



# SEXUAL EXPLOITATION

## It Can Happen To You!

A Guide for the Prevention of  
Sexual Exploitation and Human Trafficking  
of International Students

Developed by the South Vancouver Community Crime Prevention Society  
*Operating as the South Vancouver Community Policing Centre*



The **South Vancouver Community Crime Prevention Society** is committed to Improving Community Safety through Crime Prevention Education and Implementation of Crime Prevention Initiatives.

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# KEEPING SAFE IN CANADA



## WELCOME TO CANADA!

International students, like you, come to Canada looking for new experiences, to learn the language and to build new friendships.

While most students find their visit thoroughly enjoyable and satisfying, on rare occasions a few find themselves in trouble. To ensure you have a safe and enjoyable stay, here are some things you should know:

While Canada is considered one of the safest countries in the world to visit, unfortunately, in our country too, you may meet people who want to take advantage of, or exploit vulnerable and unsuspecting students like you.

However, while bad things can happen, you need to know that Canada does have laws\* to protect you.

Because your safety is very important, you should learn about Keeping Safe in Canada.

## **You Need to Be Informed, and Be Prepared to Keep Yourself Safe!**

\* For the legal definitions of Sexual Exploitation and Human Trafficking and related laws, refer to the Canadian Criminal Code sections as provided in English and other languages on pages 24-35 of this guide.



# RELATIONSHIP BOUNDARIES



## Sexual exploitation and international students

Countries have geographical boundaries while people have personal, or relationship boundaries.

When you travel to a new country you are changing your geographical boundaries, but you **do not** have to change your personal boundaries.



## Relationship boundaries

In all cultures, all people have a different understanding of what is acceptable behaviour in relationships, and in human interactions.

Every individual, in every culture, has different levels of tolerance for what he/she feels are comfortable and acceptable physical interactions with other people.

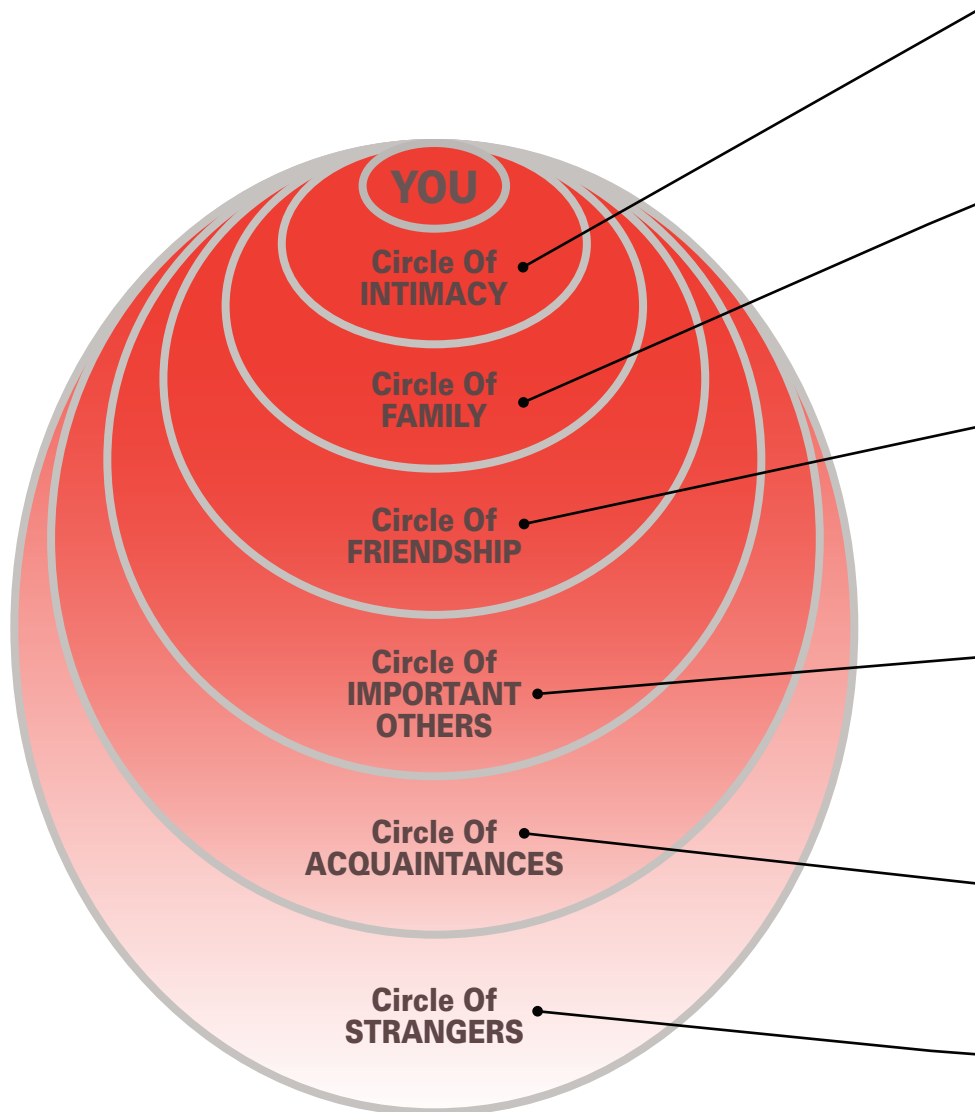
As people mature, they develop their own unique circles of personal boundaries that are based on cultural norms, customs, family dynamics, and religious beliefs.

You are the only one who can establish your own personal boundaries. You are the one who decides who can hug, kiss or touch you in any way. You should never be pressured into doing something that makes you feel uncomfortable or conflicts with your beliefs.

**You have the right to say NO when someone tries to force themselves into a close physical relationship with you.**

# RELATIONSHIP BOUNDARIES

**Personal Relationships – Personal Boundaries,** are defined by different levels of love, trust and respect between you and other people.



# SEXUAL EXPLOITATION AND INTERNATIONAL STUDENTS

## Placing people in the correct relationship circles

### Circle of Intimacy

For loving, supportive and consensual, sexual relationships. Only the people you select can enter.

