**United Nations Special Rapporteur on the sale of children, child prostitution and child pornography**

Questionnaire on assistance and rehabilitation programmes for

child victims of sale and exploitation, including sexual exploitation

1. **Provide information on the legal, policy, institutional and budgetary framework developed by your country to establish assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation.**

***Legislative Measures***

* Canada’s criminal laws prohibit trafficking in persons (TIP) for any exploitative purpose, and regardless of whether the trafficking occurs wholly within Canada or whether it involves the bringing of persons into Canada. Our criminal laws apply across the country and therefore provide a uniform approach to address TIP and related conduct.
* In addition to general offences addressing sexual assault, aggravated assault, kidnapping or forcible confinement, the *Criminal Code of Canada* also contains six indictable offences that specifically address trafficking in persons, including three child-specific offences which carry higher penalties:
* Trafficking of a person under the age of eighteen years which carries a maximum penalty of life imprisonment and a mandatory minimum penalty of 6 years where the offence involved kidnapping, aggravated assault, aggravated sexual assault or death, and a maximum penalty of 14 years and a mandatory minimum penalty of 5 years in all other cases;
* Receiving a financial or other material benefit for the purpose of committing or facilitating child trafficking which carries a maximum penalty of 14 years imprisonment and a mandatory minimum penalty of 2 years; and
* Withholding or destroying a person's identity documents for the purpose of committing or facilitating child trafficking which carries a maximum penalty of 10 years imprisonment and a mandatory minimum penalty of 1 year.
* Canada’s *Criminal Code* provides comprehensive prohibitions against all forms of sexual abuse and exploitation of children. Canada’s prohibitions against child pornography are amongst the most robust in the world and apply to all forms of child pornography, which is broadly defined to include visual, written or audio formats depicting real and imaginary children under the age of 18 years. Making, distributing, transmitting, making available, accessing, selling, advertising, exporting/importing and possessing child pornography are prohibited.
* Recent federal government initiatives continue to strengthen protections for victims, including children:
	+ In 2014, to complement the new criminal law measures on prostitution under the *Protection of Communities and Exploited Persons Act*, the Government of Canada announced $20 million in new funding to support a wide range of social programming for those who want to leave prostitution and assist victims of sexual exploitation of all ages, including victims of trafficking in persons.
	+ *An Act to amend the Corrections and Conditional Release Act* (fairness for victims), which came into force on April 23, 2015, extends offender parole and detention review periods, enhances victim involvement in parole hearings, and enhances information sharing with victims.
	+ The Victims Bill of Rights Act, which received Royal Assent on April 23, 2015, is a significant piece of legislation that will give victims of crime a more effective voice in the criminal justice system and create clear statutory rights at the federal level for victims of crime for the first time in Canada’s history. This legislation will create the Canadian Victims Bill of Rights (CVBR) to give victims rights in four areas - information, protection, participation and restitution and ensure a complaint process is in place for breaches of these rights. The CVBR and accompanying amendments to the *Criminal Code* and the *Canada Evidence Act* will come into force on July 23, 2015.
* Bill C-26, the *Tougher Penalties for Child Predators Act*, which is currently before the Senate, includes proposed amendments to the *Criminal Code* and the *Sex Offender Information and Registration Act* to ensure that all child sexual offenders are held fully accountable for their crimes against the most vulnerable in our society and to assist in denouncing and deterring these heinous crimes. The Bill would also create a High Risk Child Sex Offender Database. This Bill is comprised of several components, including penalties for breaches of prohibition orders, probation orders and peace bonds would also be increased to ensure that those who violate conditions imposed by the courts to protect children are held to account.

***Programmatic Measures***

* There are also non-legislative measures in place to protect children from trafficking, child prostitution and child pornography.
* Launched in 2004, the *National Strategy for the Protection of Children from Sexual Exploitation on the Internet* provides $14.2M annually to:
	+ reinforce law enforcement’s capacity to combat child sexual exploitation and abuse on the Internet though the Canadian Police Centre for Missing and Exploited Children, with a focus on the identification and rescue of child victims;
	+ continue to support the Canadian Centre for Child Protection, which operates Canada’s national tipline for the public reporting of suspected cases of online sexual exploitation of children;
	+ support research on child sexual exploitation and human trafficking, including child trafficking; and
	+ reinforce the overall coordination, oversight, evaluation and training associated with the Strategy.
* In addition, in June 2012, the Government of Canada launched the *National Action Plan to Combat Human Trafficking*, which includes preventing and combating trafficking of children and youth. The Plan built on Canada’s current responses and commitment to work together with partners to prevent and combat this disturbing crime. New measures built on and strengthen Canada’s ongoing work to prevent, detect and prosecute human trafficking. The National Action Plan should be considered an evergreen document and will be updated as more information is learned about human trafficking. To view the National Action Plan online, go to: <http://www.publicsafety.gc.ca/prg/le/cmbt-trffkng-eng.aspx>. A Human Trafficking Taskforce (HTT), led by Public Safety Canada and comprised of key departments, is responsible for overseeing the implementation of the National Action Plan commitments under the ‘4-Ps’ (prevention, protection, prosecution, and partnerships), coordinating the federal anti-human trafficking response and reporting annually on progress to the public.
1. **Based on your experience, what elements are necessary for a comprehensive and rights-based care and recovery system of child victims of sale and exploitation, including sexual exploitation?**
* In Canada, the protection of victims of crime is a shared responsibility between the federal and provincial/territorial governments. However, the provinces and territories are primarily responsible for programs and services for victims of crime. In order to best suit the needs of victims, manyprovinces and territories have established specialized programs for child victims within their provincial/territorial victim services directorates.
1. **Provide examples of good practices and successful initiatives of assistance and rehabilitation programmes which facilitate the rehabilitation and reintegration of child victims of sale and exploitation, including sexual exploitation.**
* As highlighted in question 2, the protection of victims of crime is a shared responsibility between the federal and provincial/territorial governments. However, the provinces and territories are primarily responsible for programs and services for victims of crime.
* Department of Justice chairs an FPT Working Group on Victims of Crime which allows Provincial/Territorial Directors of Victims Services and federal departments to coordinate efforts to address the needs of victims, including child victims of sexual exploitation.

