

Trafficking in persons in Canada, 2018

by Adam Cotter

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Trafficking in persons in Canada, 2018: Highlights

- Police services in Canada have reported 1,708 incidents of human trafficking since 2009.
- Nine in ten (90%) incidents of human trafficking were reported in census metropolitan areas.
- The vast majority of victims of police-reported human trafficking were women and girls (97%).
- About half (45%) of all victims of police-reported human trafficking were between the ages of 18 and 24. Nearly three in ten victims (28%) were under the age of 18, and the remainder (26%) were 25 years of age or older.
- In about half (47%) of incidents, an accused person was not identified in connection with the incident.
- Four in five (81%) persons accused of human trafficking since 2009 have been men.
- Just over half (51%) of all accused persons were 25 years of age or older, and a further 43% were between the ages of 18 and 24. The remainder (6%) were youth, between the ages of 12 and 17.
- Just over four in ten (44%) incidents of human trafficking involved other offences, most commonly related to sexual services, physical assault, or sexual assault or other sexual offences.
- Between 2008/2009 and 2017/2018, there were 582 completed cases in adult criminal courts that involved at least one charge of human trafficking.
- The median length of time it took to complete a case involving at least one charge of human trafficking was 358 days, roughly twice as long as the median for all violent offences.
- Few cases where human trafficking was the most serious offence in the case resulted in a guilty decision (29%). This is in contrast to 58% of cases involving violent offences and 56% of cases where at least one charge of human trafficking was involved but was not the most serious offence.
- Nearly half (45%) of the cases that successfully linked to an incident of police-reported human trafficking did not involve any charges of human trafficking. Most commonly, these cases involved charges for non-violent offences (54%).

Trafficking in persons in Canada, 2018

by Adam Cotter

Trafficking in persons, or human trafficking, has been referred to as a modern form of slavery. It involves the recruiting, transporting, transferring, receiving, holding, concealing or harbouring, or the exercise of control, direction, or influence over the movements of a person, in order to exploit or facilitate the exploitation of that person (Public Safety Canada 2019; UNODC 2018a). While anyone can be subject to human trafficking, victims disproportionately tend to come from vulnerable or marginalized populations (Public Safety Canada 2019; Department of Justice Canada 2015).

Human trafficking is prohibited by law in Canada, and is considered a criminal offence whether it occurs entirely within Canada or involves the transporting of persons across Canadian borders. Both the *Criminal Code* and the *Immigration and Refugee Protection Act* have specific sections which address human trafficking (see Text box 1).

Human trafficking can take various forms, but often involves forced labour or sexual exploitation (UNODC 2018b). Investigations of human trafficking in Canada suggest that, while labour exploitation does occur in Canada, human trafficking for the purposes of sexual exploitation appears to be more prevalent, particularly in urban centres (Department of Justice Canada 2015).¹ That said, this may be due to the fact that sexual exploitation is more readily detected by authorities than labour exploitation (UNODC 2018b).

Human trafficking is often confused with human smuggling, which involves the illegal transfer of a person across an international border with their consent and generally ends once the smuggled person reaches their destination (Public Safety Canada 2019). In contrast, human trafficking is done against the will of the victim and may or may not involve crossing international borders.

In 2019, the government of Canada announced the *National Strategy to Combat Human Trafficking*, a five-year plan to address human trafficking in Canada and internationally (Public Safety Canada 2019). The Strategy is based on five key pillars: preventing human trafficking in Canada and internationally; protecting victims and potential victims; improving the capacity to identify and prosecute human trafficking cases; partnering with provincial, territorial, national, and international stakeholders to better collaborate and coordinate; and empowering victims and survivors of human trafficking (Public Safety Canada 2019).

This *Juristat* article uses data from the Uniform Crime Reporting (UCR) Survey and the Integrated Criminal Court Survey (ICCS) to look at trends in the prevalence and nature of human trafficking as reported by Canadian police services and adult criminal courts. In addition, a file linking police records to court information was created in order to explore how incidents of human trafficking—including those that may not result in criminal court charges under specific human trafficking legislation—are processed in the criminal justice system.

Challenges with measuring human trafficking

While addressing data gaps is a key goal of the *National Strategy to Combat Human Trafficking*, available data on this crime only provides a partial view of the scope of human trafficking offences in Canada. This is because human trafficking is often hidden, potentially transnational, and involves victims who may be unaware that they are being trafficked, in precarious or vulnerable situations, fearful or distrustful of authorities, fearful of deportation or loss of employment, or who may be facing threats from the traffickers. This makes it difficult to detect and subject to underreporting to police.

In addition, when human trafficking does come to the attention of police, it is difficult to prosecute; in some cases, other related charges may be pursued in lieu of human trafficking (Farrell et al. 2013; Kaye and Hastie 2015). This means that criminal court data may also underrepresent the volume of human trafficking-related cases heard in Canada.

Furthermore, official data on human trafficking are also influenced by departmental resources and priorities; an increase in police-reported human trafficking may be a reflection of improvements made in the detection and investigation of such incidents and victims, rather than a true increase (UNODC 2018b).

A national Canadian human trafficking hotline, currently in operation, is one manner in which official data can be supplemented in the future, as anonymized data collected through tips, calls, and emails can help improve assessments of the scope of human trafficking in Canada (see Text box 3).

Text box 1**Human trafficking in the *Criminal Code* and the *Immigration and Refugee Protection Act***

In 2005, three human trafficking offences were added to the *Criminal Code*:

- section 279.01: trafficking in persons,
- section 279.02: receiving financial or other material benefit for the purpose of committing or facilitating trafficking in persons, and
- section 279.03: withholding or destroying identity documents (such as a passport) for the purpose of committing or facilitating trafficking of that person.

Section 279.04, which defines exploitation for the purpose of human trafficking offences, was also added.

In 2010, section 279.011 was added, introducing a new offence specifically pertaining to the trafficking of persons under 18 years of age.

In 2012, the *Criminal Code* was amended so that Canadians and permanent residents could be prosecuted in Canada for human trafficking offences committed internationally.

In 2014, new subsections were added to the *Criminal Code*, creating specific offences for receiving material benefit from trafficking of persons under 18 years of age and for withholding or destroying documents in order to facilitate or commit trafficking of a person under 18 years of age. Mandatory minimum penalties were introduced for section 279.01 as well as any trafficking offence involving a child victim.

Section 118 of the *Immigration and Refugee Protection Act* refers to cross-border trafficking, and specifically criminalizes knowingly organizing the coming into Canada of one or more persons by means of abduction, fraud, deception, or use or threat of force or coercion (Public Safety Canada 2019). In the past decade, there have been 541 such incidents reported by police in Canada, three-quarters of which have occurred since 2015.

While human trafficking is not the same as human smuggling, the *Immigration and Refugee Protection Act* also prohibits the smuggling of persons into Canada. In total, 173 incidents of human smuggling have been reported by police since 2011, when a violation code specific to this offence was added to the Uniform Crime Reporting Survey.²

Section 1: Police-reported human trafficking

This section uses police-reported data from the Uniform Crime Reporting (UCR) Survey to examine trends in and characteristics of human trafficking in Canada. Unless otherwise noted, data from 2009 to 2018 have been pooled in order to better examine characteristics of incidents, victims, and accused persons.

