 9.

191 Sri Lanka ratified in 2006; India and Nepal ratified in 2011; Bangladesh acceded in 2011; Maldives acceded in 2013. UN Treaty Collection, “[United Nations Convention against Transnational Organized Crime](#),” *Status of Treaties*.

Palermo Protocol.<sup>192</sup> UNODC South Asia continues to advocate for the ratification of these instruments by all countries in the region.<sup>193</sup>

The South Asian Association for Regional Cooperation (SAARC) is the main regional body targeting sex trafficking in South Asia. The SAARC is composed of eight member states – Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka<sup>194</sup> – as well as nine observer members, consisting of Australia, China, the EU, Iran, Japan, the Republic of Korea, Mauritius, Myanmar, and the U.S.<sup>195</sup> The SAARC has many memoranda of understanding with UN agencies operating in the region, including the UNODC.<sup>196</sup> Finalized by Member States in 2002, the SAARC Convention includes the following statement of purpose:

The purpose of this Convention is to promote cooperation amongst Member States so that they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination.<sup>197</sup>

Another key regional forum is the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process). Established in 2002, the Bali Process is a forum for policy dialogue, information sharing and practical cooperation to help the Asia and Pacific region address people smuggling, trafficking in persons and related transnational crime.<sup>198</sup> All six South Asian countries profiled in this report, as well as Canada, are members in the Bali Process.<sup>199</sup> In March 2016, members confirmed the core objectives and priorities of the Bali Process through the endorsement of the Bali Process Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime.<sup>200</sup> The Government of Canada participates in the Bali Process to

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192 UN Treaty Collection, "[Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)," *Status of Treaties*.

193 Kapinos, *Brief*, p. 9.

194 South Asian Association for Regional Cooperation [SAARC], "[About SAARC](#)."

195 SAARC, "[Relations with Observers](#)."

196 SAARC, "[Relations with Partners with MOUs](#)."

197 SAARC, *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*, 1 May 1997, Art. II.

198 The Bali Process, "[About the Bali Process](#)."

199 The Bali Process, "[Membership](#)."

200 The Bali Process, "[About the Bali Process](#)."



“share best practices and strategies to combat human trafficking.”<sup>201</sup> For example, the Government of Canada was an active participant in the consultation process leading to the creation of the Bali Process *Policy Guide on Criminalizing Trafficking in Persons*, a document intended for policy and decision-makers aiming to strengthen legislative frameworks.<sup>202</sup>

Mr. Matas questioned the effectiveness of the Bali Process as a forum for cooperation. Mr. Matas believes that the Bali Process has been useful as an information-sharing tool, but not as useful in developing and proposing policy. In his view, to be more effective, “the Bali Process should be changed so that it has more policy content and more collaborative content, so that it’s more of a deliberative body rather than just police officials getting together and exchanging experiences.”<sup>203</sup>

### Cross-border Cooperation to Combat Sex Trafficking

The Subcommittee heard that, given the cross-border nature of sex trafficking, a coordinated effort among states is necessary to combat the problem. Dr. Banerjee concluded that “the region does not comply with international standards on combating human trafficking and much more is left to be done to handle cross-border intra-regional trafficking.”<sup>204</sup>

As an international organization, the UNODC is well-positioned to address the role of border patrols. The UNODC is currently in the process of developing standard operating procedures for “first responders” to trafficking at the borders of India, Bangladesh and Nepal.<sup>205</sup> Mr. Kapinos requested the Government of Canada’s support to enable the UNODC to conduct border control workshops in Bangladesh, Bhutan, India and Nepal, and to implement an “immediate response system” to support victims of cross-border trafficking between Bangladesh, India and Nepal.<sup>206</sup> Educational material on human trafficking in several languages has also been developed by the UNODC to alert border officers about new forms of trafficking and appropriate responses to human trafficking.<sup>207</sup>

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201 Global Affairs Canada, “[Human Trafficking and Migrant Smuggling](#).”

202 The Bali Process, “[Bali Process Policy Guides on Criminalizing Migrant Smuggling and Trafficking in Persons](#).”

203 SDIR, *Evidence*, 20 June 2017, 1350 (Matas).

204 Banerjee, *Brief*, p. 13.

205 Kapinos, *Brief*, pp. 9–10.

206 *Ibid.*, p. 10.