***Child Protection***

* Since 2006, the Government of Canada has allocated more than $158 million to give victims a more effective voice in the criminal justice and corrections systems through programs and initiatives delivered by the Department of Justice Canada.
* The Federal Victims Strategy (FVS) was created in 2007 and renewed in 2011 with funding of $13 million annually. Budget 2012 committed an additional $7 million over 5 years for the Victims Fund. The FVS is a federal horizontal initiative led by the Department of Justice. The key objective of the FVS is to give victims a more effective voice in the criminal justice system by:
	+ working with partners to enhance victim participation in the criminal justice system;
	+ ensuring that victims of crime and their families are aware of their role in the criminal justice system and the services and assistance available to support them;
	+ enhancing capacity to develop policy, legislation and other initiatives which take the perspectives of victims into consideration;
	+ increasing awareness of criminal justice system personnel, allied professionals and the public about the needs of victims of crime, legislative provisions designed to protect them, and services available to support them; and
	+ developing and disseminating information about effective approaches both within Canada and internationally to respond to the needs of victims of crime.
* On October 7, 2010, the Government of Canada launched new funding (Cdn$ 5.5 million over 5 years) for the creation and enhancement of Child Advocacy Centres (CAC’s) across Canada to help better serve young victims and witnesses of crime. In 2012, the Government committed an additional Cdn$ 5 million over five years for new or enhanced Child Advocacy Centres, bringing the total federal Government commitment to Child Advocacy Centres to Cdn$ 10.25 million. More than twenty CACs are now open or in development in Canada.
* CACs are child-focused centres that coordinate the investigation, prosecution, and treatment of child abuse while helping abused children. They adopt a seamless, collaborative and coordinated approach to addressing the needs of child and youth who are victims of abuse. CACs seek to minimize system-induced trauma by providing a neutral, child-friendly facility where interviews of and services for children who are alleged to have been abused are provided.
* Through the Victims Fund, which was established in 2000, grants and contributions funding is made available to provincial and territorial governments and non-governmental organizations (NGOs) for the creation and enhancement of services for victims of crime and to advance the Strategy. This funding can also be used to enhance the knowledge and capacity of those who work with victims of crime so that these professionals and volunteers can better meet victims’ needs and raise awareness about the needs of victims of crime and the legislation, services and assistance available to them. In addition, a limited amount of funding is available to provide direct financial assistance to victims of crime in particular circumstances, such as providing assistance for victims to attend parole hearings of the offender who harmed them. Since 2013, projects funded to enhance measures to respond to the needs of victims of human trafficking, include:
* ACT Alberta has received funding over three years to undertake a pilot project to coordinate services for victims of human trafficking in Alberta by hiring dedicated part-time case coordinators in Edmonton and Calgary.
* Le Comité d’action contre la traite humaine interne et internationale (CATHI) has received funding over three years to develop an intervention model to provide support and assistance to victims of human trafficking in a coordinated and concerted way between the different community organizations that work to assist these clients.
* Native Women’s Association of Canada received funding for one year to create a resource handbook for Aboriginal women and girls who are victims and survivors of sex trafficking and sexual exploitation.