### Circle of Family

For loving and supportive family relationships; includes close family members such as parents, brothers, sisters, grandparents, aunts, uncles and cousins.

### Circle of Friendship

For people you enjoy spending time with: includes friends, classmates, colleagues, and distant family members.

### Circle of Important Others

For people who are in a position of trust and/or authority over you such as teachers, employers, tutors, coaches, supervisors, religious guides, hosts, guardians, caretakers and landlords.

### Circle of Acquaintances

For people you meet occasionally, such as someone you might chat with on the train or bus, or the staff at your favourite restaurants, stores, or other places you visit regularly.

### Circle of Strangers

For people you don't know at all.

# RELATIONSHIP BOUNDARIES



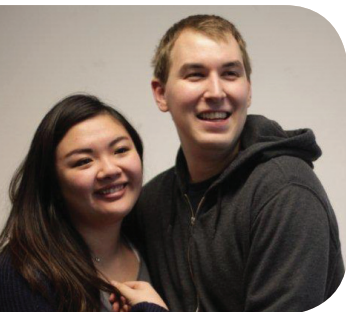
Remember, you have the right to be  
in full control of your body.

You control how close anyone  
can get to you!

You decide who can enter  
your *Circle of Intimacy*.

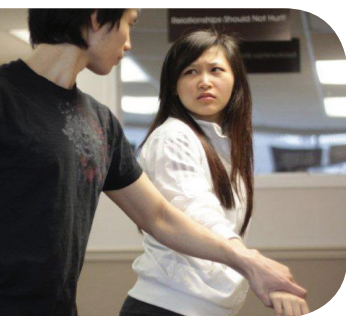
**You have the right to choose if you want to be  
in a healthy or unhealthy relationship.**

# HEALTHY AND UNHEALTHY RELATIONSHIPS



## In a healthy relationship

You are in control of what you do and how you do it. Things happen at your choosing. You are not forced to do anything against your will. You feel good about yourself, and feel loved and supported. The other person treats you with love and respect, and makes you feel better about yourself. The other person helps you grow and become a better person.



## In an unhealthy relationship

You feel uncomfortable in the relationship. You are not in control. You are pushed, forced and manipulated to do things you do not want to do. You do not enjoy being with the other person and do not feel loved, or respected. You do not feel good about yourself in the relationship.

**Be good to yourself!**  
**CHOOSE** a healthy relationship.

# SEXUAL EXPLOITATION OF INTERNATIONAL STUDENTS

## WHAT is sexual exploitation?

Sexual Exploitation is when *you are a young person\* and someone, a person who is in a position of trust, or who has power or authority over you*, without your permission, consent or invitation tries to manipulate you, or force his or her way into your circle of intimacy. He or she tries to take advantage of you and force you into an unhealthy relationship.

Such people could include your teacher, tutor, coach, landlord, relative, host, friend or family member of your host, guardian, parent figure, religious guide, caretaker, employer, supervisor or a stranger you meet on the internet.

## WHO can become the victim of sexual exploitation?

Anyone! Sexual Exploitation could happen to you or any one of your friends. It could happen to:

- a male or female,
- a youth of any sexual orientation,
- a youth coming from any cultural background.

\* For the definition of a “young person”, refer to the Canadian Criminal Code definition on page 24.





## WHAT? WHO? WHY? WHERE and HOW?

### **WHY** are international students targets of sexual exploitation?

They are vulnerable because:

- they are not familiar with Canadian culture and customs,
- they speak little or no English,
- they are young,
- they are curious,
- they do not know the Canadian laws,
- they may be afraid to say “NO”,
- they may be afraid to report inappropriate conduct to the authorities.

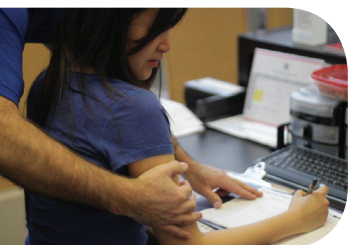


# SEXUAL EXPLOITATION OF INTERNATIONAL STUDENTS

## WHERE can sexual exploitation happen?



**At home:** Guardians, relatives, landlords, or home-stay parents and their family members are responsible for providing you with a safe and comfortable home environment and they should not take advantage of you in any way. All family members and visitors must respect your personal boundaries and privacy. You do not have to put up with, accept or go along with anything that feels wrong or makes you uncomfortable.



**At school:** Your ability to get good marks should only depend on the quality of your school work. Your teachers, tutors, should respect you at all times and maintain professional boundaries.



**At work:** Employers, supervisors and other people in power do not have limitless authority over you. They do not have the right to touch you, talk to you in a sexually suggestive way or tell you that you have to go along with sexual play in order to keep your job. Your ability to keep a job or to get a promotion should be based only on your job performance.

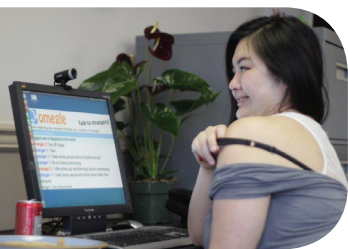


# WHAT? WHO? WHY? WHERE and HOW?

## It can happen anywhere!



**In public:** No matter where you are, in a coffee shop, shopping mall, park, library or on a bus or train, or in any other place, coaches, tutors, conversation buddies, taxi or bus drivers should always treat you with respect. They should not attempt to take advantage of you in any way.



**On the internet:** In chatrooms or when you are sitting in front of a web camera, the stranger you are talking to may not be who he or she says he or she is. He or she may try to make you do things that you would not do if you knew that person. He or she may ask you to pose for him or her, suggest that you take off your clothes or ask you to do other sexual things. Don't ever go along with something that does not feel right.