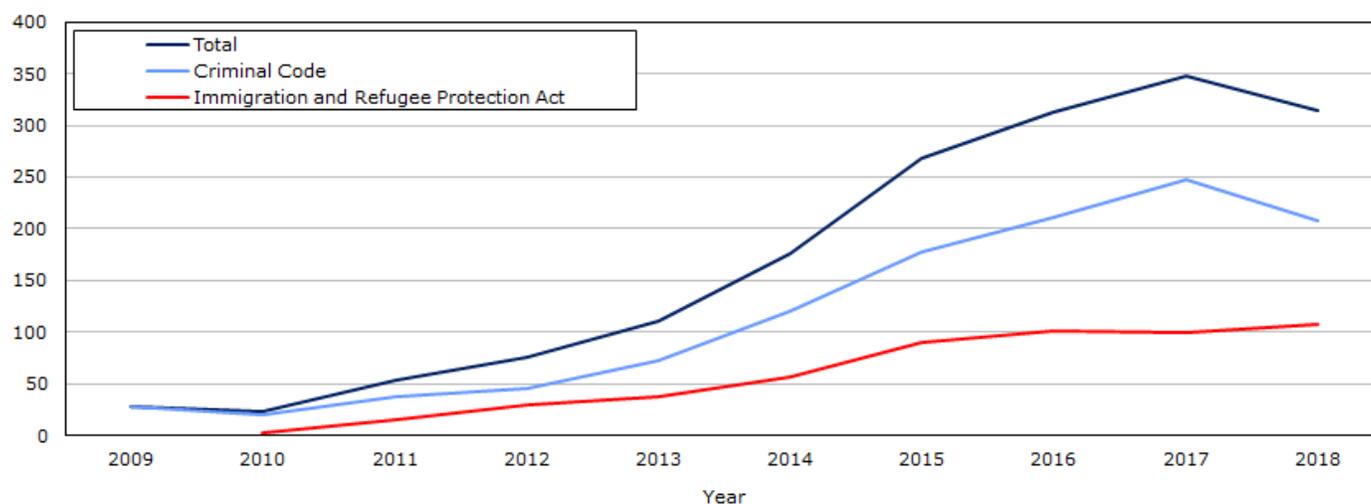
Police-reported human trafficking declined slightly in 2018

Overall, between 2009 and 2018, police services in Canada reported 1,708 incidents of human trafficking, an average annual rate of 0.5 incidents per 100,000 population. Police-reported human trafficking accounted for 0.01% of all police-reported incidents over this period.

When looking at annual data, the number and rate of human trafficking incidents steadily increased after 2010, peaking at 348 incidents and a rate of 1.0 per 100,000 population in 2017 (Chart 1).³ As noted, the increase observed over this period may reflect not only an increase, but also better detection, investigation, and reporting of human trafficking by police. In 2018, there were 315 police-reported incidents of human trafficking, 33 fewer incidents than in 2017, and the rate also declined slightly (to 0.9 per 100,000).

Chart 1
Police-reported incidents of human trafficking, by statute, Canada, 2009 to 2018

number of incidents



Note: The Uniform Crime Reporting Survey was amended partway through 2011 to allow police services to report the specific offence of human trafficking under the *Immigration and Refugee Protection Act*. Once the specific violation code was introduced, a small number of incidents which took place prior to this date were reported.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Uniform Crime Reporting Survey.

As noted, police-reported data on human trafficking include offences against the *Criminal Code* (which account for 68% of all human trafficking incidents since 2009) and the *Immigration and Refugee Protection Act (IRPA)* (which account for 32%). While *Criminal Code* incidents may or may not involve the crossing of international borders, *IRPA* specifically refers to incidents of cross-border human trafficking. Though *Criminal Code* offences of human trafficking declined between 2017 and 2018, both categories have generally increased over the past decade.

Ontario and Nova Scotia have rates of human trafficking higher than the national average

Nova Scotia (1.0 incidents per 100,000 population) and Ontario (0.9 incidents per 100,000 population) recorded average annual rates higher than the national average (0.5 incidents per 100,000 population) between 2009 and 2018 (Table 1). No other province or territory recorded an average annual rate above the total Canadian average.

Ontario, which accounts for 39% of the total Canadian population, has accounted for just over two-thirds (68%) of all police-reported human trafficking incidents since 2009.

Nova Scotia, which accounts for 3% of the overall population and 6% of all human trafficking incidents, was the only other province or territory to be overrepresented in this manner. Unlike most other provinces and the territories,⁴ *IRPA* offences accounted for the majority of the 95 police-reported incidents of human trafficking in Nova Scotia since 2009 (68% of all incidents).

Of note, evidence from advocates and police investigations in Canada suggest that Nova Scotia, and particularly Halifax, are part of a corridor frequently used to transport victims of human trafficking from Atlantic Canada to larger urban centres elsewhere in Canada (Barrett 2013; Cohen 2019; Luck 2019; Mulligan 2018).

In some jurisdictions – particularly New Brunswick, Quebec, and British Columbia – police recommend charges to the Crown, and the Crown decides whether or not to proceed with any or all of the recommended charges. As noted, human trafficking is difficult to successfully prosecute (Farrell et al. 2013; Kaye and Hastie 2015), which may lead the Crown to choose to pursue other violations but decline to proceed with human trafficking charges. In some instances, this can result in undercounting of human trafficking in police-reported data, as the incident reported to the UCR Survey may include only violations for which recommended charges have been approved.⁵

Most police-reported incidents of human trafficking are in urban centres

Nine in ten (90%) incidents since 2009 have been reported by police services serving census metropolitan areas (CMAs).⁶ More specifically, half of all incidents of human trafficking have occurred in four CMAs: Toronto (418 incidents, representing 25% of all incidents in Canada), Ottawa (198 incidents or 12% of all incidents), Montréal (148 incidents or 9% of all incidents), and Halifax (87 incidents or 5% of all incidents).

Expressed as a rate of incidents per 100,000 population, the highest rates of human trafficking among CMAs were in Halifax (2.1 per 100,000), Windsor (2.0 per 100,000), and Ottawa (2.0 per 100,000) (Table 2). In Windsor and Halifax, these relatively high rates were driven largely by *IRPA* cross-border trafficking offences (87% and 75% of incidents, respectively). In contrast, the vast majority (96%) of police-reported human trafficking incidents in Ottawa were violations of the *Criminal Code*.

While the vast majority of incidents of human trafficking are reported by police services in urban centres, this is not necessarily an indication of where victims originate. Victims may be transported from elsewhere within or outside of Canada to these urban centres by their traffickers (London Police Service 2017; Public Safety Canada 2019).

Police-reported human trafficking can be influenced by various regional differences – such as the presence or absence of specialized training, local expertise related to human trafficking, and policies, programs, or awareness campaigns. Larger, more urban police services may have more resources and greater training dedicated to detecting human trafficking. For example, in 2019, the Ottawa Police Service implemented a toll-free number which connects callers from across Canada directly with their human trafficking unit (Gillis 2019). Many police services also partner with local hospitality, entertainment, banking, and transportation industries in order to work together to better recognize and report potential signs of human trafficking (e.g., FINTRAC 2017; Halifax Regional Police 2020; Ottawa Police Service 2020)

Furthermore, while not all human trafficking involves the crossing of international borders, some incidents do, and these incidents may contribute to the higher prevalence noted in areas with higher volume of cross-border activity – such as Ontario, which is home to the busiest international crossing points in the country, or in CMAs with major ports or airports which receive a larger volume of international travellers.

