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**IOM**

**Comparative Matrix of the**

**Legislation in Member States of RCM relating to**

 **Trafficking in Persons**

**Part I**

**Background:**

The comparative matrix of legislation relating to trafficking in persons in Member States of RCM is the result of an analysis of information collected through ongoing monitoring of electronic data bases and reports from our local offices in the region. The offices, in turn, receive updates from relevant institutions in each Member State of RCM.

The topics and sub-topics included in the matrix were selected based on concerns expressed by several representatives regarding the importance of an instrument which reflects all aspects of criminal activities relating to trafficking in persons and migrant smuggling in each country’s regulations and at a regional level. The information was summarized by experts on the topics in question, recording only the data that are most relevant for an individual and collective analysis of the legal expressions of criminal, criminal procedure, immigration, and executive provisions, among others, which guide actions to combat the above-mentioned crimes in our countries.

We hope that the information that has been analyzed, organized, and summarized is useful to lawyers, authorities, researchers, judges, fiscals, police officers, heads of institutions, strategic authorities, and a wide array of experts or persons interested in gaining further knowledge about this crime and facilitating key decision-making processes when facing situations relating to trafficking in persons.

**ACRONYMS**

**CC Criminal Code**

**CCP Code of Criminal Procedure**

**IA Immigration Act**

**LOC Law Against Organized Crime**

**UNODC United Nations Office on Drugs and Crime**

 **ACRONYMS OF LAWS AND INTERNATIONAL DOCUMENTS**

**FCC Federal Criminal Code, Mexico**

**INA Immigration and Nationality** **Act, USA**

**IRPA Immigration and Refugee Protection Act, Canada**

**LAAVDDF Law for Assistance and Support to Victims of the Crime, Mexico, DF (Spanish acronym)**

**LCVST Law Against Sexual Violence and Trafficking, Guatemala (Spanish acronym)**

**LEPTV Special Law for the Protection of Victims and Witnesses, El Salvador (Spanish acronym)**

**LFCDO Federal Law Against Organized Crime, Mexico (Spanish acronym)**

**LPF Federal Police Law, Mexico (Spanish acronym)**

**LPSTP Law to Prevent and Punish Trafficking in Persons, Mexico (Spanish acronym)**

**PAIVTP Protocol for Immediate Assistance to Victims of Trafficking, El Salvador (Spanish acronym)**

**RLPSTP Bylaws to the Law to Prevent and Punish Trafficking in Persons, Mexico (Spanish acronym)**

**TVPA Victims of Trafficking and Violence Protection Act, USA**

**USC The Code of Laws of the United States of America**

**VHPA Victims of Human Trafficking Protection Act, Canada**

**PREVENTION**

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|  | canadaCanada | us-tUnited States | mx-sMexico | gt2Guatemala | esEl Salvador | nuNicaragua |
| **PROGRAMMES** | The Government of Canada, under *Canada’s National Action Plan to Combat Human Trafficking* launched on June 6, 2012, supports a broad-based prevention strategy focusing on awareness raising, education and research activities to prevent human trafficking. (1CA) | **22 USC, 7104.** As in: **Trafficking Victims Protection Act, 106-386, 2000, (TVPA) and its updates of 2003-2008 (HR-2620, HR-972, HR-7311),** **Sections 3, 102-104, 106, 108, 109.** Prevention at a national and international level: Funds for local protection of victims and assistance to countries with preventative programmes. **Sections 301 & 302.** Authorize funds until 2010 for a strategy to combat trafficking in persons with a focus on assistance and protection of victims. International and domestic:Department of Homeland Security, (DHS) Blue Campaign and Immigration and Customs Enforcement, ICE, Hidden in Plain Sight Campaign. Campaigns to raise awareness regarding trafficking among the general public and to promote denouncement. (1USA)(2USA)(3USA)(4USA)(5USA)(6USA) | **Article 88.** General law to prevent, punish and eradicate the crimes related to trafficking in persons and provide protection and assistance to victims of these crimes.The Inter-secretarial Committee Against Trafficking in Persons (CITP) has developed a National Programme to Prevent and Punish Trafficking in Persons (PNPSTP) which establishes actions and duties of relevant institutions in terms of prevention, assistance, and protection of victims and prosecution of the crime. In 2010, the UNODC Blue Heart Campaign against Human Trafficking was launched.(3MX)(1MX) | **The Law Against Sexual Violence and Trafficking, (LCVST), Decree No. 9-2009,** establishes a public policy against trafficking in persons and a Strategic Plan of Action 2007-2017 which determines actions to warn, raise awareness and educate the general public.**Article 6** **d), e), f), g) & j).** Coordinated prevention mechanisms, Secretariat Against Sexual Violence.**Article 7.** Defines prevention.**Article 14.** Preventative immigration controls.(4GTE) | **The National Committee Against Trafficking in Persons (CCNTP) is established, Decree No. 114.** The National Committee Against Trafficking in Persons, established in 2005, includes developing and coordinating prevention programmes under the National Plan to Combat Trafficking in Persons.(1ELS) | The role of the National Coalition Against Trafficking in Persons (CNCTP), established in 2004, includes developing prevention programmes under the National Plan to Combat Trafficking in Persons. **Articles 6 b) & 11,** **Law on Prevention, Investigation, Prosecution of Organized Crime… (LOC)** The National Council Against Organized Crime (NATIONAL COUNCIL) shall develop prevention programmes.Programmes implemented by the National Police Force.(2NIC)(1NIC) |
| **Governing Body****To Combat Trafficking in Persons** | (1CA)The Human Trafficking Taskforce, led by Public Safety Canada and comprised of key federal departments, is the federal body responsible for overseeing the implementation of the *[National Action Plan to Combat Human Trafficking](http://www.publicsafety.gc.ca/prg/le/cmbt-trffkng-eng.aspx)*, including developing policies addressing the root causes and risk factors that can lead to human trafficking, exchanging information, facilitating cooperation, and reporting annually on progress to the public. | **22 USC, 7103,** as in **Section 105, TVPA.** Inter-Agency Task Force, surveillance and combating trafficking in persons and a special support unit. In addition, reference is made to an Inter-Agency Coalition of Assistance and Prevention Programmes Abroad.(1USA)(2USA)(3USA)(4USA)(5USA) | **Article 85.** General law to prevent, punish and eradicate the crimes related to trafficking in persons and provide protection and assistance to victims of these crimes.The role ofCITP, together with public and federal institutions, is to prevent and punish trafficking in persons.(3MX) | **Article 5, LCVST**. Secretariat Against Sexual Violence, Exploitation, and Trafficking in Persons, ascribed to the Vice-Presidency of the Republic. One of its primary roles is to act as an advisory body and to recommend actions to various State departments or institutions to combat sexual violence, exploitation, and trafficking in persons.(4GTE) | **Articles 1 & 2, CCNTP.** The National Committee Against Trafficking in Persons/National Council Against Trafficking in Personswas established to combat trafficking in persons in a comprehensive manner. The Committee is composed of 7 ministries, the Secretariat of Family, the National Police Force, etc., developing the National Plan Against Trafficking in Persons.(1ELS) | CNCTP. Composed of 15 ministries, State institutions, and 51 civil society organizations. Its role is to identify, prevent, protect, and rehabilitate victims and to effectively punish perpetrators of the crime of trafficking in persons.(2NIC) |
