

The countries covered in this section are Canada, Mexico and the United States of America.

Any missing information concerning the region was either not available or not accessed by UNODC.

Canada

Institutional framework

Canada's first law that specifically criminalized trafficking in persons was enacted in 2002 and focused on transnational trafficking. Additional amendments were made to the Criminal Code of Canada in 2005, creating three additional specific offences to cover all forms of trafficking for any exploitative purpose.

Criminal justice response

Canada's national police force, the Royal Canadian Mounted Police (RCMP), established a Human Trafficking National Coordination Centre (HTNCC) within its Immigration and Passport Branch. Six regional RCMP Immigration and Passport Sections employ approximately 160 officers who are mandated to investigate immigration and human trafficking offences under the Immigration and Refugee Protection Act and /or under the criminal code. In addition, there are approximately 64,000 municipal, provincial and federal police officers across Canada, all of whom have the responsibility to enforce the criminal laws in Canada that may include human trafficking investigations.

Four men were brought into initial formal contact with the police for trafficking in persons in 2006, while there were no such cases in 2005. There were no prosecutions or convictions under the specific trafficking in persons offences under the criminal code in 2003-2006, though it

should be noted that the trafficking in persons offences in the criminal code only came into force in November 2005. Between March 2007 and February 2008, a minimum of 13 charges were laid involving cases of alleged trafficking for sexual exploitation. Additionally, a minimum of four charges were laid for the withholding or destroying of documents for committing or facilitating the commission of trafficking in persons. These cases involve adult and child victims originating from both outside and within Canada.

In addition to the specific trafficking in persons offences, trafficking activities may still be prosecuted under other criminal code offences that address trafficking-related conduct. Authorities report that from March 2004 to February 2005 there were 19 trafficking-related convictions under various criminal code offences, with sentences ranging to up to nine and a half years in prison. Between March 2005 and February 2006, there were six trafficking-related convictions under various criminal code offences, and sentences were imposed in all cases. Between March 2006 and February 2007, there were five trafficking-related convictions under various criminal code offences, and sentences were imposed in all cases.

These cases reflect the minimum number of trafficking-related cases prosecuted during the reporting period, as many court decisions were unreported. Similarly, it should be noted that not all human trafficking investigations undertaken by police agencies are reported for the purpose of national statistics.

Services provided to victims

The federal government provides temporary immigration status and work permits for up to 180 days, as well as medical and psychosocial support to suspected foreign national victims of trafficking in Canada. Longer-term immigration status is available for up to three years when circumstances warrant. Trafficked foreign national victims can also access existing permanent resident avenues. Canada's provinces and territories administer legal aid and social services such as emergency financial assistance and housing to those trafficking victims in need. NGOs also offer support and shelter to trafficking victims, whether or not they are foreign nationals.

Four victims were identified by the police (three females and one of unknown gender) in 2006. While Citizenship and Immigration Canada (CIC) does not have data available on identified victims before 2006, two foreign nationals were issued temporary resident permits in 2006. Furthermore, since May 2006, 26 temporary resident permits were issued to 18 victims of human trafficking (inclusive of these two foreign nationals). These numbers include subsequent permits issued to the same victim in order to maintain legal status in Canada.

Additional information

An Inter-Departmental Working Group on Trafficking in Persons (IWGTIP) brings together 17 federal departments and agencies, and coordinates and strengthens federal responses to human trafficking, including through collaboration with the provinces and territories.

Asia, in particular the Mekong sub-region, and parts of Africa and Eastern Europe tend to be the primary source regions for victims trafficked to Canada. Overall, numbers for victims of domestic trafficking are unavailable.

Mexico

Institutional framework

Mexico adopted the law to Prevent and Punish Trafficking in Persons in November 2007. The law criminalizes all aspects of trafficking as listed in Article 3 of the UN Trafficking Protocol. Prior to 2007, only provisions criminalizing child trafficking were in place, while some forms of trafficking in persons were prosecuted under other offences, such as pandering.

The new anti-trafficking law also provides assistance and services for victims and formalizes a federal interagency commission, which has statutory authority to request funds to implement the new law and a national program to prevent trafficking in persons. The Ministry of Interior was appointed head of the interagency commission.

Mexico is a federal republic with 31 states and a federal district. Each state has its own constitution and justice system that handles trafficking issues. Trafficking in persons falls under federal jurisdiction only when three or more individuals are involved, when the criminal act is repeated or when it is of an international nature.