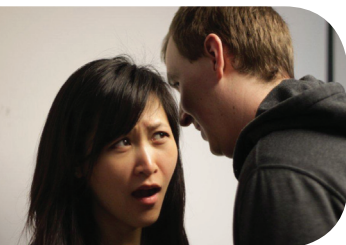
# SEXUAL EXPLOITATION OF INTERNATIONAL STUDENTS

## HOW does sexual exploitation happen?

**When a person in a position of trust or authority over you:**



- Invites you, or forces you to look at sexually explicit pictures, materials
- Wants you to watch pornographic, obscene or sexually explicit movies with him or her, or watches them in your presence
- Exposes you to (displays) pornographic, sexually explicit or suggestive materials in the home you share

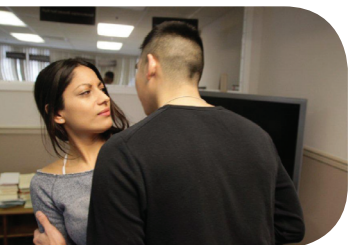


- Tells you sexual jokes
- Makes sexually suggestive comments, uninvited, offensive remarks
- Asks you (intrusive) sexual questions
- Talks to you and confides in you about sexual matters



- Enters your room without your permission, (does not respect your privacy)

# WHAT? WHO? WHY? WHERE and HOW?



- Wants to kiss you, hug you or touch you in a sexual manner
- Invites you, or forces you to touch another person's private parts or to perform sexual acts



- Tickles you in private places (it can start out feeling good but ends up feeling uncomfortable)



- Wants to take photos of you wearing little or no clothing
- Wants you to pose for sexual photographs or videos
- Asks you to undress and/or to perform sexual act in front of him/her or in front of a web camera
- Invites you or forces you to watch sexual acts



- Watches you or spies on you with hidden cameras in your bathroom or bedroom

# SEXUAL EXPLOITATION OF INTERNATIONAL STUDENTS

**WHAT** kinds of things might an exploiter say?



**Psssssssssst! Keep quiet!**

**Trust me! You'll like this!**

**You'll enjoy this!**

**It's OK to do this in Canada!**

**Do this for me! Don't tell anyone!**

**Let me teach you! Don't be stupid!**

**No one needs to know!**

**This will be our secret!**

**I'll take care of you! I need you!**

**I care for you! I love you!**



# REACTING TO SEXUAL EXPLOITATION

## WHEN it is happening to you...



Don't be embarrassed!  
Don't be shy!  
Don't be ashamed!  
Don't feel guilty!  
Don't be afraid!  
Don't feel humiliated!  
It is not your fault! Don't be intimidated!  
Don't accept it! Don't be silent!

## HOW can you react to protect yourself?

You have the right to protect yourself, because your body belongs to you! You have the right to decide when, who and how another person touches you.

Fight back! Take charge! Say **“NO”** to sexual exploitation!



# REACTING TO SEXUAL EXPLOITATION

Things you can say...

**No!** Stop doing this!  
**Go away!** Leave me alone!

**I don't like that!** **I don't want to watch this!**  
**I'll tell!** You're too close to me!

**I don't want to hear that!** **Let me go!**

**Get away from me!** I'm uncomfortable with this!

**I don't want  
to do this!**

**I don't want  
to see this!**

**Don't touch me!**

**Don't do that!**

**I will report you if you don't stop!**

**I don't want you to say that!**

**I don't want to listen to this!**

**Stop!**





## Things you can do...

- Lock your door!.....and report it!
- Push the person away! .....and report it!
- Walk away! .....and report it!
- Leave the situation! .....and report it!
- Turn away! .....and report it!
- Tell someone! Tell someone you trust!.....and report it!

... and **REPORT IT!**



# REACTING TO SEXUAL EXPLOITATION

## You can report sexual exploitation to...

- Police authorities
- School authorities, or counsellors
- Work supervisor, managers
- Home-stay agency coordinators, housing supervisors
- Job placement agency coordinators
- Crisis line counsellors

## What can you do when sexual exploitation is happening to a friend or someone you know?



If you know someone who is being sexually exploited, encourage them to report it to an authority.

If they don't do it on their own, you should speak for them.

**If you don't stop it by reporting it, others could fall victim to that person!**

## **REMEMBER!!!**

**You can stop sexual exploitation from happening to you and others!**



## REMEMBER!!!

If you are under 18 years of age,  
**IT IS AGAINST THE LAW for a person  
in a position of authority, or trust**  
(for someone from the “Circle of Important Others”)  
**to try to have a sexual relationship  
with you, to expose you to sexual  
materials or to make you do  
anything that is sexual in nature**  
(to force or manipulate their way  
into your “Circle of Intimacy”).

# HUMAN TRAFFICKING AND INTERNATIONAL STUDENTS

## WHAT is international human trafficking?

International trafficking happens when a person is brought into Canada from a different country for the purpose of exploitation. Internationally trafficked people may enter their destination country with legal documents such as temporary work permits, visitor or student visas, or with false documents. They sometimes enter the country undetected by border authorities.



## WHO can become a victim of human trafficking?

Anyone!

## WHY are international students targets of human trafficking?

Because they are:

- often lonely and/or away from their homes for the first time,
- usually looking for new friendships and opportunities,
- unfamiliar with the local way of life,
- unfamiliar with the language,
- wanting to immigrate and looking for a way to do so.

# WHAT? WHO? WHY? WHERE and HOW?

## WHERE are students recruited by traffickers?

“Recruiters” look for potential targets everywhere. They often target students in schools, shopping malls, sport or community centers or in any other locations. They also try to lure and recruit students through the internet.

## HOW are students exploited?

- They are often manipulated into a life of prostitution.
- They are forced to exchange sex for necessities such as money, shelter, food, drugs, alcohol or other benefits.
- They are made to provide sexual services in hotel rooms, strip clubs, massage parlours or other locations.
- They are forced or manipulated into taking sexual pictures or videos of themselves.
- They are often forced and manipulated into submission by violence or threats of violence.
- Their identification papers, passport or other travel documents are sometimes taken away.



## WHAT can you do to protect yourself from human trafficking?

Be very careful if someone offers you free accommodation, money, drugs or other free items. Recruiters and traffickers may appear to be very helpful and friendly, but are actually planning to exploit you.