| **Means of Dissemination** | The Government of Canada, through the National Action Plan to Combat Human Trafficking, is in charge of developing national awareness campaigns and printed and/or online educational materials, in several languages, about trafficking in persons at both the national and the international levels, including through the use of videos, [newsletter](http://www.rcmp-grc.gc.ca/ht-tp/publications/index-eng.htm%22%20%5Cl%20%22l2)s, b[rochures](http://www.rcmp-grc.gc.ca/ht-tp/publications/index-eng.htm%22%20%5Cl%20%22l1), [posters](http://www.rcmp-grc.gc.ca/ht-tp/publications/index-eng.htm%22%20%5Cl%20%22l3), booklets, reports, [presentation](http://www.rcmp-grc.gc.ca/ht-tp/publications/index-eng.htm%22%20%5Cl%20%22l4)s and training sessions, as well as [toolkits](http://www.rcmp-grc.gc.ca/ht-tp/publications/index-eng.htm%22%20%5Cl%20%22l6) for law enforcement agencies and the general public.(1CA) | **22 USC, 7104,** as in **Article 106, TVPA.** Developing information campaigns against trafficking in persons. DHS Blue Campaign and ICE Hidden in Plain Sight Campaign use posters, billboards, brochures, radio broadcasts, etc. in different languages.([1USA](file:///C%3A%5C%5CUsers%5C%5Cmtrembla%5C%5CAppData%5C%5CLocal%5C%5CMicrosoft%5C%5CWindows%5C%5CTemporary%20Internet%20Files%5C%5CContent.Outlook%5C%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5C%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5C%5CESTADOS%20UNIDOS%5C%5CVictims%20of%20Trafficking%20and%20Violence%20Protection%20Act%2058USUS.pdf))[(2USA)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CESTADOS%20UNIDOS%5CTVPA%202003%20Reauthorization.pdf)[(3USA)](file:///C%3A%5C%5CUsers%5C%5Cmtrembla%5C%5CAppData%5C%5CLocal%5C%5CMicrosoft%5C%5CWindows%5C%5CTemporary%20Internet%20Files%5C%5CContent.Outlook%5C%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5C%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5C%5CESTADOS%20UNIDOS%5C%5CTVPA%202005%20Reauthorization%20%283%29.pdf)[(4USA)](file:///C%3A%5C%5CUsers%5C%5Cmtrembla%5C%5CAppData%5C%5CLocal%5C%5CMicrosoft%5C%5CWindows%5C%5CTemporary%20Internet%20Files%5C%5CContent.Outlook%5C%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5C%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5C%5CESTADOS%20UNIDOS%5C%5CWilliam%20Wilberforce%20Reauthorization%202008.txt)[(5USA)](file:///C%3A%5C%5CUsers%5C%5Cmtrembla%5C%5CAppData%5C%5CLocal%5C%5CMicrosoft%5C%5CWindows%5C%5CTemporary%20Internet%20Files%5C%5CContent.Outlook%5C%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5C%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5C%5CESTADOS%20UNIDOS%5C%5CUS%20Code.doc)[(6USA)](file:///C%3A%5C%5CUsers%5C%5Cmtrembla%5C%5CAppData%5C%5CLocal%5C%5CMicrosoft%5C%5CWindows%5C%5CTemporary%20Internet%20Files%5C%5CContent.Outlook%5C%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5C%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5C%5CESTADOS%20UNIDOS%5C%5CUSA%20trafficking.doc) | **Article 22, X,** **Law for Assistance and Support to Victims of the Crime of the Federal District (LAAVDDF), 2003.** One of the primary roles of PNPSTP is the development of prevention campaigns using brochures, posters, TV and radio, etc. In addition, other national campaigns are organized by the Attorney General’s Office, etc. and information lines and e-mail addresses are available to request assistance or make denouncements. [(2MX)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CMEXICO%5CLey_AtencionApoyo_victimas_DF%2015MX.pdf) |  | **Article 4 d), CCNTP.** The National Committee Against Trafficking in Persons establishes the development of campaigns and a special telephone line to report cases of trafficking in persons.[(1ELS)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CEL%20SALVADOR%5CCrease%20el%20Comit%C3%A9%20Nacional%20Contra%20la%20Trata%20de%20Personas.doc) | CNCTPis enabled to coordinate dissemination campaigns for the general public. A dissemination programme. **Article 12, LOC.** Social communication, written, radio, and TV materials. *Migraciones Mirando al Sur* (Migration Looking Southward): Movies and documentaries, exhibits, photos, dance presentations. [(2NIC)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CNICARAGUA%5CLink%20Nicaragua%20Trata.doc)[(1NIC)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CNICARAGUA%5CLey%20No%20%20735%20Ley%20de%20prevenci%C3%B3n%20investigaci%C3%B3n%20y%20persecuci%C3%B3n%20del%20crimen%20organizado%20%20%20%20%282%29.pdf)  |
| **Training** | The Governement of Canada provides training to front-line service providers and first responders across Canada to help identify trafficked persons, support them and provide appropriate referral services for help and protection through its “Human Trafficking: Canada is Not Immune” online training program.The [RCMP Human Trafficking National Coordination Centre (HTNCC)](http://www.rcmp-grc.gc.ca/ht-tp/index-eng.htm) is also active in raising awareness on Trafficking in Person issues to law enforcement, government, non-government agencies, prosecutors and the public.(1CA) | **22 USC, 7104**, as in **Article 106, TVPA.** Development of training programmes for civil servants. Interactive online training for law enforcement officers is available. DHS provides training for DHS staff. (1USA)(2USA)(3USA)(4USA)(5USA)(6USA) | **Article 22, VIII, LAAVDDF.** PNPSTP establishes training on trafficking in persons for civil servants. The training is implemented by the National Institute of Migration, the Secretariat of Public Security, etc.(2MX) | Public policy to combat trafficking in persons and its Strategic Plan include training of civil servants and citizen education on trafficking in persons. | **Article 4 c), CCNTP.** The National Committee Against Trafficking in Persons is in charge of training civil servants.(1ELS) | CNCTP is in charge of training civil servants.**Article 17, LOC.** TheNATIONAL COUNCIL, with the Institute for Alcoholism and Drug Addiction, shall provide training for military staff and staff of the penitentiary system.(2NIC)(1NIC) |