207 *Ibid.*

The SAARC has implemented directives to address “common social evils” including trafficking in women and children. To date, the SAARC has focused on “trying to improve the monitoring system, exchange of information and exchange of technology.”<sup>208</sup> Regarding cross-border cooperation specifically, the SAARC Convention outlines a requirement of mutual legal assistance, whereby upon a request from a participating state, other participating states are required to provide assistance “in respect of investigations, inquiries, trials or other proceedings in the requesting State in respect of offences” under the Convention.<sup>209</sup> To facilitate cooperation amongst Member States under the SAARC Convention, a regional task force was established and met annually between 2007 and 2011.<sup>210</sup> Although the passage of the Convention “represents a political commitment from the SAARC region,”<sup>211</sup> its effectiveness was questioned by Dr. Banerjee, who noted that disputes between India and Pakistan affected cooperation on human trafficking.<sup>212</sup>

## International Development Assistance and Bilateral Relations

Dr. Banerjee focused on sex trafficking as a development issue, noting that a vicious cycle has emerged in South Asia wherein poverty leads to human trafficking, which leads to more poverty.<sup>213</sup> Dr. Banerjee explained that not only does human trafficking thrive on persistent poverty, but it further exacerbates the problem by adversely affecting productivity and efficiency and hampering economic development. In her words, “[h]uman trafficking promotes exploitation that leads to low or no wages, and low employment levels and is a detriment to development.”<sup>214</sup>

Dr. Banerjee pointed to “development strategies fostering political stability and investment in social and economic programs, including social protection programs, provision of access to education and employment opportunities” as ways to foster development, reduce poverty and promote economic and social inclusion in South Asia.<sup>215</sup> She also emphasized the importance of income generating opportunities,

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208 SAARC, *Education Security and Culture*.

209 SAARC, *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*, 1 May 1997, Art. VI.

210 SAARC, *Social Affairs*.

211 Banerjee, *Brief*, p. 13.

212 SDIR, *Evidence*, 6 June 2017, 1330 (Banerjee).

213 Banerjee, *Brief*, p. 16.

214 SDIR, *Evidence*, 6 June 2017, 1315 (Banerjee).

215 Banerjee, *Brief*, p. 14.



especially those targeted at women, youth and the poor.<sup>216</sup> Dr. Banerjee used microfinance as an example of an income generating program, which involves making small loans to poor entrepreneurs and small business owners to help lift them out of poverty. Not only do such programs reduce poverty, but they also serve to empower the beneficiaries. Increased access to education and skills training for children and women were also identified as important poverty reduction initiatives.<sup>217</sup>

Of the six countries studied, only Bangladesh and Sri Lanka were considered countries of focus for Canadian international development assistance. Bangladesh has been one of Canada's largest development assistance recipients for the last 40 years. The Government of Canada supports efforts to reduce education gaps between girls and boys, increase access to employment skills, particularly for women, and to improve working conditions in the garment-making industry.<sup>218</sup> In Sri Lanka, the Government of Canada's bilateral international development assistance program includes support for efforts to increase women's access to economic assets and jobs. Canada's development program also focuses on helping people who have been internally displaced by civil war return to their villages.<sup>219</sup> The Government of Canada currently funds a project designed to increase the capacity of the largest cooperative credit association in Sri Lanka to provide tailored financial and non-financial products and services to micro-, small- and medium-enterprises (MSMEs). Of the new MSMEs targeted, at least 40% will be led by women. The project is run by a branch of a large Canadian cooperative financial group.<sup>220</sup>

The Government of Canada does not have a bilateral development assistance program with India. Mr. McDougall acknowledged that combating sex trafficking is not a priority in the bilateral relationship.<sup>221</sup> However, the Government of Canada contributes to the achievement of development results on "big picture issues" through multilateral institutions such as the World Bank, as well as small-scale support for localized projects in "individual areas where we might be able to do something."<sup>222</sup> One such example is support for a partnership between a Canadian cosmetics company and an Indian NGO to

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216 Ibid.

217 SDIR, [Evidence](#), 6 June 2017, 1345–1350 (Banerjee).

218 Government of Canada, [Canadian international assistance in Bangladesh](#). See, for example: Government of Canada, [Project profile — Improving Working Conditions in the Ready-Made Garments Sector](#).