**REMEMBER** there is always a price to pay  
for everything, because as they say:

***“There is NO FREE lunch in life.”***

## OTHER CANADIAN CRIMINAL CODE OFFENCES YOU SHOULD LEARN ABOUT

### CRIMINAL HARASSMENT / SEXUAL HARASSMENT

**“ unwanted and unwelcomed sexual behaviour that you find embarrassing, humiliating, demeaning, troubling or bothersome.** Behaviour which can constitute sexual harassment includes such as: verbal abuse, threats or intimidation, negative comments about your gender or sexual orientation, unwelcome sexual remarks, insults, jokes, messages, displaying of pornographic pictures, sexual photos, jokes which cause you embarrassment, suggestive or insulting sounds or gestures, repeated unwelcome invitations or requests, unnecessary and unwanted physical contact (e.g. touching, pinching), attempted or actual fondling or kissing, and others.

#### **C.C.C Section 264. Criminal Harassment**

- (1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.
- (2) The conduct mentioned in subsection (1) consists of:
  - (a) repeatedly following from place to place the other person or anyone known to them;
  - (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
  - (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
  - (d) engaging in threatening conduct directed at the other person or any member of their family.
- (3) Every person who contravenes this section is guilty of an indictable offence.



## **ASSAULT / SEXUAL ASSAULT**

Assault is an act of violence against another person / Sexual Assault is an unwanted sexual act done by one person to another, mostly carried out by a stranger or a date. Sexual Assault includes anything from unwanted, un-invited sexual touching to rape. The offender uses physical force, threat, intimidation and coercion in order to gain control the other person.

### **C.C.C Section 265. Assault**

- (1) A person commits an assault when
  - (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
  - (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
  - (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.
- (2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.
- (3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of
  - (a) the application of force to the complainant or to a person other than the complainant;
  - (b) threats or fear of the application of force to the complainant or to a person other than the complainant;
  - (c) fraud; or the exercise of authority.



# THE CANADIAN LAW ON SEXUAL EXPLOITATION AND HUMAN TRAFFICKING

## SEXUAL EXPLOITATION

**CONSENT:** The voluntary agreement of a person to engage in sexual activity.

### AGE OF CONSENT TO SEXUAL ACTIVITY:

The age of consent, also known as the “age of protection”, refers to the ***age at which a young person can legally consent to sexual activity***. All sexual activity without consent, regardless of age, is a criminal offence.

### CANADA’S AGE OF CONSENT:

According to the Criminal Code of Canada (C.C.C.) Section 150.1 (1) **the age of consent in Canada for all forms of sexual activity is 16 years**. This means that it is not illegal for an adult to have consensual sex with someone who is 16 or older, as long as the adult is not in a position of trust or authority, the youth is not deemed to be dependent on the person, and the relationship is not exploitive toward the youth.

There are exceptions, for instance, children who are 14 and 15 years old can consent to a sexual activity with a partner as long as the person is less than five years older and there is no relationship of trust, authority or dependency, and the relationship is not exploitive. An adult involved in sexual activity with a child under the age of 14 can be charged with a sexual assault-related offence.

**SEXUAL EXPLOITATION:** C.C.C., Section 153 (1) Sexual Exploitation - Every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitive of the young person and who

- (a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person, or
- (b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person.

(2) **Definition of “young person”:** In this section, “young person” means a person 16 years of age or more but under the age of eighteen years.

**Simply said:** In Canada, it is against the law for someone who is in a position of trust or authority over you to try to engage you in sexual activities if you are under 18 years of age.



## TRAFFICKING IN PERSONS / HUMAN TRAFFICKING

**C.C.C. Section 279.01** (1) *Trafficking in persons*: Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence...

**C.C.C. Section 279.011** (1) *Trafficking of a person under the age of eighteen years*: Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person under the age of eighteen years, or exercises control, direction or influence over the movements of a person under the age of eighteen years, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence...

**Even if a person consents to go along with any of the above activities, their consent is not considered to be valid by the courts.**

**C.C.C. Section 279.03** *Withholding or destroying documents*: Every person who, for the purpose of committing or facilitating an offence under subsection **279.01(1)** or **279.011(1)**, conceals, removes, withholds or destroys any travel document that belongs to another person or any document that establishes or purports to establish another person's identity or immigration status is guilty of an indictable offence...

**C.C.C. Section 279.04** (1) For the purposes of sections **279.01** to **279.03**, a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service.

(2) In determining whether an accused exploits another person under subsection (1), the Court may consider, among other factors, whether the accused

- (a) *used or threatened to use force or another form of coercion;*
- (b) *used deception;* or
- (c) *abused a position of trust, power or authority.*

### The UNITED NATIONS DEFINES HUMAN TRAFFICKING IN PERSONS AS:

“the act of recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”



# 加拿大有关性剥削和人口贩卖的法律

定义

## 性剥削

**同意：**一个人自愿同意从事性活动。

### 从事性活动的同意年龄：

同意年龄（也称“保护年龄”）是指**青少年能合法同意从事性活动的年龄**。所有未经同意的性活动，无论当事人年龄大小，均属于犯刑事罪。

### 加拿大的同意年龄：

根据加拿大刑法第150.1 (1)条的规定，**在加拿大，从事所有形式性活动的同意年龄均为16岁**。这意味着，成年人与16岁或以上的青少年发生双方同意的性行为并不违法，只要该成年人不处于负责或权力地位、该青少年不被视为依赖于该成年人，并且双方的关系对该青少年而言不是剥削性的。

但也有例外，例如，14–15岁的儿童可同意进行性活动，只要伴侣比该童年长不超过5岁，双方之间不存在责任、权力或依赖的关系并且双方的关系不是剥削性的。与14岁以下儿童进行性活动的成年人可能被控告犯有性侵犯相关罪行。