**PROTECTION**

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|  | canadaCanada | us-tUnited States | mx-sMexico | gt2Guatemala | esEl Salvador | nuNicaragua |
| **Specific Actions to Protect Victims of Trafficking** | The responsibility for the protection of victims of crime is shared between the federal and provincial/territorial governments. The Government of Canada works with the provinces and territories to protect and assist all victims of crime, including trafficking victims, to develop resources and tools on how to identify and best respond to the needs of trafficked victims, and support initiatives to enhance services for victims and ensure greater protection for those coming to Canada to work temporarily. E.g., Amendments to the *Immigration and Refugee Protection Act Regulations* to provide further protection to Temporary Foreign Workers and ensure a work place free of abuse; provision of funding to non-governemental organizations and international organizations that work with governments to address human trafficking, with a core focus on prevention, protection and rehabilitation of trafficking victims. [(1CA)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CCANADA%5CLink%20Canada%20trafficking.doc) | **22 USC, 7104,** as in **Section 107,** **TVPA**. Duties, funds to implement specific actions. Victims may opt in to the Witness Protection Programme.In addition, the Office of the Attorney General, Department of Justice has specific guidelines for the protection of victims and witnesses of trafficking.(1USA)(2USA)(3USA)(4USA)(5USA) | **Article 36.** In addition to relevant dispositions by the Federal Criminal Code, any person who disseminates, without a justified reason, reserved or confidential information relating to the crimes, processes and persons subject to this Act or relating to the Victim, Offended and Witness Protection Programme shall be sentenced to 3-6 years imprisonment and a fine of 1,000-10,000 days. **Article 83. General law to prevent, punish and eradicate the crimes related to trafficking in persons and provide protection and assistance to victims of these crimes.** The Office of the Attorney-General shall establish a programme of identity change and relocation of victims, offended persons and witnesses of the crimes that are the subject of this law and whose integrity may be threatened.**Article 2,** **LPSTP.** Institutions should develop protection programmes. It is the duty of the Secretariat of Public Security and the Attorney General’s Office to establish a victim and witness protection programme. **Bylaws to the Law to Prevent and Punish Trafficking in Persons (RLPSTP):****Article 25.** A witness and victim protection programme.**Article 31**. The Attorney General’s Office promotes declarations before a judge.(3MX) | **Articles 62-66, LCVST.** Establishes, in Article 8, the concept of protection, roles, and coordination duties of authorities, declaration by electronic means, and protection of the persons related to the victim. (4GTE) | **Protocol for Immediate Assistance to Victims of Trafficking (PAIVTP).** A victim protection programme.(3ELS)  | **Articles 67 & 73,** **LOC.** Victims participating in investigation and criminal proceedings may obtain the following services: physical security, health care, legal aid, social assistance, psychological care, accommodation, methods to protect their identity.[(1NIC)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CNICARAGUA%5CLey%20No%20%20735%20Ley%20de%20prevenci%C3%B3n%20investigaci%C3%B3n%20y%20persecuci%C3%B3n%20del%20crimen%20organizado%20%20%20%20%282%29.pdf) |
| **General Legislation on Protection of Victims and Witnesses** | In Canada, legislation exists at the provincial and federal levels which sets out rights and protections for victims and witnesses.At both the federal and provincial levels, witness protection programs exist. Federally, the Witness Protection Program Act provides the legal framework to protect persons who are involved in providing assistance to law enforcement in various matters. Protection can include relocation, accommodation and change of identity, as well as counselling and financial support necessary to ensure the security of the person and to facilitate their re-establishment and self-sufficiency. (4CA) | **22 USC, 7104,** as in **Article 107, TVPA.** Protection of victims.**18 USC, 3521.** Protection of witnesses, relocation, etc. Establishes provisions to be made by the Attorney General to protect witnesses.(1USA)(2USA)(3USA)(4USA)(5USA) | **General law to prevent, punish and eradicate the crimes related to trafficking in persons and provide protection and assistance to victims of these crimes.****Article 34, Federal Law Against Organized Crime** **(LOC), 2009.** Assistance and protection for victims and witnesses when required due to their participation in criminal proceedings. (3MX)(2MX) | Law for the protection of subjects of criminal proceedings and persons linked to criminal justice administration, Decree No. 70-96. (5GTE) | **Special Law for the Protection of Victims and Witnesses (LEPVT), Decree No. 1029-2006.**Establishes which institutions are responsible for this and determines actions to protect and assist victims and witnesses in general.(2ELS) | **Article 67,** **LOC.** Protection of victims, witnesses, etc. subjects of an investigation or criminal proceeding.**Article 195, Code of Criminal Procedure** **(CCP), No. 406.** The relevant criminal authority shall determine actions for the protection of experts, witnesses, and elements of proof.(1NIC)(03NIC) |

**AID/ASSISTANCE**

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|  | canadaCanada | us-tUnited States | mx-sMexico | gt2Guatemala | esEl Salvador | nuNicaragua |
| **PROGRAMMES** | Programmes for emergency assistance to victims in crisis, emergency telephone line,health care, emergency accommodation, social services, including emergency financial aid and free legal aid.Provision of funding to non-governemental organizations and international organizations that work with governments to address human trafficking, with a core focus on prevention, protection and rehabilitation of trafficking victims.(1CA) | **22 USC, 7104,** as in **Section 107, TVPA**. Programmes and initiatives to integrate, re-socialize, and resettle victims, and opportunities and benefits. Access to the Fund for Victims of Crime, services, and assistance.**22 USC, 7103,** as in **Section 101, TVPA.** Establishes international strategies to support victims through programmes and assistance for governments, or through projects with programmes to assist victims, implemented by NGOs in various countries around the world and within the US.(1USA)(2USA)(3USA)(4USA)(5USA) | The Special Unit for crimes of violence against women and trafficking in persons (FEVIMTRA) provides health care, psychological care, and legal aid through the Comprehensive Assistance Programme for Victims of Trafficking. The National Institute of Migration provides immigration assistance and referral of victims for comprehensive assistance. Office of the Attorney-General of the Republic, Special Prosecutor’s Office for Violence Against Women and Trafficking in Persons | The Public Policy Against Trafficking in Persons and its Strategic Plan of Action 2007-2017 (PPCTPPA) refer to all institutional interventions oriented toward establishing a comprehensive assistance system to ensure prompt and adequate physical and psychological recovery of victims, as well as legal aid and support to enable their effective social reintegration. | **Article 4,** **CCNTP.** The National Committee Against Trafficking in Persons shall develop programmes for assistance and recovery of victims through the National Plan Against Trafficking in Persons. **PAIVTP.** The National Civilian Police Force is in charge. Implemented with support from Save the Children. (1ELS) (3ELS) | The National Plan to Combat Trafficking in Persons of the Ministry of the Interior establishes a programme for comprehensive assistance to victims.*Source?*The Plan |
| **Shelters** | Programmes at the provincial and territorial levels =include emergency shelters for victims and safe housing.(1CA) | **22 USC, 7104,** as in **Section 107, TVPA.** Establishes that the State should support shelters for victims managed by NGOs at a domestic and local level and provide grants to foreign NGOs providing shelters.(1USA)(2USA)(3USA)(4USA)(5USA) | **Article 62. Paragraph V. General law to prevent, punish and eradicate the crimes related to trafficking in persons and provide protection and assistance to victims of these crimes.** To provide due protection and assistance in shelters during recovery, rehabilitation and reincorporation into society, and in appropriate locations, in order to ensure their safety and security.**Article 13.d-f, LPSTP.** Establishment of specialized shelters which provide comprehensive assistance to victims of trafficking. The stay is voluntary. Victims are not sheltered in preventative or penitentiary centres or immigration stations, etc. FEVIMTRA operates a high security shelter.(3MX) | PPCTPPA establishes the creation and strengthening of a support network of temporary homes or shelters providing comprehensive assistance.(10GTE) | **Article 11,** **LEPVT.** Rehabilitation Centre for National and Foreign Victims of Trafficking, managed by the National Civilian Police Force, and shelters for protected victims. (2ELS) | The National Plan to Combat Trafficking in Persons establishes the creation of reception sites for victims of trafficking in persons.Link PLAN |
| **Coordination with NGOs** | Works with NGOs to share best practices in combating trafficking in persons. (1CA) | **22 USC, 7104,** as in **Section 107, TVPA.** The international strategies of the US involve support for governments or through projects implemented by NGOs in various countries around the world. (1USA)(2USA)(3USA)(4USA)(5USA) | **LPSTP, Article 12, Paragraph V**.Through CITP.**Article 10, Paragraph II.** May participate in the meetings of CITP as consultants. **Article 19.** May collaborate with relevant authorities in repatriation processes.(3MX) | PPCTPPA establishes coordination with an expanded group of NGOs. (10GTE) | **Article 2,** **CCNTP.** The National Committee Against Trafficking in Persons works in coordination with NGOs.(1ELS) | **Article 1, LOC.** The objective of CNCTP is to work in coordination with State institutions and private organizations. (1NIC) |
| **Specific Actions to Assist Victims of Trafficking in Persons** | (1CA)Citizenship & Immigration Canada has developed a Temporary Residence Permit (TRP) for foreign nationals who are believed to be victims of human trafficking. TRP status provides access to Interim Federal Health Care, counselling services, legal aid and the opportunity to apply for a work permit. There are both short-term (valid for up to 180 days) and long-term TRPs. C:\Users\mtrembla\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\ZIEV5ZG6\CANADA\Bill s-223, Text of BillVictims of human traffCANADA.mht | **22 USC, 7104,** as in **Section 107, TVPA.** Establishes benefits and services for victims and members of their families. (1USA)(2USA)(3USA)(4USA)(5USA) | Article 69. **General law to prevent, punish and eradicate the crimes related to trafficking in persons and provide protection and assistance to victims of these crimes.** Victims, offended persons and witnesses shall receive the necessary material, legal, medical and psychological assistance through competent federal and state authorities, which may request support from private, community and civil society organizations, under the terms established in Paragraph 2, Section V, Article 62 of this law.The competent authorities shall provide information and access to health and social services and other relevant assistance [to victims, offended persons and witnesses] at all times.Article 70. **General law to prevent, punish and eradicate the crimes related to trafficking in persons and provide protection and assistance to victims of these crimes.** In order to better meet the needs of the victims of the crimes that are the subject of this Act, police, justice, health, and social services officials shall be trained in order to raise their awareness of these needs and shall receive guidelines to ensure that the assistance is always specialized and provided in a timely manner.. (3MX) | **LCVST:****Article 9.** Physical and psychological assistance.**Article 11.** Legal and technical assistance and availability of an interpreter.**Article 18 b.** Health care, financial aid and psychological assistance to enable social reintegration.(4GTE) | **II.B.3.5, PAIVTP.**  Personal and family security, accommodation, health care or psychological assistance, food, transportation, clothes, etc. (3ELS) | The National Plan Against Trafficking in Persons proposes the establishment of a decree with specific protection actions for victims of trafficking. Assistance abroad through consulates. Link PLAN |