As of May 2008, five states (Chihuahua, Guerrero, Zacatecas, Sonora, and the State of Mexico) had laws criminalizing trafficking in persons in line with the definition in the UN Trafficking Protocol; 14 states adopted laws against human trafficking that relate only to prostitution or are otherwise not fully in line with the Protocol; four states have reforms of their penal codes related to trafficking pending; and eight states do not have any form of anti-trafficking laws.

Criminal justice response

The Office of the General Prosecutor of the Republic (PGR) established the Federal Special Prosecutor for Crimes of Violence against Women and Trafficking of Persons (FEVIM-TRA) in January 2008.

There were no records of prosecutions or convictions of human trafficking cases as of May 2008 because of the lack of comprehensive anti-trafficking legislation in place prior to November 2007. Between January and May 2008, investigations against four offenders (three males and one female from Mexico and other Central American countries) were conducted.

Chihuahua is the only Mexican state that, as of May 2008, had reported investigations and prosecutions of human trafficking cases during 2007 (there were no prosecutions between 2003 and 2006). Fifteen cases have been reported from 2007 until this date due to the entrance into force of the law on human trafficking, which was enacted on January 1st, 2007, in Chihuahua State. In that sense, nine cases were registered in 2007, and six in 2008. Chihuahua is also in the process of establishing a specialized police unit comprised of 15 law enforcement officials to investigate cases of trafficking in persons.

Services provided to victims

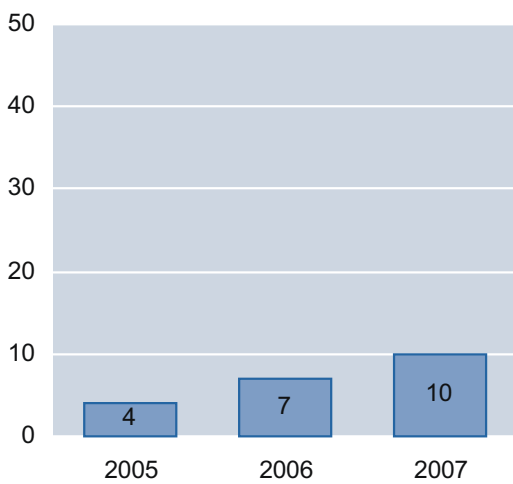
State authorities provide legal assistance, temporary stay permits and shelter to victims of human trafficking. Several NGOs and international organizations also offer medical and psychosocial support and housing and shelter.

The National Migration Institute (INM) has undertaken action to raise awareness, prevent and combat human trafficking under its authority, specifically related to foreigners who are in national territory, even if they are undocumented.

The INM authorizes the issuance of renewable one-year humanitarian visas to victims who assist in the prosecution of their traffickers. For

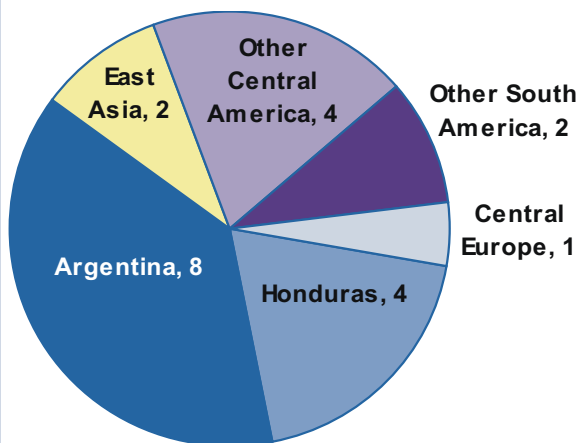
those cases in which the victims and possible victims wish to be repatriated to their countries of origin, the INM contacts international organizations like the IOM, as well as NGOs, to assure the victims' safe return and social reintegration.

