

Trafficking in Persons Offences in Canada

This Fact Sheet provides general information about the trafficking in persons offences under the [Criminal Code of Canada](#)¹ and [Immigration and Refugees Protection Act](#)².

What is Trafficking in Persons?

Trafficking in Persons involves the recruitment, transportation, harbouring and/or exercising control, direction or influence over the movements of a person in order to exploit that person, typically through sexual exploitation or forced labour. In Canada, there are several offences under the ***Criminal Code of Canada*** (Criminal Code) and one offence under the ***Immigration and Refugee Protection Act*** (IRPA) that specifically address trafficking in persons.

Criminal Code Offences

The **Criminal Code** contains specific trafficking in persons offences, as described below. Other **Criminal Code** offences can also be used in trafficking in persons cases, depending on the facts and circumstances of the case, including kidnapping, forcible confinement, sexual assault and sex trade-related offences.

Trafficking in Persons (section 279.01) criminalizes recruiting, transporting or harbouring a person, or exercising control, direction or influence over their movements, for the purposes of exploiting them or facilitating their exploitation by someone else. A person is exploited where they provide labour or services as a result of conduct that would cause a reasonable person in their circumstances to believe that their psychological or physical safety (or the psychological or physical safety of someone they know) would be threatened, if they failed to do so. The offence carries a maximum penalty of life imprisonment and a mandatory minimum penalty of 5 years where the offence involved kidnapping, aggravated assault, aggravated sexual assault and/or death. It carries a maximum penalty of 14 years and a mandatory minimum penalty of 4 years in all other cases.

Trafficking of a person under the age of eighteen years (section 279.011) criminalizes the same conduct as section 279.01, but imposes higher mandatory minimum penalties where the victim is under 18 years. Specifically, this offence 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. It carries 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 -Adult Victim (subsection 279.02(1)) criminalizes receiving a financial or other material benefit obtained by or derived from the commission of trafficking in persons. This offence carries a maximum penalty of 10 years imprisonment if prosecuted by indictment and two years less a day on summary conviction.

Receiving a Financial or Other Material Benefit - Child Victim (subsection 279.02(2)) criminalizes the same conduct as subsection 279.02(1), but imposes a higher maximum penalty and a mandatory minimum penalty where the victim is under 18 years. Specifically, this offence carries a maximum penalty of 14 years imprisonment and a mandatory minimum penalty of 2 years.

Withholding or Destroying Documents - Adult Victim (subsection 279.03(1)) criminalizes withholding or destroying a person's identity documents, regardless of whether they are authentic or forged, for the purposes of committing trafficking in persons or facilitating another person to commit trafficking in persons. This offence carries a maximum penalty of five years imprisonment if prosecuted by indictment and two years less a day on summary conviction.

Withholding or Destroying a Person's Identity Documents - Child Victim (subsection 279.03(2)) criminalizes the same conduct as subsection 279.03(1), but imposes a higher maximum penalty and a mandatory minimum penalty where the victim is under 18 years. Specifically, this offence carries a maximum penalty of 10 years imprisonment and a mandatory minimum penalty of 1 year.

Immigration and Refugee Protection Act Offences

IRPA contains one trafficking in persons-specific offence. Section 118 of **IRPA** prohibits 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. The offence is punishable by a maximum penalty of life imprisonment and/or a fine of up to \$1 million. The offence found in the **IRPA** applies to transnational trafficking cases where a person is brought into Canada from another country. The term "organize" includes recruitment, transportation, and after entry into Canada, receipt and harbouring.

¹ [Criminal Code of Canada](https://laws-lois.justice.gc.ca/eng/acts/c-46/)
<https://laws-lois.justice.gc.ca/eng/acts/c-46/>

² [Immigration and Refugees Protection Act](https://laws.justice.gc.ca/eng/acts/i-2.5/)
<https://laws.justice.gc.ca/eng/acts/i-2.5/>