**Criminal/Administrative PENALTIES**

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| **Country** | canadaCanada | us-tUnited States | mx-sMexico | gt2Guatemala | esEl Salvador | nuNicaragua |
| **Criteria** |
| **Criminal Type, Trafficking in Persons** | Section 279.01 of the Criminal Code prohibits trafficking in persons for any exploitative purpose.Section 279.011 prohibits child traffickingSection 279.02 prohibits the receipt of a financial or other material benefit knowing that it was derived from human traffickingSection 279.03 prohibits the withholding of identity documents in order to facilitate human trafficking**Section 118, Immigration and Refugee Protection Act, S.C. 2001, c.27 (IRPA).** No person shall organize the entry into Canada of another person through abduction, fraud, deception, threat, or use of force or coercion. (4CA)(3CA) | **18 USC, 1590.** Slavery, servitude, or forced labour, more than 20 years imprisonment.**§ 1591.** Trafficking children for sexual purposes or by force, fraud, or coercion:Traffickers exploiting persons under 14 years of age or using force, fraud, or coercion for trafficking for sexual purposes may be sentenced to life imprisonment. Traffickers exploiting under-age persons that are 14-18 years of age using force, fraud, or coercion, may be sentenced to 40 or more years imprisonment or fines.(5USA) | **Article 10.** Every wrongful action or omission by one or several persons to recruit, capture, transport, transfer, retain, deliver, receive or harbour one or several persons for purposes of exploitation shall be punished with 5-15 years imprisonment and a fine of 1,000-20,000 days, without detriment to the corresponding punishment for each crime committed, established and punished through this Act and the corresponding criminal codes.(3MX) | **Article 47, LCVST, in addition to Article 202, CC, Decree No. 17-73.**The crime of trafficking in persons consists of securing, transporting, transferring, detaining, harbouring, or receiving one or more persons for exploitation purposes. A person committing this crime shall be sentenced to 8-18 years imprisonment and a fine of 300 to 500 Quetzales. Under no circumstances shall the consent of the victim or his/her legal representative be taken into account.Regarding the purpose of the crime of trafficking in persons, the following shall be defined as purposes: exploitation, prostitution of others, any other form of sexual exploitation, forced labour or services, any type of labour exploitation, beggary, any form of slavery, servitude, sale of persons, extirpation and smuggling of human organs and tissues, recruiting under-age persons for organized criminal groups, irregular adoption, irregular adoption procedures, pornography, forced pregnancy, or forced or servile marriage.(4GTE) | **Article 367B, CC, Decree No. 1030.** Any person who, for themselves or as a member of a national or international organization and for purposes of financial gain recruits, transports, transfers, harbours, or receives persons within or outside national territory to carry out any action of sexual exploitation, forced labour or services, slavery or similar practices, extirpation of organs, fraudulent adoption, or forced marriage, shall be sentenced to 4-8 years imprisonment. Any person facilitating, promoting, or fostering any of the above-mentioned activities shall be sentenced to 3-6 years imprisonment.When the above-mentioned actions are implemented in commercial establishments or establishments of any nature requiring a permit by the relevant authority, the authority must revoke the permit and close the establishment immediately.(4ELS) | **Article 182, CC, No. 641.** Trafficking in persons for the purpose of slavery, sexual exploitation, or adoption. Any person who, through the exercise of power or threat, offers, or deception promotes, facilitates, induces, or executes securing, recruitment, hiring, transport, transfer, detaining, harbouring, or reception of persons for purposes of slavery, sexual exploitation, or adoption within or outside national territory, even with the consent of the victim, shall be sentenced to 7-10 years imprisonment. If the victim is under 18 years of age or disabled or if the crime is committed by a relative, guardian or educator, caretaker or custodian, spiritual leader, or a person permanently living in the victim’s home or if a relationship of trust exists, the penalty shall be 10-12 years imprisonment. Any person selling, offering, delivering, transferring or accepting a boy, girl, or adolescent, with or without payment or retribution, for the purpose of sexual exploitation shall be sentenced to 8-12 years imprisonment. The same penalty shall apply for offering, possessing, acquiring, or accepting the sale of a girl, boy, or adolescent for illegal adoption purposes. (4NIC) |
| **Means** | Under the Criminal Code, the means used are irrelevant for the purposes of establishing the act element. For the purpose of determining whether somebody exploited another person, evidence of any means used to cause that person to provide their labour or service is relevant.**Section 118, IRPA.** No person shall organize the entry into Canada [of another person] through abduction, fraud, deception, threat, or use of force or coercion.(4CA)(3CA) | **18 USC, 1590**. Through any means for slavery, involuntary servitude, or forced labour. **§ 1591.** Fraud, use of force, coercion for the purpose of sexual exploitation. (5USA)  | **Article 10. General law to prevent, punish and eradicate the crimes related to trafficking in persons and provide protection and assistance to victims of these crimes.**Physical or moral violence, deception or abuse of power to subject the person to The means are not relevant when the victim is under 18 years of age or is unable to understand the meaning of the act. (3MX) | **Article 47, LCVST (Article 202, CC).** Through any means.(4GTE) | **Article 367B, CC.** Through any means.(4ELS) | **Comprehensive Act on Violence Against Women and Reforms to Act 641. Article 182, CC.** Exercise of power or through threat, offers, or deception.(4NIC) |
| **Consent** | **Subsection 279.01 (2),** **CC.** The victim’s consent is not relevant.(4CA) | **18 USC, 1590 &** **1591.** The victim’s consent is not relevant.(5USA) | **Article 6 b), LPSTP.** The victim’s consent is relevant in persons over 18 years of age. (3MX) | **Article 47, LCVST (Article 202, CC).** The victim’s consent is not relevant.(4GTE) | **Article 367B, CC.** The victim’s consent is not relevant.(4ELS) | **Article 182, CC.** The victim’s consent is not relevant.(4NIC) |
| **Aggravating Circumstances** | **Subsections 279.01 (1) and 279.011(1) CC.** Where abduction, aggravated assault, aggravated sexual assault, or death occur during the commission of the trafficking offence, the maximum period of imprisonment is life.(4CA) | **18 USC, 1590.**Recruiting, sheltering, providing or obtaining labour. **§ 1591.** Abduction or attempted abduction, aggravated sexual abuse or attempted aggravated sexual abuse, or attempted homicide.(5USA) | **Article 6, LPSTP.** If the victim is under 18 of age or is unable to understand the meaning of the act or to resist. If the perpetrator makes use of the public role that he/she holds or has pretended to hold without being a civil servant; or when the victim is over 60 years of age, or member of an indigenous group. When the perpetrator is a blood relative or related by affinity or marriage or lives in the same home as the victim even without being a relative, or is the guardian of the victim.(3MX) | **Article 49, LCVST (Article 202, CC). Sentence increased by one third**:Abduction, locking in or detaining a person for more than three days. With death threat, cruel or defamatory treatment. With more than two persons. Weakening or annulling the will of the victim through any means. If the victim is mentally challenged or disabled. Violence, servile marriage. If the perpetrator is a relative or guardian of the victim, etc. or a civil servant. With firearms, drugs, alcohol, etc. If a pregnancy is caused. **By two thirds**: Committed with simulation of authority or if the victim is 14-18 years of age.**By three quarters**: If the victim is 10-14 years of age.**Doubled:** If the victim is under 10 years of age. (4GTE) | **367C, CC.**Public servants, victims who are under 18 years of age or disabled, or if a relationship of trust exists.(4ELS) | **Article 182, CC.**If the victim is under 18 years of age or disabled, if a blood relationship, a legal relationship, or a relationship of trust exists. If a boy, girl, or adolescent is sold, offered, delivered, transferred, with payment or retribution, for the purpose of sexual exploitation. (4NIC) |