Fig. 62: Victims of trafficking identified by the National Institute of Migration in Mexico (2005-2007)



Source: National Institute of Migration

Fig. 63: Victims of trafficking identified by the National Institute of Migration in Mexico, by country of citizenship (2005-2007)



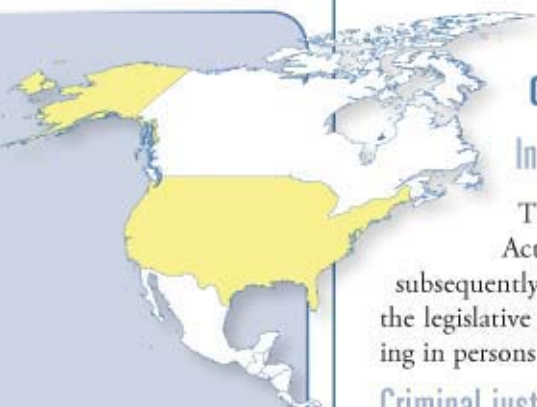
Source: National Institute of Migration

Additional information

IOM identified six girls and six women as victims of trafficking in persons in 2006; seven were victims of sexual exploitation, three were victims of forced labour and one was a victim of servitude. Five victims were Honduran citizens, five were from other Central American countries and two were from South America.

IOM also sheltered two girls in 2005 and eight females, five of whom were girls, in 2006. Of these 10 victims, nine were victims of sexual exploitation and one was a victim of forced labour. The National Institute of Migration stated that 74% of the 21 victims reported from 2005 to 2007 were victims trafficked for the purpose of sexual exploitation and 26% were victims trafficked for labour exploitation.

The Department for Integral Development of the Family (DIF) has shelters for minors that also are available for victims of human trafficking, and FEVIMTRA is in the process of building shelters that also can be used by victims of trafficking in Mexico City, Chiapas and Chihuahua. There is no official referral mechanism in place, but if the victim is a foreigner, the National Institute for Migration refers the victim to an NGO to receive shelter and assistance. IOM provides assistance in the repatriation and reintegration of victims of trafficking.



United States of America

Institutional framework

The Trafficking Victims Protection Act (TVPA), adopted in 2000 and subsequently amended in 2003 and 2005, is the legislative framework criminalizing trafficking in persons in the USA.

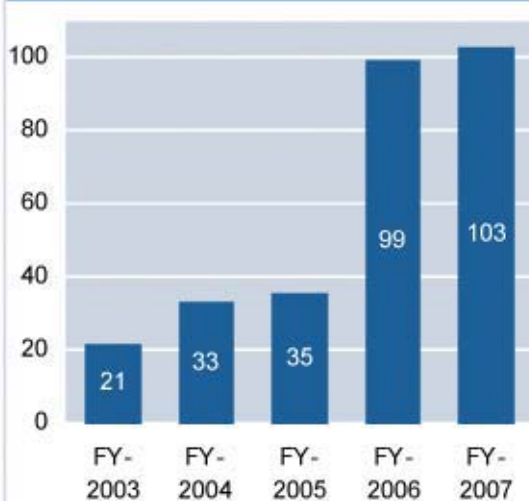
Criminal justice response

Several federal agencies conduct investigations on trafficking in persons, but the majority of cases are handled by the Federal Bureau of Investigation (FBI) and by the U.S. Department of Homeland Security's Immigration and Customs Enforcement (ICE). The FBI has assigned specialized officers to a human trafficking initiative since 2005, and the FBI Crimes against Children Unit's Innocence Lost National Initiative has dealt with trafficking in persons issues since 2003. The Human Smuggling and Trafficking Center was established in 2004 as an inter-agency fusion centre and information clearinghouse that turns intelligence into action in the three interrelated areas of human smuggling, trafficking and criminal support of clandestine terrorist travel. The U.S. Department of Labour

enforcement is responsible for enforcing some of the most comprehensive labour laws.

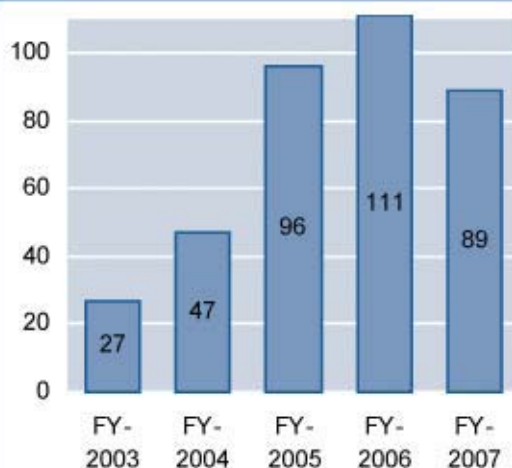
The following charts lists the number of defendants charged and convicted of trafficking offences and offences under the TVPA.