219 Government of Canada, [Canadian international assistance in Sri Lanka](#).

220 Desjardins Développement international, [About us](#).

221 SDIR, [Evidence](#), 4 May 2017, 1345 (McDougall).

222 Ibid., 1330 (Drake).

improve the living conditions for rural poor, including through access to education, skills training and agricultural technology.<sup>223</sup>

Through the Feminist International Assistance Policy, the Government of Canada has acknowledged that trafficking and exploitation are a form of sexual and gender-based violence and has committed to provide “support for comprehensive approaches” to “raise awareness of rights among women and girls to improve their access to justice and to provide psychosocial support for survivors of violence.”<sup>224</sup> The Government of Canada has stated its commitment to raising the importance of these issues through diplomatic channels and advocacy efforts.<sup>225</sup>

Dr. Banerjee noted that the Government of Canada could further explore ways to target its poverty-reduction strategies, including through health, education and job creation programs, to groups who are most vulnerable to trafficking. Dr. Banerjee suggested that combating trafficking and reducing women’s vulnerability to exploitation should be included as a priority under Canada’s Feminist International Assistance Policy.<sup>226</sup> She also suggested that the Government of Canada could strengthen and adjust existing international development initiatives so that the prevention of human trafficking, and sex trafficking in particular, is measured along with other expected development results.<sup>227</sup>

### **Recommendation 3: Including the prevention of sex trafficking as a development goal and a priority in bilateral relations in the region**

**That the Government of Canada make reducing women and girls’ vulnerability to human trafficking – and commercial sex trafficking in particular – a specific goal in its bilateral relations within the region and a metric through which to evaluate its international assistance policy and programming.**

## **PARTNERING WITH NON-GOVERNMENTAL ORGANIZATIONS**

Witnesses agreed that NGOs in South Asia have been leading the charge in combating sex trafficking at the grassroots level. Mr. Drake acknowledged that in India, both local

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223 Government of Canada, [Project profile — SOPAR - Program 2012-2017 - Integrated Community-Driven Development for the Rural Poor](#); Sopar Bala Vikasa, [Sopar Bala Vikasa](#).

224 Government of Canada, [Canada’s Feminist International Assistance Policy](#), 22 August 2017.

225 Ibid.

226 Banerjee, *Brief*, p. 15.

227 Ibid., p. 16.



and international NGOs are making an “enormous effort” to prevent sex trafficking, and rescue and rehabilitate its victims.<sup>228</sup>

## Prevention through Awareness and Fostering Social Change

Both Mr. Matas and Dr. Banerjee noted that foreign countries such as Canada would not be successful in attempting to change local cultural values. Instead, local activists should be empowered to advocate for cultural and social change within their communities.<sup>229</sup> According to Dr. Banerjee, awareness campaigns targeted at vulnerable populations on the existence and dangers of trafficking are useful tools. She noted that partnerships with grassroots NGOs that are in contact with vulnerable populations “would prove fruitful.”<sup>230</sup>

Mr. Matas described ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) initiatives in South Asia focused on raising awareness among vulnerable children on trafficking. One such initiative trains youth to use media and advocacy skills to raise awareness among vulnerable communities.<sup>231</sup> Another enlists trafficking survivors to spread the message on the dangers of trafficking to others that are at risk of being trafficked.<sup>232</sup> A third project involves training youth in Bangladesh, India, and Nepal to administer peer support programs in schools located in areas vulnerable to child sex trafficking.<sup>233</sup> Mr. Matas also suggested involving men in gender equality initiatives to help change attitudes towards women among men and boys.<sup>234</sup> Dr. Banerjee emphasized the importance of raising awareness among the educated, higher earning classes in order to increase activism on the issue.<sup>235</sup>

Mr. Jose spoke on behalf of his organization, *Breakthrough*, which seeks to end violence and discrimination against women and girls in India primarily through “interventions ... designed to empower adults and girls from vulnerable communities.”<sup>236</sup> *Breakthrough* works in approximately 4,000 villages in the states of Uttar Pradesh, Bihar, Jharkhand,

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228 SDIR, [Evidence](#), 4 May 2017, 1330 (Drake).

229 SDIR, [Evidence](#), 6 June 2017, 1330 (Banerjee); SDIR, [Evidence](#), 20 June 2017, 1335 (Matas).

230 Banerjee, *Brief*, p. 16.

231 SDIR, [Evidence](#), 20 June 2017, 1305 (Matas).

232 *Ibid.*, 1315.

233 *Ibid.*, 1305.

234 *Ibid.*, 1320.