| **Penalty for the Crime of****TRAFFICKING IN PERSONS** | **Sections 279.01 and 279.01, CC.** a) Life imprisonment in case of abduction, aggravated assault, or aggravated sexual assault or causing the death of the victim during perpetration of the crime. b) A maximum of 14 years imprisonment in other cases. Section 279.011: The maximum penalites are the same as those for section 279.01 but there are also mandatory minimum penalties of imprisonment of six years (in aggravated cases) and five years imprisonment for all other cases.Section 279.02: a maximum period of imprisonment of ten years.Section 279.03: a maximum period of imprisonment of five years.(4CA)**Section 120, IRPA**Maximum penalty of $1 million and/or life imprisonment. | **18 USC, 1590 & 1591.** From 10 years imprisonment to life imprisonment and/or fines. (5USA)  | **Article 6, LPSTP.** Basic type: 6-12 years imprisonment and a fine of 500-1,500 days; 9-18 years imprisonment and a fine of 750 -2,250 days if the victim is under 18 years of age or is unable to understand the meaning of the act or to resist.Aggravated type: the penalty is increased by half.(3MX) | **Articles 47 & 49, LCVST (Article 202, CC).**Basic type: 8-18 years imprisonment and a fine of 300 - 500 Quetzales Aggravated type: The basic penalty is increased by one third.(4GTE) | **Article 367B, CC.** 4-8 years imprisonment.Promoter, facilitator: 3-6 years imprisonment.(4ELS) | **CC:****Article 182.** Basic type: 7-10 years imprisonment. Aggravated type: 10-12 years or 8-12 years imprisonment.**Article 182.** Special incapacitation for parents, tutors, guardians.(4NIC) |
| **Attempt** | Section 24 of the Criminal Code sets out the rules regarding attempts. Section 463 of the Criminal Code sets out the penalites for those who attempt to commit crimes. (4CA) | **18 USC, 1594 a).** Penalized in the same manner as the perpetrator of the crime. (5USA) | **Article 7, LPSTP.** Specific attempt for trafficking in persons.(3MX) | **Article 14, CC, Decree No. 17-73.** As established for all crimes.(6GTE) | **Article 62, CC.** As established for all crimes.(4ELS) | **CC:****Article 27.** As established for all crimes. **Article 183.** The proposition to commit crimes of sexual exploitation.(4NIC) |
| **Complicity** | Section 21 of the Criminal Code sets out the rules governing those who aid or abet the commission of an offence; section 22 addresses those who counsel others to commit crimes and section 23 addresses those who are accessories to the crime after the fact. (4CA)(3CA) | **18 USC, 2.** As established by criminal regulations in general. (5USA) | **Article 6, LPSTP.** Includes the action of promoting and facilitating. **Article 3, Federal Criminal Code (FCC), 2009.** Establishes who is an accomplice to the crime. (3MX)(5MX) | **Articles 35 & 37, CC.**As established for all crimes.(6GTE) | **Articles 367B, 3 &** **36, CC.** To promote or favour. (4ELS) | **CC:****Article 41.** Participants.**Article 183.** Provocation, conspiracy, and proposition to commit the crime of sexual exploitation. (4NIC) |
| **Trafficking in Persons as an Organized Crime** | **Section 467.12, CC.**Trafficking in persons is considered an organized crime when committed under this mode. (4CA) | **18 USC, 1594 f).** Considered an organized crime.(5USA) | **Article 2, VI**, **LFCDO.** Trafficking in persons is considered an organized crime when committed under this mode. (4MX) | **Article 60, LCVST.**  Refers to the Law Against Organized Crime (LOC), Decree No. 21-2006, for special investigation methods.(4GTE)(7GTE) | **Law Against Organized Crime and Crimes of Complex Implementation (LOC), Decree No. 190-07.** It is considered an organized crime when committed under this mode.(8ELS) | **Article 3, 9), LOC.** Trafficking in persons is considered an organized crime. (1NIC) |
| **The Crime of Conspiracy** | **Section 465, CC** Conspiracy applies for trafficking in person.(4CA) | **18 USC, 1594 b).** Punishable as the perpetrator for trafficking in persons for the purpose of slavery, servitude, or forced labour. (5USA) | **Article 141, VIII, FCC.** Those who agree on the means to carry out their intention of committing a crime. (5MX) | **Article 60, LCVST.**  Refers to **Article 3, LOC.** Conspiracy applies.(4GTE) | **Article 23, CC, in regard to Article 2, LOC.** Conspiracy applies.(4ELS)(8ELS) | **Articles 31 & 183, CC.**Applies for trafficking in persons.(4NIC) |
| **Connected or Related Crimes** | Canada’s Criminal Code contains a comprehensive range of offences addressing all forms of sexual exploitation as well as offences targeting organized crime, extortion, and violence.(4CA) | **18 USC:****1201.** Abduction.**1589.** Servitude and forced labour. **1201-681204.** Abduction.**2241-48.** Sexual abuse.**2251 & 2251, A.** Sexual exploitation of children.(5USA) | **FCC:** **Articles 203-203, Bis.**Sexual tourism.**Article 366.** Illegal deprivation of liberty, for example, abduction.**Articles 259, Bis- 262.** Sexual abuse.Rape of a minor and rape.**Article 366, Ter.** Smuggling of boys, girls, or adolescents.**Art 291.** Organ smuggling. **Article 85 c).** Child corruption or pornography, procuring.In addition, the Criminal Codes of federal institutions typify other related crimes. (5MX) | **LCVST: Article 49 (Article 202, CC).** Remuneration for trafficking in persons.**Articles 53-54 (Article 241, CC).** Irregular adoption and irregular adoption procedures. **Article 55 (Article 301, CC).** Organ smuggling.**426, CC.** Penalizing employers if legal formalities have not been complied with.**CC:****Article 181.** Abduction. **Article 188.** Corruption of boys, girls, or adolescents.(4GTE) (6GTE) | **CC:****Article 147.** Organ smuggling.**Article 167.** Corruption.**Article 169 a.** Remuneration for sexual and erotic acts.**Article 170.** Determination of prostitution. **Article 172.** Pornography.**Article 205.** Exploitation of beggary.**Article 367 a.** Smuggling of persons.(4ELS) | **CC:****Article 315.** Servitude and exploitation. **Article 170.** Intentional transmission of infection.**Article 175.** Sexual exploitation. **Article 177.** Sexual tourism. **Article 178.** Procuring. Sale of children.**Article 346.**Organ smuggling.**Article 161.** Beggary. (4NIC) |
| **Penalizing Carrier Companies** | (4CA) | **18 USC, 1590 & 1591.** Includes transporting as a typical action.(5USA) | **Article 12, VII, LPSTP.**Warning.(3MX) | **Immigration Act, Decree No. 95-98,** **Article 105.** Penalizes transporting irregular migrants.(8GTE) | **Article 367B, CC.** Includes transporting as a typical action.(4ELS) | **Article 182, CC.** Penalizes carrier companies.**Articles 64-72, IA No. 153.** Includes transporting as a typical action.Penalizes carrier companies. (4NIC) (5NIC) |
| **Penalizing Establishments** | **279.01 (1), CC:** Includes harbouring as a typical action.**Subection 118(2), IRPA**Includes harbouring as a typical action.(4CA) | **18 USC, 1590 & 1591**. Providing accommodation as a typical action.**18 USC, 1594.** Seizure of assets.(5USA) | **LPSTP:****Article 8**. Supplementary penalties. **Article 12**. Warning.(3MX) | **Article 48, LCVST (Article 202, CC).** Remuneration for exploitation actions relating to trafficking in persons.(4GTE) | **367B, CC.** Closing the establishment if actions relating to trafficking in persons have been carried out.(4ELS) | **Article 182, CC.** Providing accommodation as a typical action.(4NIC)  |
| **Penalizing Juridical Persons** | **Section 2, CC**:The definition of “person” in the Criminal Code includes corporations.  |  | **Article 8, LPSTP**. Supplementary penalties.Article 367-B of the Criminal Code.(3MX) | **Article 46, LCVST (Article 196, CC).** Supplementary penalty for juridical persons.Article 194 of the Criminal Code.(4GTE) |  | **Articles 64 & 71-72, IA.** Penalizes carrier companies as juridical persons.(5NIC) |
| **Document Forging, Use, Withholding, or Destruction** | **Section 279.03, CC.** Any person concealing, removing, withholding, or destroying any travel document or any document that establishes another person’s identity or immigration status.[(4CA)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CCANADA%5CCC-Canada.pdf) | **18 USC, 1592.**Restricting access of migrants to documents such as passports, immigration certificates, or other identity documents.(5USA) | **Articles 243-246,** **FCC.**Penalizes document forging in general. (5MX) | **Articles 321-327,** **CC.**  Document forging, use, and destruction. (6GTE) | **Articles 283-286, CC.** Document forging and use.(4ELS) | **Articles 284-290, CC.**Document forging, concealing, suppressing, destroying, and use.(4NIC)  |