Offences in relation to sexual services commonly associated with human trafficking incidents

Of the 1,708 police-reported incidents where human trafficking was the most serious violation, 56% involved human trafficking only, while the remaining 44% involved at least one other violation.⁷

When there was an associated violation, it was most commonly in relation to sexual services. Since 2009, close to two-thirds (63%) of all human trafficking incidents with secondary violations have also involved an offence in relation to sexual services.⁸

Assault was the next most commonly associated offence (39%), while one in five (21%) incidents involved sexual assault or another sexual offence. Kidnapping or forcible confinement were related violations in 12% of human trafficking incidents, while 11% involved some other type of violation.⁹

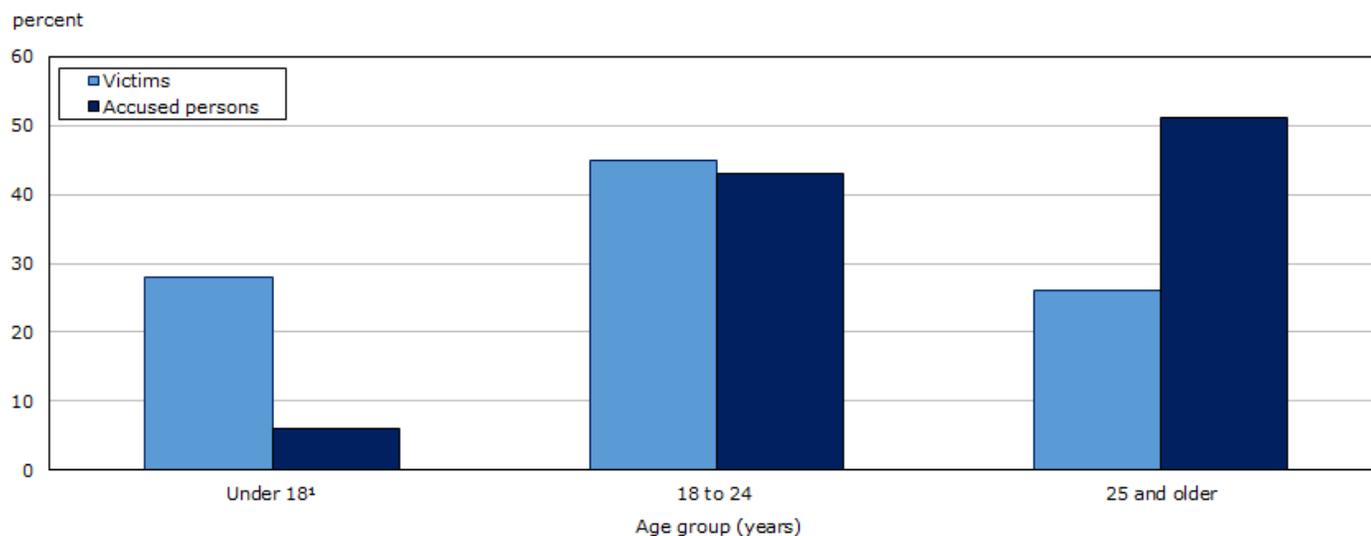
Neither the *Criminal Code* nor the *IRPA* offences of human trafficking specifically differentiate between sexual exploitation, labour exploitation, and other forms of exploitation. However, the large proportion of human trafficking incidents that include violations related to the sex trade or sexual assault supports trends seen in Canadian investigations in general. These trends suggest that in Canada, human trafficking for the purpose of sexual exploitation is more prevalent—or more likely to be detected or reported—than human trafficking for other purposes (Department of Justice Canada 2015).

Most victims of human trafficking are young women

On the whole, there were just under 1,400 victims of human trafficking reported by police in Canada between 2009 and 2018.¹⁰ Of these victims, women and girls comprised the vast majority (97%).¹¹

About half (45%) of all victims of police-reported human trafficking since 2009 were between the ages of 18 and 24.¹² Nearly three in ten victims were under the age of 18 (28%), while the remainder (26%) were 25 years of age or older (Chart 2).

Chart 2
Victims and persons accused of police-reported human trafficking, by age group, Canada, 2009 to 2018



1. For accused persons, includes persons between the ages of 12 to 17 only.

Note: Excludes victims and accused persons aged 90 years and older due to possible instances of miscoding of unknown age within this category. Percent calculation also excludes victims and accused persons whose age was reported as unknown.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Uniform Crime Reporting Survey.

Half of those accused of human trafficking are under the age of 25

Whereas most victims of human trafficking are women, about four in five (81%) persons accused of human trafficking since 2009 have been men.¹³ Just over half (51%) of all accused persons were 25 years of age or older, and a further 43% were between the ages of 18 and 24 (Chart 2).¹⁴ The remainder (6%) were youth, between the ages of 12 and 17.

Though on the whole, most persons accused of human trafficking were men, there were notable differences depending on the age group. Of the 79 youth accused of human trafficking offences since 2009, 47—or 59%—were young women. This proportion was much lower among older age groups, as women represented 20% of accused persons between the ages of 18 to 24 and 14% of those 25 years of age and older.

Most of the time, however, youth who were accused of a human trafficking offence were not the sole person accused. The 79 youth accused were involved in 60 separate incidents of human trafficking. Of these 60 incidents, there was also at least one adult who was a co-accused in 43 (72%) of them.

Almost one in three victims were trafficked by a current or former intimate partner

A common way in which traffickers initially lure or groom victims is to position themselves as trustworthy, through false promises or pretenses of romantic interest (London Police Service 2017; Ottawa Police Service 2020; Public Safety Canada 2019). Indeed, based on police-reported data, the most common relationship between traffickers and their victims was that of a friend, acquaintance, or intimate partner.

The large majority (92%) of victims of human trafficking knew the person who was accused in the incident; the remaining 8% involved a stranger as the accused person. For 31% of victims of human trafficking, the accused person was a friend or acquaintance, the most common relationship between victims and accused.

Furthermore, close to another third (29%) of victims were trafficked by a current or former intimate partner. More specifically, one in four (24%) victims of human trafficking were trafficked by a current or former boyfriend, girlfriend, or other intimate partner, while for 5% of victims the accused person was their current or former spouse or common-law partner.

After acquaintances and intimate partners, the next most common accused-victim relationships were a criminal (15%) or business (14%) relationship.

When information about physical injury was known,¹⁵ just over one-quarter (27%) of victims of human trafficking suffered physical injury. That said, physical injury is just one possible consequence of human trafficking; though not captured by the

UCR Survey, the emotional and psychological impacts of human trafficking can be traumatic (Department of Justice Canada 2015; Public Safety Canada 2019; UNODC 2018b).

Victims of human trafficking may, in some cases, be dependent on their trafficker, which can make it difficult to escape human trafficking or to reintegrate into society and regain independence after being victimized (Public Safety Canada 2019). Some victims may make use of a variety of services, such as residential facilities for victims of abuse. A snapshot day¹⁶ view of residents of such facilities in Canada showed that, of all women residing in a shelter for reasons of abuse, 3% were there to escape human trafficking or exploitation by being forced into the sex trade, and 1% were escaping human trafficking or exploitation through forced labour or another form (Moreau 2019).

Police identified an accused person in about half of all human trafficking incidents, and most have charges laid or recommended against them

Of the 1,708 incidents of police-reported human trafficking since 2009, nearly half (47%) have not been cleared—meaning an accused person has not been identified by police in connection to the incident.

At least one accused person was identified in the remainder of incidents. In total, 48% of all human trafficking incidents since 2009 resulted in charges being laid or recommended against an accused person, while for 5% of incidents an accused person was identified but the incident was cleared in another manner. This could include, for example, the victim requested that no further action be taken, the incident had been cleared by another agency, the accused person was already sentenced or charged in another incident, or charges were not laid or recommended as a matter of departmental discretion or a policy beyond the control of the department.

In other words, when an accused person was identified, charges were nearly always laid or recommended.¹⁷ This was the case for nine in ten (90%) accused persons, a trend that was consistent among both adult (91%) and youth (89%) accused.

Clearance of human trafficking incidents and charging of accused persons differs between *Criminal Code* and *Immigration and Refugee Protection Act* violations

In terms of clearance status, there were notable differences between *Criminal Code* incidents, where 62% resulted in the laying or recommendation of charges, and *IRPA* incidents, where 16% resulted in charges being laid or recommended. Conversely, 33% of *Criminal Code* trafficking incidents since 2009 have not been cleared, compared to 79% of *IRPA* incidents.

There was no difference between *Criminal Code* and *IRPA* incidents in terms of the proportion that were cleared by other means (both 5%).