**性剥削：**加拿大刑法第153 (1)条“性剥削”中规定，如果任何人对某个青少年来说处于负责或掌握权力的地位、该青少年与其有依赖关系、或者双方的关系对该青少年而言是剥削性的并且此人有以下行为，就构成犯罪：

- (a) 出于性目的，直接或间接地用身体某一部分或某一物体来触碰该青少年身体的任何部位，或
- (b) 出于性目的，诱使、建议或煽动青少年直接或间接地用身体的某一部分或某一物体来触碰任何人的身体，包括进行此类诱使、建议或煽动的人员的身体以及该青少年自己的身体。

(2) **“青少年”的定义**——在本条中，“青少年”是指年满16岁但未满18岁的人员。

**简言之：**在加拿大，负有责任或掌握权力的人员试图与未满18岁的人员进行性活动是违法的。



## 人口贩卖

**加拿大刑法第279.01 (1)条**“人口贩卖”中规定，从事以下行为的人员犯有可起诉的罪行：招募、运输、移送、接收、扣留、藏匿或窝藏一个人，或者控制、指示或影响一个人的移动，以便剥削他们或方便别人对他们进行剥削……

**加拿大刑法第279.011 (1)条**“贩卖未满18岁人员”中规定，从事以下行为的人员犯有可起诉的罪行：招募、运输、移送、接收、扣留、藏匿或窝藏未满18岁的人员，或者控制、指示或影响未满18岁的人员的行动，以便剥削他们或方便别人对他们进行剥削……

**即使一个人同意进行上述任何活动，他们的同意也不会被法院认为是有效的。**

**加拿大刑法第279.03条**“保留或销毁文件”中规定，从事以下行为的人员犯有可起诉的罪行：为了实施或方便他人实施第**279.01(1)**或**279.011(1)**条所述的罪行，藏匿、删除、保留或销毁任何属于他人的旅行文件或者可证实或意在证实他人身份或移民身份的任何文件……

**加拿大刑法第279.04 (1)条**中规定，在第**279.01**条到第**279.03**条中，如果一个人致使他人通过从事某一行为而提供或提出提供劳动或服务，并且在所有情况下该行为均可能被合理地认为将导致他人认为若自己未能提供或提出提供该劳动或服务，则自己或自己认识的人的安全将受到威胁，则此人就是在对他人进行剥削。

(2) 在根据第(1)条确定被告是否剥削他人时，除其他因素之外，法院还可能考虑被告是否有以下行为：

- (a) 使用或威胁使用武力或进行其他形式的胁迫；
- (b) 欺骗；或
- (c) 滥用信任或权力。

## 联合国对人口贩卖的定义如下：

“通过威胁、使用武力或进行其他形式的胁迫、诱拐、欺诈、欺骗、滥用权力或乘人之危，或者给予或接受付款或好处来获得对他人有控制权的人士的同意，从而招募、运输、移送、窝藏或接收他人进行剥削。剥削应至少包括利用他人卖淫或进行其他形式的性剥削、强迫劳动或服务、奴役或类似奴役的做法、劳役或切除器官”。



# 加拿大有關性剝削和人口販賣的法律

定義

## 性剝削

**同意：**一個人自願同意從事性活動。

**從事性活動的同意年齡：**

同意年齡（也稱「保護年齡」）是指青少年能合法同意從事性活動的年齡。所有未經同意的性活動，無論當事人年齡大小，均屬於犯刑事罪。

**加拿大的同意年齡：**

根據加拿大刑法第 150.1 (1) 條的規定，在加拿大，從事所有形式性活動的同意年齡均為 16 歲。這意味著，成年人與 16 歲或以上的青少年發生雙方同意的性行為並不違法，只要該成年人不處於負責或權力地位、該青少年不被視為依賴於該成年人，並且雙方的關係對該青少年而言不是剝削性的。

但也有例外，例如，14–15 歲的兒童可同意進行性活動，只要伴侶比該兒童年長不超過 5 歲，雙方之間不存在責任、權力或依賴的關係並且雙方的關係不是剝削性的。與 14 歲以下兒童進行性活動的成年人可能被控告犯有性侵犯相關罪行。

**性剝削：**加拿大刑法第 153 (1) 條「性剝削」中規定，如果任何人對某個青少年來說處於負責或掌握權力的地位、該青少年與其有依賴關係、或者雙方的關係對該青少年而言是剝削性的並且此人有以下行為，就構成犯罪：

- (a) 出於性目的，直接或間接地用身體某一部分或某一物體來觸碰該青少年身體的任何部位，或
- (b) 出於性目的，誘使、建議或煽動青少年直接或間接地用身體的某一部分或某一物體來觸碰任何人的身體，包括進行此類誘使、建議或煽動的人員的身體以及該青少年自己的身體。

(2) 「青少年」的定義——在本條中，「青少年」是指年滿 16 歲但未滿 18 歲的人員。

**簡言之：**在加拿大，負有責任或掌握權力的人員試圖與未滿 18 歲的人員進行性活動是違法的。



## 人口販賣

**加拿大刑法第279.01 (1)條** [人口販賣] 中規定，從事以下行為的人員犯有可起訴的罪行：招募、運輸、移送、接收、扣留、藏匿或窩藏一個人，或者控制、指示或影響一個人的行動，以便剝削他們或方便別人對他們進行剝削.....

**加拿大刑法第279.011 (1)條** [販賣未滿18歲人員] 中規定，從事以下行為的人員犯有可起訴的罪行：招募、運輸、移送、接收、扣留、藏匿或窩藏未滿18歲的人員，或者控制、指示或影響未滿18歲的人員的行動，以便剝削他們或方便別人對他們進行剝削.....

**即使一個人同意進行上述任何活動，他們的同意也不會被法庭認為是有效的。**

**加拿大刑法第279.03條** [保留或銷毀文件] 中規定，從事以下行為的人員犯有可起訴的罪行：為了實施或方便他人實施第**279.01(1)**或**279.011(1)**條所述的罪行，藏匿、刪除、保留或銷毀任何屬於他人的旅行文件或者可證實或意在證實他人身份或移民身份的任何文件.....