**PROCEDURAL PROVISIONS**

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| --- | --- | --- | --- | --- | --- | --- |
|  | canadaCanada | us-tUnited States | mx-sMexico | gt2Guatemala | esEl Salvador | nuNicaragua |
| **Prosecuting Organ** | Attorney General of Canadaand the Attorneys General of the provinces | Department of Justice. | Attorney General’s Office through FEVIMTRA, a Sub-Office for specialized investigation of organized crime, UEDE of the Legal and International Affairs Sub-Office, or local Attorney’s Offices. | **Article 8, CCP, Decree No. 51-92.** Attorney General’s Office. ([9GTE](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CGUATEMALA%5CC%C3%B3digo%20Procesal%20Penal%2018GTE.pdf)) | **Article 19, CCP, Decree No. 904.** Attorney General’s Office. The Attorney General’s Office has a Specialized Unit for migrant smuggling and trafficking in persons.[(31ELS)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CEL%20SALVADOR%5CC%C3%B3digo%20Procesal%20Penal.doc) | **Article 51.1, CCP**. Attorney General’s Office.In charge of criminal actions for crimes of public action.([3NIC](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CNICARAGUA%5CC%C3%B3digo%20Procesal%20Penal%2003NIC.pdf)) |
| **Non-Penalization of****Victims for Crimes Committed during Trafficking in Persons** | Not mentioned specifically however any decision to prosecute in Canadian law must meet a two-part test: (1) whether there is a reasonable prospect of a conviction in proceedings to be instituted and/or continued; (2) if so, does the public interest require a prosecution to be pursued.  | Not mentioned specifically. | Not mentioned specifically in legislation. However, in administrative immigration procedures victims are not charged with violations to the General Population Act incurred during actions relating to trafficking in persons.  | **Article 24 (2), CC.** Not punishable. State of need applies.([6GTE](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CGUATEMALA%5CC%C3%B3digo%20Penal%2017GTE.pdf)) | **Article 27, CC.** Any person acting in compliance with a legal duty or legitimate exercise of a right is not punishable.[(4ELS)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CEL%20SALVADOR%5CC%C3%B3digo%20Penal.doc) | **Article 34.5, CC.** Not punishable. State of need applies.([4NIC](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CNICARAGUA%5CC%C3%B3digo%20Penal%2001NIC..pdf))  |
| **Prescription** | Canada is unclear what is being asked here | The crime prescribes with the maximum penalty.*Source?* | **Article 105, FCC.** The crime prescribes with the maximum penalty. [(5MX)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CMEXICO%5CC%C3%B3digo%20Penal%20Federal%20M%C3%A9xico%2009MX.pdf) | **Article 107, CC.** The crime prescribes with the maximum penalty plus one third.*For victims under 18 years of age, prescription begins when they reach the age of 18 years. Unable to find it.*([6GTE](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CGUATEMALA%5CC%C3%B3digo%20Penal%2017GTE.pdf)) | **Article 34, CCP.** The crime prescribes with the maximum penalty, but a maximum of 10 years and a minimum of 3 years.[(31ELS)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CEL%20SALVADOR%5CC%C3%B3digo%20Procesal%20Penal.doc) | **Articles 16 f) & 131, CC.** The crime of trafficking in persons does not prescribe.([4NIC](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CNICARAGUA%5CC%C3%B3digo%20Penal%2001NIC..pdf))  |
| **Special Investigation Techniques** | **Section 487.01 (5), CC.** The use of special investigation techniques is applicable to trafficking in persons, with due authorization by the relevant authority.(4CA) | The use of special investigation techniques is applicable to trafficking in persons, with due authorization by the relevant authority.*Source?* | **Article 8, XXIX, Federal Police Law (LPF), 2009.** Allows using special techniques to investigate crimes.**LFCDO:****Article 11**. Protecting the identity of undercover agents.**Article 15.** Possibility of house searching (raid). **Article 16.** Allows tapping of private communications.(4MX) | **Article 60,** **LCVST.** Refers to LOC.**Article 21-72, LOC.** Undercover operations.Telephone tapping, etc.(4GTE) (7GTE) | **Article 302, CC, Article 6, LOC, and Article 162, CCP.** Tapping of communications.(4ELS)(8ELS)(31ELS) | **Article 213, CCP.** Allows telephone tapping for trafficking in persons for the purpose of sexual exploitation, among others. **Article 15, CCP.** The other special techniques may be used by principle of parole with a court order. (3NIC) |
| **Victim Compensation and/or Civil Action** | **Section 738 (1)(*b*), CC.** Offenders sentenced for trafficking offences under the *Criminal Code* may receive a restitution order as part of their sentence. A restitution order can be issued in three instances: (a) to cover the cost of damage to, the loss of or destruction of the property of any person as a result of the commission of an offence; (b) to cover all pecuniary damages, including loss of income or support, to any person who has suffered bodily or psychological harm as the result of the commission of an offence; and/ or (c) to cover the cost of all actual and reasonable expenses incurred by a member of the offender’s household associated with a person having to move out of that household to cover temporary housing, food, childcare and transportation. Restitution orders require the offender to pay an amount directly to the victim of the offence to cover the victim's monetary losses or damage to property caused by the crime.At the provincial level, legislation has been enacted in their respective jurisdictions which outline numerous rights for victims of crime including, in most cases, the right to seek compensation. (4CA)(1CA) | **22 USC, 7105,** as in **Section 202, TVPA.** In addition, assistance and compensation programmes and funds for victims of trafficking in persons, among other crimes, are available in the states and the Federal Government.(1USA)(2USA)[(3USA)](file:///C%3A%5C%5CUsers%5C%5Cmtrembla%5C%5CAppData%5C%5CLocal%5C%5CMicrosoft%5C%5CWindows%5C%5CTemporary%20Internet%20Files%5C%5CContent.Outlook%5C%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5C%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5C%5CESTADOS%20UNIDOS%5C%5CTVPA%202005%20Reauthorization%20%283%29.pdf)[(4USA)](file:///C%3A%5C%5CUsers%5C%5Cmtrembla%5C%5CAppData%5C%5CLocal%5C%5CMicrosoft%5C%5CWindows%5C%5CTemporary%20Internet%20Files%5C%5CContent.Outlook%5C%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5C%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5C%5CESTADOS%20UNIDOS%5C%5CWilliam%20Wilberforce%20Reauthorization%202008.txt)(5USA) | **Article 9, LPSTP.** In addition, the judge shall sentence the perpetrator to pay compensation to the victim for harm done. **Article 33, RLPSTP.** Refers to compensation for harm for Mexicans abroad.**Article 31, bis, FCC.** Compensation for harm done shall be requested by the Attorney General’s Office.([3MX](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CMEXICO%5CLey%20para%20Prevenir%20y%20sancionar%20la%20Trata%2010MX.pdf))(5MX) | **Article 58,** **LCVST**. Compensation payments for victims are covered by the sentenced person, including physical and psychological rehabilitation.(4GTE) | **Articles 114, , CC.** Civil Action.Payments shall be covered by the sentenced person.(4ELS) | **Articles 51 & 81, CCP.**The right to civil action of the victim. Payments are covered by the sentenced person.(3NIC) |