Not only were *IRPA* incidents less likely to be cleared, when an accused person was identified in an *IRPA* incident, charges were less likely to be laid or recommended than among those accused of human trafficking under the *Criminal Code*. Charges were laid or recommended against 80% of those accused of an *IRPA* trafficking offence, compared to 92% of those accused of a *Criminal Code* trafficking offence.

These differences may be related to the nature of *IRPA* offences as they, by definition, involve the crossing of international borders. Therefore, successful investigation, identification, and charging of accused persons may require a high degree of cooperation across international police services and jurisdictions. Some incidents, despite being unsolved according to police in Canada, may have led to charges in other countries.

Section 2: Human trafficking in adult criminal court

The Integrated Criminal Court Survey (ICCS) is another source of official data on human trafficking in Canada, as reported by Canada's adult criminal and youth courts. This section outlines characteristics of charges and cases of human trafficking in Canada over a ten-year period (2008/2009 to 2017/2018). Notably, detailed offence information under the *Immigration and Refugee Protection Act (IRPA)* is not reported to the ICCS, and as a result this section refers only to charges of human trafficking under the *Criminal Code*.

Seven in ten completed cases involving human trafficking have another offence as the most serious

Between 2008/2009 and 2017/2018, there were 1,762 charges of human trafficking¹⁸ completed in adult criminal courts. In total, 582 completed cases¹⁹ processed in adult criminal courts in Canada involved at least one charge of human trafficking.²⁰

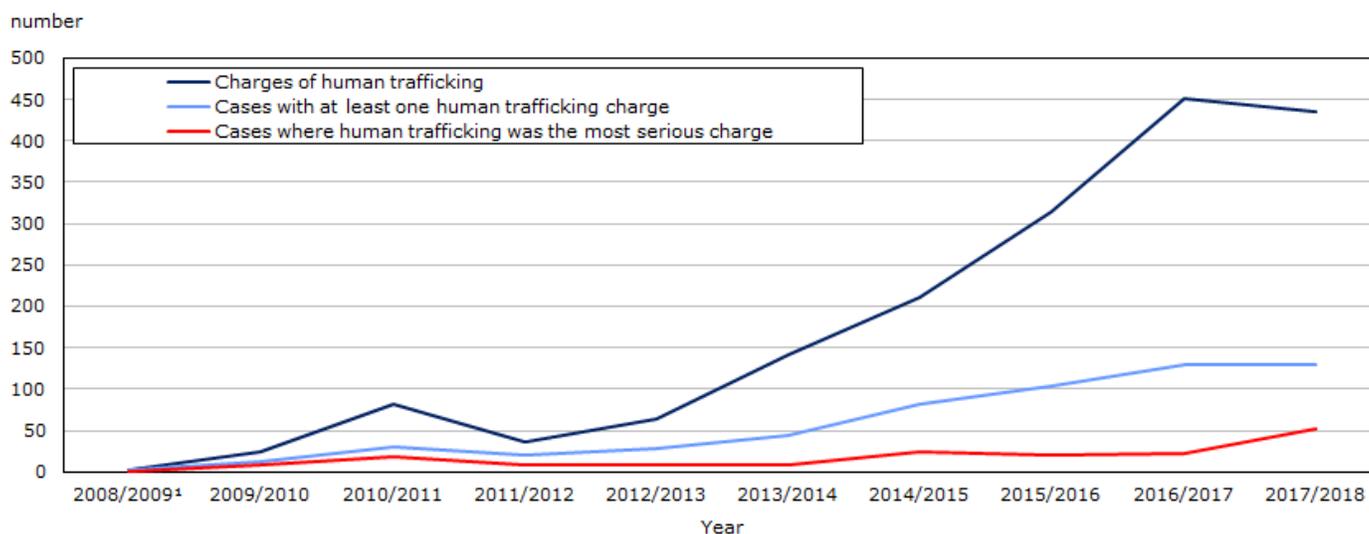
In 172 (30%) of these cases, human trafficking was the most serious offence in the case, while the remaining 410 (70%) cases involved a charge of human trafficking but not as the most serious offence in the case. It should be noted that the definition of most serious offence in criminal courts data differs from that used by police, as it primarily takes into account the decision reached for each charge.²¹

Similar to what was seen in the police-reported data, the most serious offence in these cases was most often in relation to sexual services, primarily materially benefitting from others' sexual services, procuring others to offer sexual services, or advertising others' sexual services (198 cases, or 34% of all completed court cases involving a charge of human trafficking).²² About 1 in 10 (11%) completed cases involving human trafficking had a charge of kidnapping, forcible confinement, or other deprivation of freedom as the most serious offence.²³

Charges and cases of human trafficking generally increasing over the past decade

New human trafficking legislation was introduced in Canada in 2005 (see Text box 1), and the first completed adult criminal court case involving a charge under this legislation was completed in 2008/2009. Since then, the number of human trafficking charges and cases (whether human trafficking was the most serious charge or not) have generally been increasing, reflecting the similar upward trend observed in police-reported data (Chart 3). As was the case with police-reported data, this general increase may reflect more awareness and better understanding of human trafficking offences among criminal justice personnel following the introduction of this legislation.

Chart 3
Completed charges and cases related to human trafficking in adult criminal courts in Canada, 2008/2009 to 2017/2018



1. New human trafficking legislation was introduced in Canada in 2005/2006. However, the first court case involving a human trafficking offence under this new legislation was completed in Canada in 2008/2009.

Note: Includes *Criminal Code* charges and cases only. Does not include human trafficking offences under the *Immigration and Refugee Protection Act*. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey.

In 2017/2018, there were slightly fewer charges of human trafficking than the previous year, while the number of cases involving at least one charge of human trafficking was unchanged at 129. At the same time, there were 52 completed cases where human trafficking was the most serious offence, 30 more than the previous year and the highest number ever recorded.

Human trafficking cases average four times more charges and take twice as long to complete as other cases

Since 2008/2009, the 582 completed cases involving at least one charge of human trafficking have involved a total of 9,484 charges, an average of 16 charges per case. Over the same period, completed adult criminal court cases for all violent offences averaged 4 charges per case.

Cases that involve a higher volume of charges may be more complex and, generally speaking, take longer to complete. This was seen with human trafficking cases, which took considerably longer to complete than adult criminal court cases in general. Between 2008/2009 and 2017/2018, the median amount of time it took to complete an adult criminal court case for a

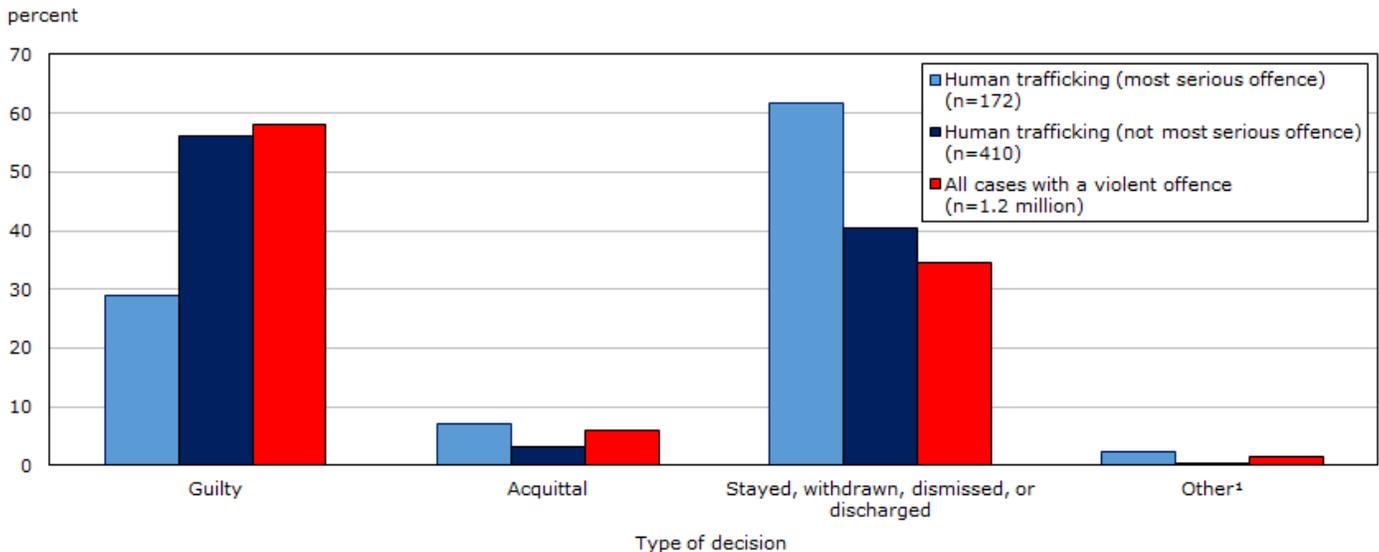
violent offence in Canada was 172 days. In contrast, during this same time frame, it took a median of 358 days to complete a case involving human trafficking.