235 SDIR, [Evidence](#), 6 June 2017, 1345 (Banerjee).

236 SDIR, [Evidence](#), 13 June 2017, 1305 (Jose).



Haryana and Delhi. These villages still largely ascribe to cultural practices and customary law that discriminate against women and girls. A key cultural practice *Breakthrough* works against is gender-biased sex selection, which was identified earlier in this report as a driver of trafficking for forced marriage in the region.<sup>237</sup>

The Government of Canada currently supports programs in India, Bangladesh and Nepal to combat violence against women and girls and ending child, early and forced marriage.<sup>238</sup> Partners include Oxfam Canada, as well as UNICEF and Plan International.<sup>239</sup> While Mr. McDougall provided only one example of a project designed specifically to address human trafficking,<sup>240</sup> he noted that Canada’s existing programming connected to women and children’s rights as well as sexual violence “could very easily be linked up” with combating human trafficking.<sup>241</sup>

## Rescue and Rehabilitation for Survivors of Sex Trafficking

In addition to its prevention efforts, ECPAT works with trained caregivers and local organizations to help them provide psychosocial support for survivors. Mr. Matas described one micro-project in India involving the purchase of books and games to create a library and recreation room in a shelter home for girls rescued from sex trafficking.<sup>242</sup>

As discussed above, for over 20 years, the Rescue Foundation has coordinated missions to rescue young women and girls from sex trafficking across India. The NGO facilitates these rescue missions with intelligence from around 150 “spies” located around the country. Local police and security agencies also assist the Rescue Foundation in raiding brothels and retrieving victims.<sup>243</sup> Mr. Tank described some of the extraordinary and life-threatening actions taken by the Rescue Foundation to the Subcommittee:

My president's husband was killed in this job while on a rescue mission, so we know that it's not an easy job. Just a month back I was on a raid in one of the interior parts of

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237 Ibid.

238 SDIR, *Evidence*, 4 May 2017, 1315 (McDougall); Government of Canada, *Project profile — Creating Space to Take Action on Violence Against Women and Girls*.

239 Government of Canada, *Project profile — Accelerating The Movement to End Child Marriage; Project profile — Creating Supportive Environments to End Child Marriage; Project profile — Preventing Child, Early and Forced Marriage through Open, Distance, and Technology-based Education*.

240 SDIR, *Evidence*, 4 May 2017, 1315 (McDougall).

241 Ibid., 1350.

242 SDIR, *Evidence*, 20 June 2017, 1305 (Matas).

243 SDIR, *Evidence*, 13 June 2017, 1305 (Tank).



Maharashtra, India], and I was surrounded by traffickers and brothel owners to take the case back because we rescued one 13-year-old girl, and one who was 14, and two 18-year-old girls. It's not an easy job. At times it's life threatening, but we feel that we have to do this.<sup>244</sup>

The rescued victims are then given shelter in homes run by the Rescue Foundation, and provided with food, healthcare, psychosocial support, vocational training, and legal aid. In the final step of assistance, the Rescue Foundation returns victims to their families or transfers them to other shelter homes that can provide long-term care.<sup>245</sup> Every year, the Rescue Foundation rescues about 250 women and girls and cares for approximately 500 women and girls in their shelter homes.<sup>246</sup>

Collaboration between NGOs in South Asia is particularly focused on rehabilitating rescued trafficking victims.<sup>247</sup> Mr. Tank stated that the Rescue Foundation works with several other non-profits in northern and southern India to facilitate the rescue and rehabilitation of sex trafficking victims.<sup>248</sup> The Subcommittee also heard of collaboration between some NGOs and international agencies such as the UNODC. Mr. Kapinos stated that UNODC South Asia has provided assistance, including legal aid, health services, psychosocial support, and vocational training to over 1,000 trafficking victims through NGOs as well as government institutions.<sup>249</sup> However, Mr. Tank testified that the Rescue Foundation does not currently partner with any international or regional organizations such as UN agencies.<sup>250</sup>

## Challenges Facing Non-Governmental Organizations

During the course of the study, the Subcommittee heard testimony with respect to several challenges NGOs face in their efforts against sex trafficking. These challenges include a lack of cooperation and support from government authorities. Mr. Matas testified that ECPAT has met pushback from governments that do not support “interference” from non-governmental actors. ECPAT has also encountered opposition from governments due to its emphasis on child participation, which runs counter to

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244 Ibid., 1355.