**Immigration Provisions**

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|  | canadaCanada | us-tUnited States | mx-sMexico | gt2Guatemala | esEl Salvador | nuNicaragua |
| **Repatriation**  | **IRPA**. As established by general regulations on this matter.Guidelines for the Repatriation of Boys, Girls, and Adolescents of the Regional Conference on Migration (RCM).(3CA)(CRM) | **Immigration and Nationality Act (INA), 2000, No. 82-414.** As established by general regulations on this matter.Guidelines for the Repatriation of Boys, Girls, and Adolescents of the Regional Conference on Migration (RCM).[(7USA)](http://www.uscis.gov/portal/site/uscis/menuitem.f6da51a2342135be7e9d7a10e0dc91a0/?vgnextoid=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&vgnextchannel=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&CH=act)(CRM) | Protocol for the Return of Boys, Girls, and Adolescents Victims of Trafficking in Persons (2008).**LPSTP, Articles 10, 12, III,** **20, and Articles 36-40, RLPSTP.**Under-age or disabled persons are not repatriated if danger of re-victimization exists. Protected return and collaboration with NGOs. Voluntary return.**Article 39, RLPSTP**. Victims are not forced to stay in the country for the criminal proceeding.Memo of Understanding between the US and Central America for the Orderly, Expedited, and Safe Repatriation of Central American Migrants by Land, El Salvador, 2005. Addendum to the previous Memo, 2009.Guidelines for the Repatriation of Boys, Girls, and Adolescents of the Regional Conference on Migration (RCM).(3MX)(T1)(T2) (CRM) | **Law Against Sexual Violence, Exploitation and Trafficking in Persons. Articles 15-19. Establishes in an orderly manner the criteria, procedures and commitments of the State toward the victim relating to procedures for repatriation of the victim to the country of origin, as well as international protection for national citizens abroad.****LCVST:** **Article 46.** Orderly and safe repatriation; it is voluntary. **Article 46.** Not before communicating with representatives of the country of origin of the victim. Memo of Understanding between the US and Central America for the Orderly, Expedited, and Safe Repatriation of Central American Migrants by Land, El Salvador, 2005. Addendum to the previous Memo, 2009.Guidelines for the Repatriation of Boys, Girls, and Adolescents of the Regional Conference on Migration (RCM).(8GTE)(T1)(T2)(CRM) | Protocol for the Return of Boys, Girls, and Adolescents Victims of Trafficking in Persons (2008).Coordinated actions of various institutions.Memo of Understanding between the US and Central America for the Orderly, Expedited, and Safe Repatriation of Central American Migrants by Land, El Salvador, 2005. Addendum to the previous Memo, 2009.Guidelines for the Repatriation of Boys, Girls, and Adolescents of the Regional Conference on Migration (RCM).The National Policy Against Trafficking in Persons establishes in Article 4, No. 6, the return of the victim to the place of residence when a risk exists for the victim.(T1)(T2)(CRM) | Protocol for the Return of Boys, Girls, and Adolescents Victims of Trafficking in Persons (2008).Memo of Understanding between the US and Central America for the Orderly, Expedited, and Safe Repatriation of Central American Migrants by Land, El Salvador, 2005. Addendum to the previous Memo, 2009.Guidelines for the Repatriation of Boys, Girls, and Adolescents of the Regional Conference on Migration (RCM).Act No. 655 on Refugee Protection and the General Migration and Immigration Act: It is incumbent upon the National Executive Committee, through the Executive Secretariat, to adopt the established measures.(T1)(T2)(CRM) |
| **Temporary Stay of Victims** | **Section 24, IRPA.** Temporary residence permit (TRP). May be revoked at any time. Citizenship & Immigration Canada has developed a Temporary Residence Permit (TRP) for foreign nationals who are believed to be victims of human trafficking. TRP status provides access to Interim Federal Health Care, counselling services, legal aid and the opportunity to apply for a work permit. There are both short-term (valid for up to 180 days) and long-term TRPs. (3CA)(1CA) | **22 USC, 7105,** as in **Article 107, TVPA.** Temporary stay for victims during investigation of the crime.(1USA)(2USA)(3USA)(4USA)(5US) | **Article 18, III, LPSTP**. The victim may stay in the country for the duration of the criminal proceeding.**Article 40, RLPSTP.** Upon request of the Attorney General’s Office for Immigration to issue a permit for victims.(3MX) | **Article 17, LCVST.** Temporary or permanent stay and asylum without detriment to the repatriation process.(4GTE) | Does not mention anything about this matter in regulations. The **Immigration Act** may apply. However, victim protection and assistance actions should apply within a framework of a stay that is regulated by immigration legislation using the established categories.  | Does not mention anything about this matter in regulations. The **Immigration Act** may apply. However, victim protection and assistance actions should apply within a framework of a stay that is regulated by immigration legislation using the established categories. (5NIC) |
| **Temporary/****Permanent Stay of Victims** | **Sections 25(1) and 25.1, IRPA.** Permanent residence for humanitarian and compassionate considerations. (3CA) | **Section 1513 c), TVPA.**A temporary visa for humanitarian reasons for victims of trafficking may be transformed into permanent residence.(1USA)(2USA)(3USA)(4USA)(5US) | **Article 19, LPSTP.** Regularization of the stay of the victim through the applicable immigration mode.(3MX) | **Article 17, LCVST.** Temporary or permanent residence and asylum without detriment to the repatriation process. (4GTE) | **Articles 7-9, IA, Decree No. 2772.** Applies for victims of trafficking according to the procedures established in the IA. (5ELS)  | **Article 29 f) & g), IA.** Temporary residence for refugees and asylum applicants. Apart from that, this applies to victims of trafficking in persons in accordance with the procedures established in the IA. (5NIC) |
| **A Period of Reflection and Recovery for Victims** | Temporary residence permits (TPR) can be short-term (valid for up to 180 days) or long-term.(6CA) | **22 USC, 7105,** as in **Section 107 b) 3, TVPA**.Applies within the temporary residence period for victims of severe forms of trafficking, or if the victim is at risk or is willing to collaborate with investigation.(1USA)(2USA)(3USA)(4USA)(5US) | The National Institute of Migration grants a period for reflection, comprehensive care, and recovery for victims, to enable the victim – once he/she has recovered – to make a decision whether to be repatriated or to be regularized. | **Article 17, LCVST**. Not specifically mentioned in legislation. However, implementing victim assistance and protection actions involves the temporary stay of the victim in national territory under a given temporary or permanent immigration status. Especially for recovery processes.(4GTE) | An institute of this nature is not specifically mentioned in legislation. However, implementing victim assistance and protection actions involves the temporary stay of the victim in national territory under a given temporary immigration status. Especially for recovery processes. | **Article 15,** **LOC.** Programmes and institutions in charge of treatment and rehabilitation.An institute of this nature is not specifically mentioned in legislation. However, implementing victim assistance and protection actions involves the temporary stay of the victim in national territory under a given temporary immigration status. Especially for recovery processes. |
| **Actions for Dependants of Victims** | Services for victims and their dependants are available at the provincial and territorial level.[(6CA)](%5C%5C%5C%5Cjustice.gc.ca%5C%5Cdojdfs%5C%5CPDrives%5C%5CMUsers%5C%5CMTrembla%5C%5CCLPS%5C%5CHuman%20Trafficking%5C%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5C%5CCANADA%5C%5CBill%20S-223.doc) | **22 USC, 7105,** as in **Section 107 c), TVPA.**Protection actions for the victim and the victim’s family. (1USA)(2USA)(3USA)(4USA)(5USA) | **LPSTP:****Article 13 G.** Protection, security, and safeguarding of the integrity of the victim and the victim’s family in view of threat, aggression, intimidation, or vengeance.**Article 18.** Protecting the identity of the victim and the victim’s family. (3MX) | **Article 64, LCVST**. Identifying and protecting dependants of the victim.(4GTE) | **Articles 1 & 2, LEPVT.**Individuals with a direct or indirect relationship with the victim. **II.B.3.5, PAIVTP.**  Family security.(2ELS)(3ELS)  |  |