Six in ten completed human trafficking cases are stayed, withdrawn, dismissed, or discharged

Cases where human trafficking was the most serious offence were more likely to be stayed, withdrawn, dismissed, or discharged than other types of adult criminal court cases. Since 2008/2009, 62% of completed cases where human trafficking was the most serious offence have resulted in the case being stayed, withdrawn, dismissed, or discharged²⁴ (Chart 4). In contrast, 40% of completed cases that involved human trafficking but not as the most serious offence, and 35% of cases with a charge for a violent offence, were stayed, withdrawn, dismissed, or discharged.

Chart 4

Type of decision in completed adult criminal court cases involving at least one charge of human trafficking, Canada, 2008/2009 to 2017/2018



1. Other decisions include final decisions of found not criminally responsible and waived out of province or territory. This category also includes any order where a guilty decision was not recorded, the court's acceptance of a special plea, cases which raise Charter arguments and cases where the accused was found unfit to stand trial.

Note: Data are based on the adult criminal court portion of the survey; namely, individuals who were 18 years of age or older at the time of the offence. A decision is a judgement made by the court. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey.

Likewise, a finding of guilt²⁵ was less common in cases where human trafficking was the most serious offence, with 29% resulting in a guilty finding. Six in ten (58%) completed adult criminal court cases with a violent offence—and almost six in ten (56%) of those that involved human trafficking but not as the most serious offence—resulted in a finding of guilt.

When cases of human trafficking resulted in a finding of guilt, the most common sentencing outcome²⁶ was custody (38 cases, or 76%). Six in ten (58%) cases involved a sentence of probation.

Text box 2**Completed human trafficking cases in youth courts in Canada**

As noted, 6% of all persons accused of human trafficking since 2009 were between the ages of 12 and 17. In Canada, youth courts are guided by the *Youth Criminal Justice Act (YCJA)*, which results in some key differences in the characteristics of youth court cases when compared to adult criminal cases (Miladinovic 2019; Statistics Canada 2019).

In youth courts in Canada, both the number of charges (19) and cases (11) reached their highest points in 2017/2018. In total, since 2008/2009, 76 charges of human trafficking have been completed in youth courts in Canada, across 38 completed cases.

In 15 of these cases (39%), human trafficking was the most serious offence in the case. Similar to what was seen in adult criminal courts, offences related to sex trade were common associated charges, representing the most serious offence in 10 (26%) cases with a human trafficking charge.

Three-quarters (76%) of completed youth court cases related to human trafficking resulting in a guilty finding. Of cases with a decision of guilt, 69% resulted in a sentence of probation and 48% in sentenced custody.

Section 3: Linking police and court data to explore how human trafficking incidents and charges progress through the criminal justice system

Successfully prosecuting human trafficking charges in criminal courts is often challenging, and research suggests that many incidents of human trafficking that proceed into the criminal court system do so with other related charges (Farrell et al. 2013; Kaye and Hastie 2015). The previous section provided an overview of specific charges under the *Criminal Code* for violations of human trafficking. However, some police-reported incidents of human trafficking are processed via other charges once they move into the criminal court system.

In order to understand how these incidents and charges are handled within the court system, police and court records from the UCR and the ICCS were linked (see Survey description). This permitted a descriptive profile of how police-reported incidents of human trafficking progress, and potentially shift, once they come before the courts.

In conducting the linkage, only incidents that were reported by police between 2009 and 2017 and where at least one of the violations reported by police was human trafficking, there was at least one accused person identified, and charges were laid or recommended by police, were considered in scope. In total, there were 669 in-scope police-reported incidents, and of these 365 successfully linked to a completed charge in youth or adult criminal court.²⁷ These incidents and the charges to which they were linked form the basis for the analysis in the following section.

Some police-reported incidents linked to multiple charges or cases, particularly in the event that there were multiple accused persons associated with the incident. Overall, the linkage rate for incidents of human trafficking between police and courts was 55%.²⁸ Some of this gap may be attributed to attrition between the police and courts as charges are not pursued beyond the police stage. However, given some key limitations (see Survey Description), it is not possible to estimate the extent to which attrition accounts for unlinked incidents.

Linked records show that most charges resulting from police-reported incidents of human trafficking were for violations other than human trafficking

There were 365 police-reported incidents of human trafficking where at least one accused person was identified and charges were laid, which successfully linked to a total of 511 completed court cases. These cases involved more than 7,200 charges, of which 14% were specifically charges of human trafficking and the remaining 86% were for other violations.

On average, there were 14 charges per completed case linked to an incident of police-reported human trafficking. However, a small number of cases had a relatively high number of charges: 5% of cases had 50 or more charges each, accounting for 26% of all charges in cases that were linked.

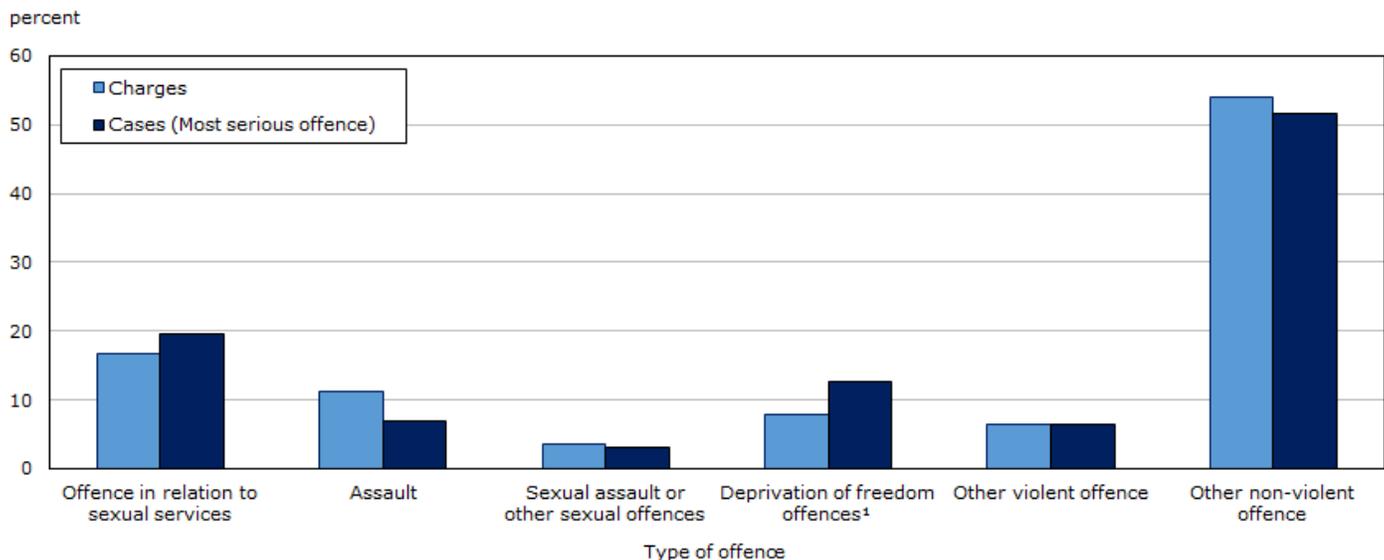
Nearly half of court cases linked to police-reported incidents of human trafficking did not involve a charge of human trafficking

The composition of court cases linked to incidents of human trafficking also supports the notion that human trafficking is often processed via other means (i.e., as another related violation) within the court system.