245 Ibid., 1305.

246 Ibid., 1350.

247 SDIR, *Evidence*, 6 June 2017, 1330 (Banerjee).

248 SDIR, *Evidence*, 13 June 2017, 1315 (Tank).

249 Kapinos, *Brief*, p. 10.

250 SDIR, *Evidence*, 13 June 2017, 1315 (Tank).

cultural values prevalent in the region.<sup>251</sup> In addition, government bureaucracy has stalled some ECPAT projects in the region, particularly those that require access to government shelter homes.<sup>252</sup> Mr. Tank also referred to difficulties experienced by the Rescue Foundation to receive support from local authorities in rescuing and rehabilitating sex trafficking victims due to negative social attitudes towards sex workers.<sup>253</sup>

Another challenge faced by NGOs is insufficient funding. Mr. Tank explained that the Rescue Foundation receives 90% of its funding from individual donors. The Indian government also provides some assistance.<sup>254</sup> The Rescue Foundation is sometimes forced to cancel rescue missions due to a lack of funds. Mr. Tank told the Subcommittee that he and others at the Foundation feel “very helpless ... [and] unfortunate” due to the scale of the trafficking issue and the chronic lack of funding.<sup>255</sup> In addition, he explained that NGOs like the Rescue Foundation find it difficult to raise money for their cause. For example, they are unable to appeal for funds by posting photos of the victims they rescue to attract donor interest as the victims’ identity must be protected.<sup>256</sup> According to Mr. Tank, the social stigma surrounding sex trafficking in India also affects the Rescue Foundation’s funding: “I wish this particular issue of human trafficking was as popular as [other causes].... Nobody wants to talk about prostitutes and their well-being. It is so tainted and misinterpreted that nobody wants to address it.”<sup>257</sup>

Lack of funding also affects NGOs’ ability to employ adequately trained individuals to respond to sex trafficking situations. Mr. Matas described two ECPAT projects that required extra training for those involved, but did not have the budget for this addition. The first project involved training caregivers of child victims of sexual exploitation, which ran into difficulty as the caregivers had had no prior training in this area, resulting in the project needing more resources that were not accounted for in the budget.<sup>258</sup> A second project aimed at training youth to use media and advocacy skills to raise awareness of child sex trafficking in local communities had problems finding qualified consultants to

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251 SDIR, [Evidence](#), 20 June 2017, 1340 (Matas).

252 Ibid., 1305.

253 SDIR, [Evidence](#), 13 June 2017, 1330 (Tank).

254 Ibid., 1350.

255 Ibid., 1325.

256 Ibid., 1350.

257 Ibid., 1330.

258 SDIR, [Evidence](#), 20 June 2017, 1305 (Matas).



lead the youth training, particularly in Bangladesh and Nepal. The additional training required for these consultants was again beyond the budget of this project.<sup>259</sup>

Another area affected by lack of funding is access to legal aid. Mr. Tank explained that the Rescue Foundation works to provide legal aid to rescued victims seeking justice against their traffickers. However, despite the importance of prosecuting perpetrators of trafficking, funding for legal aid is overlooked in favour of higher priority needs such as food, education and health. While the Rescue Foundation receives some pro bono assistance from lawyers, it still faces a “massive cost” fighting victims’ legal battles.<sup>260</sup>

NGO anti-trafficking initiatives also face difficulties related to government corruption. Some NGOs, like ECPAT, refuse to offer payouts to authorities in order to facilitate their projects.<sup>261</sup> The Rescue Foundation, however, provides payouts (or bribes) when necessary and unavoidable in order to save sex trafficking victims. In Mr. Tank’s words:

... you have to get into the drain to clean the drain. It's not possible for you to remain clean. Unfortunately, we have to do this job for the larger good of the girls. At times, the trafficker will pay more money to the police and ask them to release a girl. We tell them that we'll give them more money than the trafficker if they give her to us. The only difference is that he will take her back to the brothel and we will take her to our shelter home and take care of her.<sup>262</sup>

The Government of Canada partners with civil society organizations as part of its international development and humanitarian assistance policy. Mr. McDougall informed the Subcommittee that Canada has invested \$3.1 million through GAC’s Partnerships for Development Innovation Branch to support 15 projects in India which cover a wide variety of fields.<sup>263</sup> According to GAC’s [Project Browser](#), the Government of Canada currently partners with international, regional and national NGOs on 21 development projects in South Asia.<sup>264</sup>

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259 Ibid.

260 SDIR, [Evidence](#), 13 June 2017, 1345 (Tank).

261 SDIR, [Evidence](#), 20 June 2017, 1345 (Matas).

262 SDIR, [Evidence](#), 13 June 2017, 1320 (Tank).

263 SDIR, [Evidence](#), 4 May 2017, 1310 (McDougall).

264 Government of Canada, “[Search projects](#),” *Project Browser*. Projects were filtered by country (Bangladesh, Bhutan, India, Maldives, Nepal, Sri Lanka), status (operational) and partner classification (international NGO, national NGO, and regional NGO).