**加拿大刑法第279.04 (1)條** 中規定，在第**279.01**條到第**279.03**條中，如果一個人致使他人通過從事某一行為而提供或提出提供勞動或服務，並且在所有情況下該行為均可能被合理地認為將導致他人認為若自己未能提供或提出提供該勞動或服務，則自己或自己認識的人的安全將受到威脅，則此人就是在對他人進行剝削。

(2) 在根據第(1)條確定被告是否剝削他人時，除其他因素之外，法庭還可能考慮被告是否有以下行為：

- (a) 使用或威脅使用武力或進行其他形式的脅迫；
- (b) 欺騙；或
- (c) 濫用信任或權力。

## 聯合國對人口販賣的定義如下：

「通過威脅、使用武力或進行其他形式的脅迫、誘拐、欺詐、欺騙、濫用權力或乘人之危，或者給予或接受付款或好處來獲得對他人有控制權的人士的同意，從而招募、運輸、移送、窩藏或接收他人進行剝削。剝削應至少包括利用他人賣淫或進行其他形式的性剝削、強迫勞動或服務、奴役或類似奴役的做法、勞役或切除器官」。



# 性的搾取と人身売買に関するカナダの法律

定義

## 性的搾取

**同意：**性行為を行うという自由意思による同意。

**性行為を行うことに同意できる年齢〔以下同意年齢と呼ぶ〕：**

同意年齢は「保護年齢」とも呼ばれ、**青少年が合法的に性行為に同意できる年齢**を指す。年齢にかかわらず、同意なしの性行為は刑法上の犯罪である。

**カナダにおける同意年齢：**

カナダ国刑法第150.1条(1)には、**カナダにおけるあらゆる種類の性行為に対する同意年齢は16歳である**と定められている。つまり、成人が16歳以上の人物と同意に基づく性行為を行うことは、違法行為ではない。ただし、この成人が相手の青少年の信頼を受ける立場になく、青少年に対して権限を持つ立場になく、青少年がこの成人に扶養されていると見なされず、この関係が青少年を搾取していないことが条件である。

例外もある。たとえば、14歳または15歳の未成年でも、性行為に同意することができる。ただし、相手は5歳以上年上ではなく、未成年者から信頼を受ける立場になく、権限を持つ立場にもなく、扶養者の立場にもなく、関係が未成年を搾取するものでないことが条件である。14歳未満の未成年と性行為を行った成人は、性犯罪による起訴対象となる。

**性的搾取：**カナダ国刑法第153条(1)性的搾取 – 青少年の信頼を受ける立場にある者、青少年に対して権限を持つ立場にある者、青少年を扶養する関係にある者、もしくは、青少年を搾取する関係にある者が、次のような行為を行った場合、違法行為となる。

- (a) 性行為を目的として、直接または間接的に、身体の一部または任意の事物を使って、青少年の体のいかなる部分にも触れた場合、または
- (b) 性行為を目的として、青少年に対し、直接または間接的に、身体の一部または任意の事物を使って、任意の者の身体に触れることを依頼、推奨、または誘導した場合(このような依頼、推奨、または誘導した者自身の身体及び、青少年本人の身体を含む)。

(2) **「青少年」の定義** – この節における「青少年」とは、16歳以上**18歳未満**の者を意味する。

**簡潔に言うと：**カナダでは、**18歳未満の未成年者**に対し、この未成年者の信頼を受ける立場にある者、もしくはこの未成年者に対して権限を持つ立場にある者が性的行為を行おうとすることは、違法とされている。



## 人身売買/人身取引

**カナダ国刑法第 279.01 条 (1) 人身売買** – 人を搾取する目的で、または人の搾取を円滑に進める目的で、この人を募集、輸送、移動、受領、拘束、隠匿または隠匿場所を提供した場合、あるいは、この人の移動を統制または指示したり、この人の移動に対して影響を与えたりした場合には、正式起訴犯罪を犯したことになる...

**カナダ国刑法第 279.011 条 (1) 18 歳未満の者の人身売買** – 人を搾取する目的で、または人の搾取を円滑に進める目的で、18 歳未満の者を募集、輸送、移動、受領、拘束、隠匿し、または隠匿場所を提供した場合、あるいは、18 歳未満の者の移動を統制または指示したり、この者の移動に対して影響を与えたりした場合には、正式起訴犯罪を犯したことになる...

**対象となる者が上記のいずれかの行為に同意して従ったとしても、法廷ではこのような同意は正当なものとはみなされない。**

**カナダ国刑法第 279.03 条 渡航文書の留保または破棄 – 第 279.01 条 (1) 項または第 279.011 条 (1) 項**に規定されている違法行為を行う目的で、またはこれらの違法行為を円滑に進める目的で、他の者に帰属する任意の渡航文書、または、他の者の身元や在留資格を証明する書類、あるいは証明することを目的とする書類を留保、除去、隠匿、または破棄した場合には、正式起訴犯罪を犯したことになる...

**カナダ国刑法第 279.04 条 (1) 第 279.01 条から第 279.03 条**においては、次の場合にある者が別の者を搾取したとみなされる。言われた通りの労働もしくはサービスを提供しなかった場合、あるいはその提供の申し出をしなかった場合には、自らの安全、もしくは知人の安全が脅かされるであろうと、搾取されようとしている者があらゆる状況下で合理的に予想できるような行為を、搾取しようとしている者が行うことによって、前者にその労働もしくはサービスを提供させる、あるいはその提供の申し出をさせる。

(2) 第 (1) 項に照らして、被疑者が他の者を搾取したかどうかを裁定するにあたり、裁判所は、あらゆる要因の中でも、被疑者が以下の行為を行ったかどうかを考慮する。

- (a) 暴力または他の種類の強制力の使用、もしくはこれらを使用するという脅迫
- (b) だましたり、欺いたりする
- (c) 相手から信頼を受けているという立場、相手より権力があるという立場、または相手に対して権限を持っているという立場の悪用

### 国連による人身売買の定義：

「脅迫、暴力その他の強制力の使用、誘拐、詐欺行為、欺き、権力の悪用、相手の立場の弱さの利用、金銭や恩恵の授受を以ってある者に別の者の自由を奪うことに同意させる、といった手段で、搾取を目的として、人を募集し、輸送し、移動させ、隠匿し、受領すること。搾取と見なされる行為には、最低限次の行為が含まれる。売春行為をさせることでの搾取、売春行為以外の性的搾取、強制労働もしくは強制サービスを提供させること、隷属的重労働もしくはそれに類する行為をさせること、隷従状態に置くこと、及び臓器を摘出させること。」



## 성적 착취와 인신매매에 관한 캐나다의 법률

정의

### 성적 착취

**동의:** 한 개인이 성행위에 자발적으로 동의

**성행위에 동의할 수 있는 연령:**

“보호 연령”이라고도 알려진 동의 연령은 미성년자가 **성행위에 법적으로 동의할 수 있는 나이**를 가리킵니다. 나이에 관계 없이, 동의가 없이 이루어지는 모든 성행위는 범죄 행위입니다.