Of the 511 completed cases that were successfully linked to a police-reported incident of human trafficking, 231 (or 45%) did not involve a charge of human trafficking by the time they were completed. In other words, nearly half of incidents identified as human trafficking by police were not processed as such in court.

Instead, these cases were processed in court as other *Criminal Code* offences or violations of other statutes. In total, these cases comprised 1,852 charges. Over half of both cases²⁹ (52%) and charges (54%) were for non-violent *Criminal Code* offences, violations of other federal statutes, or *Criminal Code* traffic violations (Chart 5). More specifically, seven in ten of these non-violent charges fell into one of four categories: administration of justice offences (29%), weapons offences, such as possession or trafficking (16%), offences against the *Controlled Drugs and Substances Act*, primarily offences related to trafficking (15%), and offences related to the possession and trafficking of stolen goods (11%).

Chart 5
Completed court charges and cases that were linked to a police-reported incident of human trafficking but did not involve any charges of human trafficking, by type of offence, Canada, 2009 to 2017/2018



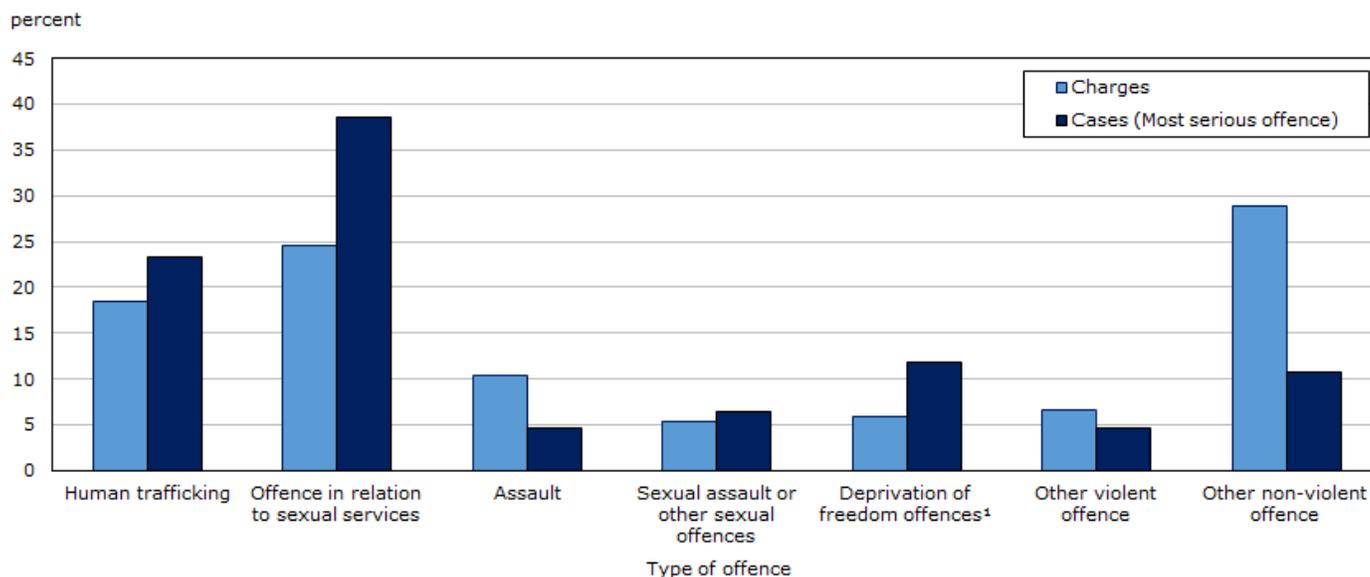
1. Includes, for example, kidnapping, abduction, and forcible confinement.

Note: Charges include all charges in cases where at least one charge was linked to a police-reported incident of human trafficking. Cases are represented by the charge with the most serious decision. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan due to the unavailability of data. Includes only charges and cases that were successfully linked to police records of human trafficking. Excludes Quebec due to the quality of the linkage.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked database, 2009 to 2017.

Even among the 55% of cases that did involve human trafficking charges once they were completed, human trafficking represented a minority of all charges. Human trafficking was the most serious offence in 23% of these completed cases (Chart 6). As with linked cases that did not involve human trafficking charges, other non-violent offences accounted for the largest proportion of charges, albeit to a lesser extent (29%). Furthermore, these cases most commonly involved an offence related to sexual services as the most serious in the case (39%).

Chart 6
Completed court charges and cases that were linked to a police-reported incident of human trafficking and involved at least one charge of human trafficking, by type of offence, Canada, 2009 to 2017/2018



1. Includes, for example, kidnapping, abduction, and forcible confinement.

Note: Charges include all charges in cases where at least one charge was linked to a police-reported incident of human trafficking. Cases are represented by the charge with the most serious decision. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan due to the unavailability of data. Includes only charges and cases that were successfully linked to police records of human trafficking. Excludes Quebec due to the quality of the linkage.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked database, 2009 to 2017.

Cases not processed as human trafficking more likely to result in a guilty decision

One reason for which incidents of human trafficking may be pursued via other means in the court system is the difficulty in establishing guilt, particularly with respect to the burden of proof for the coercive and exploitative aspect of human trafficking (Farrell et al. 2013; Kaye and Hastie 2015).

Data from the linked file seems to support this suggestion, as cases which linked to an incident of human trafficking that did not involve charges of human trafficking were slightly more likely to result in a guilty decision (54%) than were cases where at least one charge was specific to human trafficking (47%).

Likewise, the proportion of cases that were stayed, withdrawn, or dismissed was higher when there were human trafficking charges (50%) than when there were not (45%).

Of cases with a human trafficking charge, 3% resulted in an acquittal. In contrast, none of the linked cases that did not involve specific human trafficking charges ended in an acquittal.

While cases that proceeded without specific human trafficking charges more often resulted in a guilty decision, these cases were less likely to result in a sentence of custody (49%) or probation (55%) than were guilty cases which involved at least one human trafficking charge (62% and 61%, respectively).

Text box 3**The Canadian Human Trafficking Hotline**

The Canadian Human Trafficking Hotline, operated by the Canadian Centre to End Human Trafficking and partially funded by Public Safety Canada, is a confidential, multilingual, 24-hour-a-day service which connects victims and survivors of human trafficking with social services, law enforcement, and emergency services, on a confidential, case-by-case basis. As a national response and referral mechanism, the hotline's work is victim-centred and trauma-informed. The hotline also receives tips about potential human trafficking from members of the public.

Another purpose of the Hotline is to educate and mobilize key stakeholders, government, and the population in general in order to help combat all forms of human trafficking. To this end, anonymized data collected through reports and tips may be published in the future. These data can be used in tandem with official police-reported statistics, given that human trafficking is underreported. Some reports may also include information not currently captured in police records, such as the type of exploitation, demographic information such as country of origin, and details of how the victim(s) became involved in trafficking.