***International Assistance Efforts***

* The Department of Foreign Affairs, Trade and Development (DFATD) provides assistance to other governments as well as funding to a number of international organizations and non-governmental organizations (NGOs) that work with governments to address human trafficking, with a core focus on prevention, protection and rehabilitation of trafficking victims and integrating gender equality as a cross-cutting theme.
* As part of our development programming, DFATD supports developing countries to develop child protection systems that provide for the safety and security of every girl and boy. DFATD advocates for a comprehensive, systems approach based on preventing and responding to violence, including child trafficking and sexual exploitation, as part of efforts to ensure that children are healthy, educated and live lives free from fear and violence.
* For example, the **Preventing Child Sex Tourism in Costa Rica** project (International Bureau for Children's Rights (IBCR); $248,830; 2012-2014) reduced the incidence of child sex abuse tourism in Costa Rica. The project mapped high-risk locations for child sex tourism, as children are often trafficked for the purpose of sexual exploitation. The project has also worked with the formal and informal tourism sector, as well as youth, their families and communities to enhance understanding of the problem and promote community-based protection efforts. It raised awareness in the Canadian public on the issue and supported better law enforcement collaboration for the prosecution of Canadian sex offenders travelling to Costa Rica.
* Humanitarian assistance in response to events such as typhoon Haiyan and the Syria crisis have also included activities to address the increased risks of human trafficking of women, girls and boys.
* In the context of Canada's international leadership around maternal, newborn and child health, significant new programming is also underway to support effective civil registration and vital statistics, including birth registration, which contributes to providing national authorities with new trafficking prevention tools.
1. **Describe the challenges that your country has identified in the establishment and management of assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation.**
* As highlighted in question 2, the protection of victims of crime is a shared responsibility between the federal and provincial/territorial governments. However, the provinces and territories are primarily responsible for programs and services for victims of crime.
1. **How do you ensure that the views and needs of children are duly taken into account in the design and provision of care and recovery services?**
* As highlighted in question 3, the Government of Canada provides funding for the creation and enhancement of CAC’s across Canada to help better serve young victims and witnesses of crime.
1. **How do you ensure access of child victims to support services?**
* As highlighted in question 3, the Government of Canada provides funding for the creation and enhancement of CAC’s across Canada to help better serve young victims and witnesses of crime.
1. **How do you ensure the adoption of a gender perspective in the establishment and management of the assistance and rehabilitation programmes? Do the programmes provide gender-specific measures for the care and recovery of boys and girls?**
* As highlighted in question 2, the protection of victims of crime is a shared responsibility between the federal and provincial/territorial governments. However, the provinces and territories are primarily responsible for programs and services for victims of crime.
1. **Provide information on prevention programmes developed by your country with a specific focus on children at risk or in vulnerable situations (e.g., children working and/or living on the street, children placed in institutions, unaccompanied migrant children).**
* In Canada, the provinces and territories are primarily responsible for programs and services for victims of crime. In order to best suit the needs of victims, manyprovinces and territories have established special programs for child victims within their provincial/territorial victim services directorates.
* Canada recognizes that some children may be particularly vulnerable to sexual exploitation and has taken a number of steps federally to protect those who are most at risk of victimization, through research, education and national awareness campaigns. For example:
	+ A partnership with the National Association of Friendship Centres for the development of a national awareness campaign on the domestic sex trafficking of Aboriginal peoples living on and off reserve and in rural, urban and northern communities, in order to help prevent victimization. This campaign, which includes four human trafficking public service announcements developed by Aboriginal youth from different regions in Canada, is available across the country.
	+ As part of ongoing efforts to support the identification of possible victims of human trafficking at the Canadian border, the Canada Border Services Agency (CBSA) updated its human trafficking training material in 2013-2014, and is ensuring that all staff with human trafficking-related functions, including Border Services Officers and Liaison Officers overseas, have access to current trends on human trafficking. This training product will help officers better recognize indicators associated with a person or child who may be a victim of trafficking.
	+ Officers are also trained to identify children who may be at risk and in need of protection. For example, officers are trained to observe the behavior of the child, interaction between child and accompanying adult, signs of physical abuse, validity of documentation, nature of responses to questions, and other aspects that may reveal that a suspicious child-adult relationship exists.
	+ The Royal Canadian Mounted Police (RCMP) Human Trafficking National Coordination Centre (HTNCC) continues to promote its “I’m not for sale” campaign in Canada. As part of the human trafficking awareness campaign, three toolkits have been developed to educate law enforcement, service providers, and the public on human trafficking. To date, over 2,400 toolkits have been sent to Aboriginal communities, groups and/or liaison officers across Canada in addition to over 900 Aboriginal specific posters.
	+ RCMP has recently revised its national youth strategy and has identified healthy relationships as a priority issue under the strategy. A key component of the strategy is the effective engagement of youth, through initiatives such as the RCMPTalks series of videoconferences. RCMPTalks encourages youth from across the country to talk about issues of importance to them.
	+ Also under the youth strategy, the RCMP hosts the Centre for Youth Crime Prevention (CYCP). The CYCP provides Canadians with evidence-informed and age appropriate crime prevention messages, information, tools, and programs to prevent youth crime and victimization. The CYCP includes a variety of resources and links related to human trafficking, sexual violence and healthy relationships.
	+ The Government of Canada supports the Canadian Centre for Child Protection (the Centre). In addition to operating Cybertip.ca, Canada’s national tipline to report the suspected online sexual exploitation of children, the Centre provides a range of public awareness and age-appropriate educational resources, as well as support and referral services, to help Canadians and their families to stay safe while using the Internet. These programs include age-appropriate programs ranging from pre-school to grade 8 to teach kids about online safety as well as raising awareness on other issues including cyberbullying, “sexting” and self/peer exploitation. Many of these materials are available online at the Canadian Centre for Child Protection website: [www.protectchildren.ca](http://www.protectchildren.ca).