Fig. 64: Persons charged under all trafficking offences in the USA (FY-2003 to FY-2007)



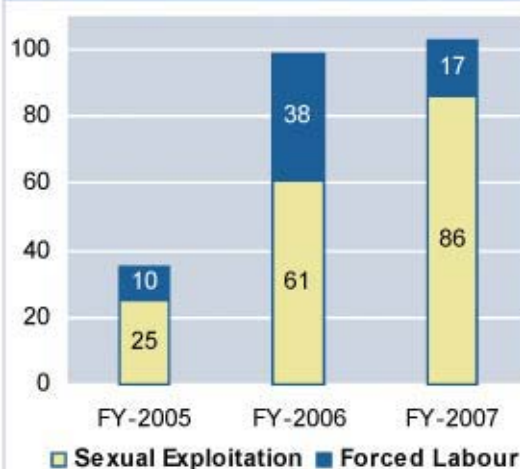
Source: Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2007

Fig. 65: Persons convicted under all trafficking offences in the USA (FY-2003 to FY-2007)



Source: Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2007

Fig. 66: Persons convicted under all trafficking offences in the USA, by form of exploitation (FY-2005 to FY-2007)



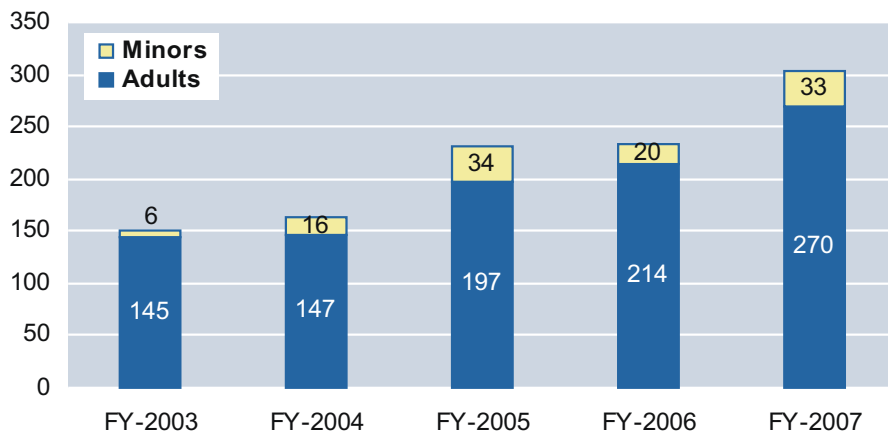
Source: Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2007

Services provided to victims

State authorities provide legal protection and temporary stay permits for trafficking victims. State authorities and NGOs also offer medical and psychosocial support and housing and shelter.

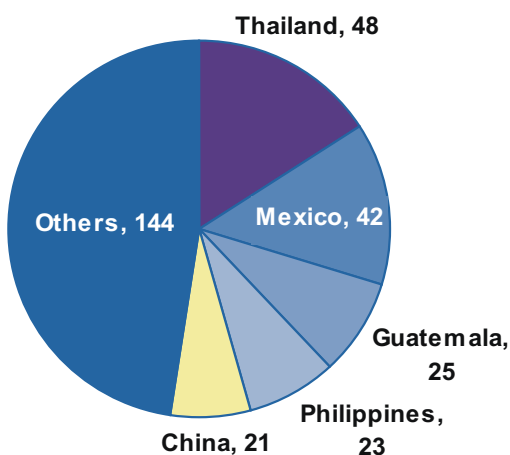
There is no aggregate data available on the identified victims of human trafficking for the whole country because the responsibility for identifying victims is spread among multiple agencies. However, the Department of Health and Services records the “certification” of adult victims of trafficking in persons, while child victims can receive “letters of eligibility”.

Fig. 67: Certification and eligibility letters granted to trafficking victims in the USA, by age (FY-2003 to FY-2007)



Source: Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2007

Fig. 68: Certification and eligibility letters granted to trafficking victims in the USA, the top five countries of origin (FY-2007)



Source: Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2007

Additional information

In 2006 certified victims originated mainly from Latin America and the Caribbean (62%), Africa, Asia, Europe and the Pacific Islands. In 2007 certified victims originated mainly from Latin America and the Caribbean (41%), Asia (41%), Europe and the Pacific Islands.

The charts above refer to “fiscal years” (FY). The fiscal year indicates the 12 months from October to September of the following solar year.