**캐나다의 동의 연령:**

캐나다의 형사법 (C.C.C.) 조항 150.1 (1)에 따르면, **캐나다에서 모든 형태의 성적 행위에 대한 동의 연령은 16세입니다.** 미성년자가 신뢰하지 않거나 혹은 미성년자에게 권위를 행사하는 위치에 있지 않은 성인의 경우, 그리고 미성년자가 의존해야 하는 성인으로 간주되지 않고, 두 사람의 관계가 미성년자 편에서 착취적이지 않은 경우, 이 성인이 16세 이상의 청소년과 서로 합의한 성행위를 갖는 것은 불법이 아니라는 것을 의미합니다.

예외가 있습니다. 예를 들어, 상대방이 5살 이상 많지 않고, 신뢰, 권위, 혹은 의존의 관계가 존재하지 않으며, 관계가 착취적이지 않을 경우, 14세 혹은 15세인 아동은 성행위에 동의할 수 있습니다. 14 세 미만 아동과의 성행위를 갖은 성인은 성폭행 관련 범죄로 기소될 수 있습니다.

**성적 착취:** 캐나다의 형사법 조항 153 (1) 성적 착취 – 미성년자가 신뢰하거나 미성년자에게 권위를 행사하는 자, 혹은 미성년자가 의존해야 하는 자, 혹은 미성년자를 착취하는 자는 다음 경우에 불법을 행하게 됩니다

- (a) 성적인 목적으로, 성인 자신의 신체 부위로 혹은 어떤 물체로써, 미성년자의 신체 부위를 직접적으로 혹은 간접적으로 만지거나,
- (b) 성적인 목적으로, 미성년자로 하여금 자신의 신체 부위로 혹은 어떤 물체로써, 한 개인의 신체 부위를 직접적으로 혹은 간접적으로 만지도록 청하거나 권고하고 부추기는 행위. 만지기를 청하거나 권고하고 부추기는 자의 신체도 포함합니다.

(2) **“미성년자”의 정의** – 이 조항에서 “미성년자”는 16세 이상 그러나 18세 미만인 사람을 의미합니다.

**간단히 말하면,** 귀하가 신뢰하거나 귀하에게 권위를 행사하는 사람이 18세 미만인 귀하와 성행위를 시도하는 것은 캐나다에서는 불법입니다.



## 인신 매매

**캐나다의 형사법 조항 279.01** (1) **인신매매** - 사람을 착취하거나 착취를 도모하기 위한 목적으로, 사람을 모집, 수송, 이동, 수용, 억류, 은폐하거나 숨겨주는 자, 혹은 사람의 움직임을 통제하거나 지시하고 영향력을 행사하는 자는, 기소될 수 있는 범죄를 저지르는 것입니다...

**캐나다의 형사법 조항 279.011** (1) **18세 미만인 사람의 인신 매매** - 사람을 착취하거나 착취를 도모하기 위한 목적으로, 18세 미만의 사람을 모집, 수송, 이동, 수용, 억류, 은폐하거나 숨겨주는 자, 혹은 18세 미만의 사람의 움직임을 통제하거나 지시하고 영향력을 행사하는 자는 기소될 수 있는 범죄를 저지르는 것입니다...

**비록 한 개인이 위의 행위 중 어떤 것에 동의한 경우라도, 그 동의는 법정에서 유효한 것으로 간주되지 않습니다.**

**캐나다의 형사법 조항 279.03 문서 은폐 또는 파기** - 부조항 **279.01(1)** 또는 **279.011(1)**에 규정된 범죄를 저지르거나 범죄를 도모하기 위한 목적으로, 타인의 여행 문서, 신분 혹은 출입국 상태를 규명하는 문서를 감추거나 제거하거나 파기하는 사람은 누구나 기소될 수 있는 범죄를 저지르는 것입니다...

**캐나다의 형사법 조항 279.04** (1) 조항 **279.01**에서 **279.03**까지의 주요 내용은, 한 개인이 노동이나 서비스를 제공하지 못하거나, 제공하겠다는 의지를 보이지 않으면 자신의 안전이나 지인들의 안전에 위협이 될 것이라고 믿도록 해서, 그 사람이 노동이나 서비스를 제공하거나 제공하겠다는 의지를 보이도록 만들 경우, 이런 행위는 착취에 해당합니다.

(2) 피고인이 부조항 (1)에 적용되는 착취를 타인에게 자행하였는지 여부를 판단하기 위해 법정은, 다른 여러 요인들 중, 피고인이 아래 사항을 자행했는지를 고려할 수 있습니다:

- (a) 폭력이나 다른 형태의 강압을 사용했거나 사용하겠다고 위협하였는지
- (b) 기만을 사용하였는지
- (c) 신뢰, 권력, 권위의 위치를 남용하였는지

### 국제연합은 인신 매매를 다음과 같이 정의합니다:

“착취를 목적으로, 위협이나 폭력의 사용 또는 다른 형태의 강압, 납치, 사기, 기만, 권력의 남용, 취약성을 이용하거나, 타인을 통제하는 사람의 동의를 얻기 위해 금전 지불이나 다른 혜택을 주거나 받아서, 사람을 모집, 수송, 이동, 은폐 혹은 수용하는 행위. 착취는, 최소한, 타인의 매춘 행위 착취 또는 다른 형태의 성적 착취, 강제 노동 및 강제 서비스, 노예 생활을 포함하며, 또한 노예 생활, 노예 상태 및 장기 제거에 유사한 관행을 포함합니다.”