The Hotline can be reached at 1-833-900-1010 or accessed online: [Canadian Human Trafficking Hotline](#)

Summary

By its very nature, human trafficking is difficult to detect and therefore can be subject to underreporting. While official statistics provide only a partial view of the scope of human trafficking in Canada, they still provide important information about the nature of human trafficking in Canada.

Since 2009, police services in Canada have reported just over 1,700 incidents of human trafficking in Canada, of which at least 32% involved the crossing of the Canadian border. The number of incidents steadily increased after 2010, peaking in 2017 and then declining slightly in 2018.

Nearly all (97%) victims of police-reported human trafficking were women and girls. Close to three-quarters (74%) of victims were under the age of 25.

In adult criminal courts, 582 cases involving at least one charge of human trafficking were completed between 2008/2009 and 2017/2018. These cases, on average, involved more charges, took longer to complete, and were less likely to result in a guilty decision when compared to other criminal cases. When there was a guilty finding, however, 76% of cases resulted in a sentence of custody.

A record linkage between police-reported human trafficking incidents and data from adult criminal and youth courts in Canada showed that nearly half (45%) of incidents reported by police as human trafficking were not processed in court with any charges of human trafficking. Instead, these cases were commonly pursued under charges of non-violent offences against the *Criminal Code* or other federal statutes.

Survey description**Incident-based Uniform Crime Reporting Survey**

The Incident-based Uniform Crime Reporting (UCR) Survey collects detailed information on criminal incidents that have come to the attention of, and have been substantiated by, police services in Canada. Information includes characteristics of victims, accused persons and incidents. In 2018, data from police services covered 99% of the population of Canada. The count for a particular year represents incidents reported during that year, regardless of when the incident actually occurred.

One incident can involve multiple offences. In order to ensure comparability, counts are presented based on the most serious offence in the incident as determined by a standard classification rule used by all police services. Counts based on all violations are available upon request.

Integrated Criminal Court Survey

The Integrated Criminal Court Survey (ICCS) collects statistical information on adult and youth court cases involving *Criminal Code* and other federal statute offences.

All adult courts have reported to the adult component of the survey since the 2006/2007 fiscal year, with the exception of superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec. These data were not available for extraction from the provinces' electronic reporting systems and therefore, were not reported to the survey.

The primary unit of analysis is a case. A case is defined as one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. A case combines all charges against the same person having one or more key overlapping dates (date of offence, date of initiation, date of first appearance, date of decision, or date of sentencing) into a single case.

Record linkage

In order to explore how human trafficking incidents are processed in court, a deterministic record linkage was performed, linking police-reported data on human trafficking incidents from 2009 to 2017 to data on completed adult criminal and youth court charges 2009/2010 to 2017/2018 for ICCS data. Police-reported incidents were considered in-scope if any of the violations reported in the incident involved human trafficking under the *Criminal Code* or the *Immigration and Refugee Protection Act* and there was at least one accused person associated with the incident.

The record linkage project paired in-scope police-reported incidents with completed court charges in adult criminal and youth courts, based on a specific set of variables, including province, accused Soundex (an algorithm that encodes names for confidentiality reasons), date of birth of the accused, sex of the accused, and the date of the offence.

The final linkage rate of incidents, after removing duplicate records and potentially false or bad links, was 55%. There are some important caveats to note when interpreting the linkage rate and subsequent analysis of results.

- Incidents and charges in the province of Quebec were initially included as in-scope, but were subsequently excluded from the analysis due to the quality of the linkage; 21% of incidents in Quebec were successfully linked to a completed charge.
- The absence of data from superior courts in Prince Edward Island, Ontario, Manitoba, and Saskatchewan likely impacts the analysis, as human trafficking is an indictable offence and thus may be underrepresented in data from jurisdictions where only the provincial or territorial courts report data.
- Some incidents that did not successfully link to a completed charge may still be before the courts, particularly in recent years where the linkage rates were noticeably lower. As the ICCS data reflects only completed charges, those which are still active in the court system are not reflected in this linkage and, as mentioned previously, cases involving human trafficking charges tend to take longer to complete than other criminal offences in general.
- Some incidents may not have successfully linked to a court charge for data quality reasons, such as missing or inconsistent values in key linking variables.
- Some of the gap may reflect attrition between the police and courts, as some charges are not pursued beyond the police stage. However, given the above limitations, it is not possible to estimate the extent to which attrition accounts for unlinked incidents.

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Notes

1. The *Criminal Code* defines exploitation as it relates to human trafficking in s. 279.04, but the *Criminal Code* offences of human trafficking do not differentiate based on the purpose of the exploitation. As a result, information on the number of incidents related to labour exploitation, sexual exploitation, or other exploitation, is not available from Uniform Crime Reporting Survey data.
2. In 2011, more specificity was added to the Uniform Crime Reporting (UCR) Survey to allow police to report violations of the *Immigration and Refugee Protection Act (IRPA)* in more detail; namely, to allow police to differentiate between human trafficking, human smuggling, and any other *IRPA* offence. Prior to 2011, any data on *IRPA* violations from the UCR includes all *IRPA* offences under one violation code and does not allow for a more detailed breakdown of the type of violation.
3. This number is different from the previously published aggregate number as it is an incident count from the trend database which includes a subset of respondents.
4. In Newfoundland and Labrador, there were also more incidents of human trafficking under the *Immigration and Refugee Protection Act* than there were under the *Criminal Code*, however this is based on a total of 5 incidents of police-reported human trafficking since 2009.
5. Recent revisions to the way incident clearance status is captured by the Uniform Crime Reporting Survey included the addition of clearance status "W", to capture incidents where police recommend charges to the Crown in relation to an incident, but all charges are declined. However, this clearance status would not capture incidents where one or more charge was declined by the Crown if at least one other charge was approved. For more information, see Canadian Centre for Justice Statistics (2018).
6. A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000, of which 50,000 or more live in the urban core. To be included in the CMA, adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service.
7. Police services can report up to four violations for each incident. The reporting of secondary violations is not mandatory and therefore, information on secondary violations may be under-represented.
8. As of December 2014, new laws were enacted in Canada which introduced some new violations and, among other changes, classified certain offences relating to sexual services as violent crimes. These legislative changes were reflected in police-reported data as new violent crime categories were added to the Uniform Crime Reporting Survey. For the purposes of this analysis, all offences related in relation to sexual services reported by police are included in this group as a reflection of the volume and type of related offences. For more information, see Rotenberg (2016).
9. Because police can report up to four violations in an incident, percentages do not add to 100.
10. In the Uniform Crime Reporting Survey, victim information is reported by police for *Criminal Code* incidents of human trafficking, but not for *Immigration and Refugee Protection Act* violations. As a result, there are fewer victims of police-reported human trafficking than there are incidents, and analysis of victim characteristics is based on *Criminal Code* human trafficking incidents only.
11. Percent calculation excludes victims whose sex was reported as unknown.
12. Percent calculation excludes victims aged 90 years and older due to possible instances of miscoding of unknown age within this category. Percent calculation also excludes victims whose age was unknown.