**Recommendation 4: Providing concrete support to NGOs working to eliminate sex trafficking and to rehabilitate survivors**

**That the Government of Canada prioritize support for non-governmental organizations working towards preventing sex trafficking and rehabilitating survivors in South Asia in its international assistance programming. Further, the Government of Canada should encourage those organizations with appropriate expertise to expand programming related to the prevention of sex trafficking and the rehabilitation of victims and survivors.**

## CONCLUSIONS

The Subcommittee’s study is a high-level overview of the major issues and potential partners involved in efforts to prevent and prosecute sex trafficking in South Asia, and to protect its victims and survivors. There are key drivers of sex trafficking on which the Government of Canada or foreign NGOs may have little influence.<sup>265</sup> The Subcommittee was also confronted with the fact that information on sex trafficking in South Asia is “very poor.”<sup>266</sup>

Sex trafficking is a reprehensible crime, a development issue and a violation of internationally protected human rights which the Government of Canada must address. The Subcommittee heard that Canadian assistance to South Asia focuses on “big-picture issues” through multilateral organizations, and that sex trafficking is not specifically addressed in some bilateral relationships in the region.<sup>267</sup> However, the Government of Canada’s Feminist International Assistance Policy acknowledges that trafficking and exploitation are a form of sexual and gender-based violence which it has committed to fight.<sup>268</sup> Just as the Subcommittee learned of obstacles to fighting the scourge of sex trafficking, the Subcommittee heard of many opportunities for involvement – including in the fields of advocacy, development, support for criminal justice reform and capacity building, and through support for international and regional organizations.

The recommendations proposed by the Subcommittee reflect the assessment of GAC officials that “the complexity of this crime requires a multi-disciplinary approach and a collaborative response encompassing legislative, programming, and policy measures.”<sup>269</sup>

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265 SDIR, *Evidence*, 6 June 2017, 1330 (Banerjee); SDIR, *Evidence*, 20 June 2017, 1335 (Matas).

266 UNODC, *Global Report on Trafficking in Persons 2016*, December 2016, p. 109.

267 SDIR, *Evidence*, 4 May 2017, 1345 (Drake).

268 Government of Canada, *Canada’s Feminist International Assistance Policy*, 22 August 2017.

269 SDIR, *Evidence*, 4 May 2017, 1310 & 1325 (McDougall).



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The Subcommittee's recommendations can be considered a foundation for a deliberate and systematic approach to supporting the Government of Canada's partners, including national governments who have made strides and continue to strive to address the scourge of sex trafficking and the injustices on which it thrives.

## GLOSSARY

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AHTU	Anti-Human Trafficking Unit
CEDAW	United Nations Convention for the Elimination of Discrimination Against Women
CRC	United Nations Convention on the Rights of the Child
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EU	European Union
GAC	Global Affairs Canada
ILO	International Labour Organization
IOM	International Organization for Migration
MSME	Micro-, small- and medium-enterprise
NGO	Non-governmental organization
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
SAARC	South Asian Association for Regional Cooperation
SAARC Convention	South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution
TIP Report	U.S. Department of State 2017 Trafficking in Persons Report
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNTOC	United Nations Convention on Transnational Organized Crime
UNICEF	United Nations Children’s Fund

UNODC

United Nations Office on Drugs and Crime



## APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
<b>Department of Foreign Affairs, Trade and Development</b> David Drake, Director General Counter-Terrorism, Crime and Intelligence Bureau  Robert McDougall, Acting Executive Director South Asia Division	2017/05/04	58
<b>As an individual</b>  Nipa Banerjee, Senior Fellow Faculty of Social Sciences, School of International Development and Global Studies, University of Ottawa	2017/06/06	65
<b>Breakthrough Trust</b>  Joshy Jose, Senior Director Implementation	2017/06/13	68
<b>Rescue Foundation</b>  Dipesh Tank, Project Director		
<b>Beyond Borders ECPAT Canada</b>  David Matas, Counsel	2017/06/20	69



## **APPENDIX B LIST OF BRIEFS**

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### **Organizations and Individuals**

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**Banerjee, Nipa**

**United Nations Office on Drugs and Crime**



## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No. 83](#)) is tabled and a copy of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights ([Meetings Nos. 58, 65, 68, 69, 78, 79, 80, 81, 82 and 85](#)) is tabled.

Respectfully submitted,

Hon. Robert D. Nault  
Chair