# LEY CANADIENSE SOBRE LA EXPLOTACIÓN SEXUAL Y EL TRÁFICO DE PERSONAS

## EXPLOTACIÓN SEXUAL

**CONSENTIMIENTO:** Acuerdo voluntario de parte de una persona para realizar una actividad sexual.

### EDAD DE CONSENTIMIENTO PARA ACTIVIDADES SEXUALES:

La edad de consentimiento, también conocida como “edad de protección”, se refiere a la ***edad en la que una persona joven puede dar legalmente su consentimiento para realizar actividades sexuales***. Toda actividad sexual sin consentimiento, independientemente de la edad, se considera un delito penal.

### EDAD DE CONSENTIMIENTO EN CANADÁ:

Según la Sección 150.1 del Código Penal de Canadá [CPC] (1) **la edad de consentimiento en Canadá para todos los tipos de actividades sexuales es de 16 años**. Esto significa que no se considera ilegal que un adulto tenga sexo consensuado con una persona de 16 años o más, siempre y cuando dicho adulto no se encuentre en una posición de confianza o autoridad, no se considere que el joven o la joven depende del adulto, y que no se trate de una relación en la que el joven o la joven sea explotado(a).

Existen excepciones en las que, por ejemplo, los menores entre 14 y 15 años de edad pueden consentir en realizar una actividad sexual con una pareja, siempre y cuando dicha persona sea menos de cinco años mayor y no haya ninguna relación de confianza, autoridad o dependencia, y que no se trate de una relación de explotación. Un adulto que participe en una actividad sexual con un joven o una joven menor de 14 años puede ser acusado de un delito relacionado con una agresión sexual.

**EXPLOTACIÓN SEXUAL:** CPC, Sección 153 (1) Explotación Sexual: Comete un delito toda persona que, al encontrarse en una posición de confianza o autoridad con respecto a una persona joven, en una relación en la que dicha persona joven depende de ella, o en una relación en la que la persona joven sea explotada,

- (a) toca, ya sea directa o indirectamente, cualquier parte del cuerpo de dicha persona joven, con una parte de su cuerpo o con algún objeto, con fines sexuales, o
- (b) invita, aconseja o incita a una persona joven a tocar, ya sea directa o indirectamente, con alguna parte del cuerpo o con algún objeto, el cuerpo de cualquier persona, incluido el cuerpo de la persona que la invita, aconseja o incita a hacerlo y el cuerpo de la persona joven con fines sexuales.

(2) **Definición de “persona joven”:** En esta sección, el término “persona joven” se refiere a una persona de 16 años de edad o más, **pero menos de dieciocho años**.

**En términos sencillos:** En Canadá, es ilegal que alguien en una posición de confianza o autoridad con respecto a usted trate de involucrarlo a usted en actividades sexuales si usted es menor de 18 años.



## TRATA DE PERSONAS/TRÁFICO DE PERSONAS

**CPC Sección 279.01** (1) Tráfico de personas: Toda persona que reclute, transporte, traslade, reciba, retenga, oculte o albergue a una persona, o ejerza control, dirección o influencia sobre los movimientos de una persona, con el fin de explotarla o facilitar su explotación es considerada culpable de un delito procesable...

**CPC Sección 279.011** (1) Tráfico de personas menores de dieciocho años: Toda persona que reclute, transporte, traslade, reciba, retenga, oculte o albergue a una persona menor de dieciocho años, o ejerza control, dirección o influencia sobre los movimientos de una persona menor de dieciocho años, con el fin de explotarla o facilitar su explotación es considerada culpable de un delito procesable...

**Incluso si una persona da su consentimiento para proceder con cualquiera de las actividades mencionadas, su consentimiento no es considerado válido por los tribunales.**

**CPC Sección 279.03** Retención o destrucción de documentos: Toda persona que, con el fin de cometer o facilitar un delito conforme a lo dispuesto en la subsección **279.01(1)** o **279.011(1)**, oculte, extraiga, retenga o destruya cualquier documento de viaje que pertenezca a otra persona o cualquier documento que establezca o tenga como objetivo establecer la identidad o el estado de inmigración de otra persona es considerada culpable de un delito procesable...

**CPC Sección 279.04** (1) Para efectos de las secciones 279.01 a 279.03, se considera que una persona explota a otra si le ordena que realice o se ofrezca a realizar un trabajo o un servicio mediante la asunción de una conducta que, en todo caso, razonablemente se pueda esperar que pudiese inducir a la otra persona a creer que su seguridad o la seguridad de alguna persona conocida se vería amenazada si dicha persona no realizara o no se ofreciera a realizar dicho trabajo o prestar dicho servicio.

(2) Al determinar si un acusado ha explotado a otra persona según lo estipulado en la subsección (1), el Tribunal podrá tener en cuenta, entre otros factores, si el acusado

- (a) *utilizó o amenazó con utilizar la fuerza u otra forma de coerción;*
- (b) *utilizó el engaño; o*
- (c) *abusó de una posición de confianza, poder o autoridad.*

### **La ORGANIZACIÓN DE NACIONES UNIDAS DEFINE LA TRATA DE PERSONAS COMO:**

“el acto de reclutar, transportar, trasladar, albergar o recibir personas por medio de amenazas o del uso de la fuerza u otras formas de coerción, secuestro, fraude, engaño, abuso de poder o de una posición de vulnerabilidad, o mediante la entrega o recibo de pagos o beneficios para lograr el consentimiento de una persona que tenga control sobre otra, con fines de explotación. La explotación incluye, como mínimo, la explotación de la prostitución de otras personas u otras formas de explotación sexual, servicios o trabajos forzados, esclavitud o prácticas similares a la esclavitud, la servidumbre o la extracción de órganos.”

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- Children of the Street Society
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