**COOPERATION**

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|  | canadaCanada | us-tUnited States | mx-sMexico | gt2Guatemala | esEl Salvador | nuNicaragua |
| **National** | The Human Trafficking Taskforce, led by Public Safety Canada and comprised of key federal departments, is the federal body responsible for overseeing the implementation of the *[National Action Plan to Combat Human Trafficking](http://www.publicsafety.gc.ca/prg/le/cmbt-trffkng-eng.aspx)*, including developing policies addressing the root causes and risk factors that can lead to human trafficking, exchanging information, facilitating cooperation, and reporting annually on progress to the public.[(1CA)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CCANADA%5CLink%20Canada%20trafficking.doc) | Inter-state cooperation mechanisms are in place in the United States.  | **LPSTP:****Article 10.** Inter-institutional cooperation is coordinated through CITP.**Article 14,** **I.** Federal authorities lay the foundation for coordination to enforce the PNPSTP. 32 inter-institutional committees against trafficking in persons and 32 regional delegations where the Institute of Migration operates. 11 Regional Committees Against Trafficking in Persons of the National Human Rights Commission (CNDH). (3MX) | **Article 4, LCVST**. One of the roles of the Secretariat is to ensure coordination between institutions.([4GTE](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CGUATEMALA%5CLey%20violencia%20sexual%20y%20trata%20Guatemala%2016GTE.pdf)) | **Article 31,** **LEPVT**. National Committee Against Trafficking in Persons, by decree. Cooperation between institutions and other agencies.[(2ELS)](file:///C%3A%5CUsers%5Cmtrembla%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CCRM%20Renan%20matrices%2009%2011%20to%20translate%5CMATRICES%20CRM%20TRATA%20TRAFICO10%5CEL%20SALVADOR%5CLey%20Especial%20para%20la%20Protecci%C3%B3n%20de%20V%C3%ADctimas%20y%20Testigos.doc) | The National Committee Against Trafficking in Persons implements inter-institutional coordination under the National Plan. Link Plan |
| **International** | The [RCMP Human Trafficking National Coordination Centre (HTNCC)](http://www.rcmp-grc.gc.ca/ht-tp/index-eng.htm) works with domestic and international agencies to develop and maintain parternships, monitor investigations, process requests, provide analysis and intelligence feedback to Canadian law enforcement, and contribute to international databanks.(1CA)(CIAMA) | **22 USC & TVPA.** One of the key objectives of the law is cooperation. Inter-American Convention on Mutual Assistance in Criminal Matters.(CIAMA) | **Articles 14 II & III, LPSTP.** Cooperation with governments of other States and international organizations for the repatriation of victims of trafficking and investigation of this crime, etc. Inter-American Convention on Mutual Assistance in Criminal Matters.Agreement between Mexico and Costa Rica on Extradition and Mutual Legal Assistance in Criminal Matters.(3MX) | **Article 14 d), LCVST**.Information sharing at an internal level. Memo of Understanding with El Salvador on the Protection of Victims of Migrant Smuggling and Trafficking, 2005. Agreement on Mutual Legal Assistance, Central America. Inter-American Convention on Mutual Assistance in Criminal Matters. (4GTE) | Memo of Understanding between Guatemala and El Salvador on the Protection of Victims of Migrant Smuggling and Trafficking, 2005. Agreement on Mutual Legal Assistance, Central America. Inter-American Convention on Mutual Assistance in Criminal Matters. (CIAMA) | Coordination and cooperation with El Salvador,Guatemala, Costa Rica, and Colombia, for specific cases of investigation and prosecution. Agreement on Mutual Legal Assistance, Central America. Inter-American Convention on Mutual Assistance in Criminal Matters.  |
| **Extradition** | The *Extradition Act*, along with the relevant extradition agreement, provides the legal framework to extradite persons from Canada on the request of an extradition partner for the purposes of prosecuting that person, imposing a sentence upon them or enforcing a sentence imposed on that person. (3CA)(5CA) | Bilateral agreements with many countries.  | Individual Extradition Agreements with Canada, United States, El Salvador, Guatemala, and Nicaragua.(4MX) | **Law Regulating Extradition Procedures, Decree No. 28-2008.**Inter-American Convention on Extradition, Montevideo, 1933.(2G)(CIAE) | Individual Extradition Agreements with the United States and Mexico.Inter-American Convention on Extradition, Montevideo, 1933.(7ELS) (CIAE) | **Article 17, CC.** Extradition in general, according to the Political Constitution, ratified international instruments and provisions of the CC.Extradition Agreements with Mexico.Inter-American Convention on Extradition, Montevideo, 1933.(4NIC) (CIAE) |
| **Protection of Victims and Witnesses** | Protection of victims and witnesses at an international level is regulated by international agreements. Specific regulations on this matter were not identified. However, international instruments for international criminal cooperation apply: Inter-American Convention on Mutual Assistance in Criminal Matters.(CIAMA) | Protection of victims and witnesses at an international level is regulated by international agreements. Specific regulations on this matter were not identified. However, international instruments for international criminal cooperation apply: Inter-American Convention on Mutual Assistance in Criminal Matters.(CIAMA) | Memo of Understanding between the United Mexican States and the Government of the Republic of El Salvador for the protection of persons – especially women, boys, girls, and adolescents – victims of migrant smuggling and trafficking.(1MX) | Central American Agreement on the protection of victims, witnesses, and subjects of the process in general. (CCPVT) | Central American Agreement on the protection of victims, witnesses, and subjects of the process in general. (CCPVT) | Central American Agreement on the protection of victims, witnesses, and subjects of the process in general. CCDOT and its Protocol on Trafficking in Persons.(CCPVT) |
| **International Training** | Shares training programmes at an international level.Provisions of the UN Convention against Transnational Organized Crime and the Palermo Protocol on Migrant Smuggling apply. (CTOC)  | **22 USC & TVPA**. International cooperation regarding training.Provisions of the Convention against Transnational Organized Crime and the Palermo Protocol on Migrant Smuggling apply (ratified, the latter with reserves).(57USA)(CTOC) | Mexico has received training on trafficking in persons through the United States Agency for International Development (USAID), the Office of ICE and CBP. Provisions of the UN Convention against Transnational Organized Crime and the Palermo Protocol on Migrant Smuggling apply.(6MX)(CTOC) | Memo of Understanding with El Salvador on the Protection of Victims of Migrant Smuggling and Trafficking.Training of officers.Provisions of the UN Convention against Transnational Organized Crime and the Palermo Protocol on Migrant Smuggling apply. (MEG)(CTOC)  | Memo of Understanding with Guatemala on the Protection of Victims of Migrant Smuggling and Trafficking, with Mexico.Training of officers.Provisions of the UN Convention against Transnational Organized Crime and the Palermo Protocol on Migrant Smuggling apply. (MEG)(CTOC)  | Verbal or written agreements between countries. Provisions of the UN Convention against Transnational Organized Crime apply. Ratification of the Palermo Protocol on Migrant Smuggling is not recorded.(CTOC) |