13. Percent calculation excludes accused persons whose sex was reported as unknown. Includes persons accused of human trafficking offences under the *Immigration and Refugee Protection Act*.
14. Percent calculation excludes accused persons aged 90 years and older due to possible instances of miscoding of unknown age within this category. Percent calculation also excludes accused persons whose age was unknown.
15. Percent calculation excludes victims for whom their level of injury was reported as unknown by police. For 19% of police-reported victims of human trafficking between 2009 and 2018, the level of injury was reported as unknown.
16. The snapshot day is a predetermined business day meant to represent a typical day of operations for facilities across Canada. The April 18, 2018 date was selected based on consultations with service providers. It reflected a period of relative stability in terms of admissions and respondents could maximize the resources available to respond to the survey. The snapshot day does not reflect seasonal differences in facility use nor long-term trends throughout the year.
17. In some jurisdictions, police do not lay charges but instead recommend to the Crown that charges be laid. In New Brunswick, Quebec, and British Columbia, all charges are recommended to the Crown for approval. Crown charge approval may also be required in other jurisdictions depending on the type of offence.
18. Completed charges of human trafficking include charges under the *Criminal Code* sections 279.01, 279.011, 279.02, and 279.03. *Criminal Code* section 279.04, which defines exploitation, was also considered in-scope as a human trafficking charge, however there were no completed adult criminal court charges reported under this section in the Integrated Criminal Court Survey (ICCS) database between 2008/2009 and 2017/2018. Charges of human trafficking under the *Immigration and Refugee Protection Act* (sections 117-120) are not included as detailed offence information under the *IRPA* is not reported to the ICCS. As there can be more than one person accused in an incident, it is possible for there to be more charges for an offence than there were police-reported incidents.
19. A completed case is one or more charges against an accused person or company, which were processed by the courts at the same time, and received a final decision.
20. As of 2005/2006, all adult provincial and territorial courts in the 10 provinces and 3 territories reported to the survey. Information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec could not be extracted from their electronic reporting systems and was therefore unavailable. The absence of data from superior courts in these jurisdictions may have resulted in a slight underestimation of the severity of sentences since some of the most serious cases, which are likely to result in the most severe sanctions, are processed in superior courts.
21. A case that has more than one charge is represented by the charge with the "most serious offence" (MSO). The MSO is selected using the following rules. First, court decisions are considered and the charge with the "most serious decision" (MSD) is selected. Court decisions for each charge in a case are ranked from most to least serious as follows: (1) guilty, (2) guilty of a lesser offence, (3) acquitted, (4) stay of proceeding, (5) withdrawn, dismissed or discharged, (6) not criminally responsible, (7) other, and (8) transfer of court jurisdiction. Second, in cases where two or more charges result in the same MSD (for example, guilty), *Criminal Code* sanctions are considered. The charge with the most serious offence type is selected according to an offence seriousness scale, based on actual sentences handed down by courts in Canada.
22. More specifically, in the 198 cases where the most serious charge was in relation to the sex trade, the most serious offence was: procuring (s. 212, repealed 2014, representing 124 cases); material benefit from sexual services (s. 286.2, 45 cases), procuring (s. 286.3, 16 cases), advertising sexual services (s. 286.4, 7 cases). A small number of cases involved charges under s. 210 (keeping common bawdy-house, repealed 2019, representing 3 cases) or s. 286.1 (obtaining sexual services for consideration, 3 cases).
23. The remaining most serious offences in completed adult criminal court cases involving human trafficking were sexual assault or other sexual offences (5% or 29 cases), physical assault (4% or 23 cases), any other violent crime (4% or 23 cases), or any other non-violent crime (13% or 73 cases).
24. This category includes stays, withdrawals, dismissals and discharges at preliminary inquiry as well as court referrals to alternative or extrajudicial measures and restorative justice programs. These decisions all refer to the court stopping criminal proceedings against the accused.
25. Guilty findings include a finding of guilt imposed by the court, as well as guilty pleas, and cases where an absolute or conditional discharge has been imposed.
26. Cases can receive multiple sentences; for that reason, percentages do not add to 100%.
27. Section 2, which discusses findings from the ICCS, focuses specifically on adult criminal court. In order to maximize sample size, charges completed in youth courts were included in the linkage. That said, of the 511 completed cases that linked to a police-reported incident, the vast majority (95%) were completed in adult criminal court. See Text box 2 for information on human trafficking charges completed in youth courts.
28. This linkage rate and all subsequent analysis of linked human trafficking exclude the province of Quebec. Incidents and charges in the province of Quebec were initially included as in-scope, but were ultimately excluded from the analysis due to the quality of the linkage; 21% of incidents in Quebec were successfully linked to a completed charge.
29. A case that has more than one charge is represented by the charge with the "most serious offence" (MSO). See note 21.

Detailed data tables

Table 1
Police-reported incidents of human trafficking, by statute and province and territory, 2009 to 2018

Province or territory	<i>Criminal Code</i>	<i>Immigration and Refugee Protection Act</i>	Total human trafficking	
	number of incidents		average annual rate ¹	
Newfoundland and Labrador	2	3	5	0.10
Prince Edward Island	0	0	0	0.00
Nova Scotia	30	65	95	1.01
New Brunswick	4	1	5	0.07
Quebec	195	29	224	0.28
Ontario	770	396	1,166	0.87
Manitoba	28	2	30	0.24
Saskatchewan	11	9	20	0.19
Alberta	78	29	107	0.27
British Columbia	45	7	52	0.11
Yukon	1	0	1	0.27
Northwest Territories	2	0	2	0.45
Nunavut	1	0	1	0.28
Canada	1,167	541	1,708	0.49

1. Rates are calculated on the basis of 100,000 population. Populations based on July 1 estimates from Statistics Canada, Centre for Demography.
Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Uniform Crime Reporting Survey.

Table 2
Police-reported incidents of human trafficking, by statute and census metropolitan area, 2009 to 2018

Census metropolitan area ¹	<i>Criminal Code</i>	<i>Immigration and Refugee Protection Act</i>	Total human trafficking	
		number of incidents		average annual rate ²
St. John's	1	3	4	0.20
Halifax	22	65	87	2.13
Moncton	1	0	1	0.07
Saguenay	0	0	0	0.00
Quebec	23	1	24	0.31
Sherbrooke	2	0	2	0.10
Trois-Rivières	0	0	0	0.00
Montréal	137	11	148	0.37
Gatineau ³	24	0	24	0.75
Ottawa ⁴	190	8	198	2.01
Kingston	0	16	16	0.98
Belleville ⁵	1	5	6	1.91
Peterborough	11	2	13	1.06
Toronto ⁶	268	150	418	0.78
Hamilton ⁷	36	34	70	1.28
St. Catharines–Niagara	16	13	29	0.64
Kitchener–Cambridge–Waterloo	19	10	29	0.54
Brantford	4	4	8	0.59
Guelph	5	2	7	0.53
London	48	21	69	1.37
Windsor	8	54	62	2.03
Barrie	10	16	26	1.82
Greater Sudbury	13	1	14	0.84
Thunder Bay	3	2	5	0.41
Winnipeg	20	1	21	0.27
Regina	3	4	7	0.30
Saskatoon	4	4	8	0.27
Lethbridge ⁵	0	0	0	0.00
Calgary	25	6	31	0.23
Edmonton	27	20	47	0.36
Kelowna	1	0	1	0.05
Abbotsford–Mission	1	0	1	0.06
Vancouver	29	4	33	0.13
Victoria	1	0	1	0.03
Canada	1,167	541	1,708	0.49

1. A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000, of which 50,000 or more live in the urban core. To be included in the CMA, adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service. CMA populations have been adjusted to follow policing boundaries. The Oshawa CMA is excluded from this table due to the incongruity between the police service jurisdictional boundaries and the CMA boundaries. Data for the CMA of Saint John are excluded due to data quality concerns associated with the Saint John Police Service.

2. Rates are calculated on the basis of 100,000 population. Populations have been adjusted to follow policing boundaries. Populations based on July 1 estimates from Statistics Canada, Centre for Demography.

3. Refers to the Quebec part of the Ottawa–Gatineau census metropolitan area.

4. Refers to the Ontario part of the Ottawa–Gatineau census metropolitan area.

5. Belleville and Lethbridge became CMAs as of the 2016 Census. Average annual rates are calculated from 2016 to 2018.

6. Excludes the portions of Halton Regional Police Service and Durham Regional Police Service that police the Toronto census metropolitan area.

7. Excludes the portion of Halton Regional Police Service that polices the Hamilton census metropolitan area.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Uniform Crime Reporting Survey.