

Justice system struggles to nail sex traffickers



Part of a series

Victims often remain under the power of their pimps and find legal process traumatic

OLIVIA CARVILLE
STAFF REPORTER

Sex trafficking is one of the fastest-growing crimes in Ontario, but the justice system is struggling to hold pimps to account for luring girls into the sex trade, a Star investigation has found.

Female victims recant their testimony either out of fear or because they are still in love with their alleged trafficker, police said in response to Star research that shows many human trafficking charges fall apart when they reach court. At one court level in Ontario, convictions are achieved in only 7 per cent of cases.

"A lot of them don't want to testify against their 'boyfriends,'" said Det.-Sgt. Nunzio Tramontozzi, head of the Toronto Police Service's human trafficking enforcement team. "That's how bad it is; that's the power and manipulation these men have over these girls."

On the stand, the victim's credibility is

questioned as much as her trafficker's is and cross-examination can be "brutal," social workers told the Star.

Police and Crown officials faced similar issues in the mid-1990s, with a low domestic violence conviction rate due to victims recanting, Tramontozzi said. The creation of a special court for these cases, brought about following a groundbreaking Star investigation, improved the situation, he added.

Police are aware of sex trafficking victims vomiting on the stand, calling their pimps in jail during the trial and running away from court.

In one case, Tramontozzi said a victim was testifying against her trafficker via closed-circuit television in a nearby room and the first question she asked was if the accused could see her from inside the courtroom.

TRAFFICKING continued on A22

Testifying a nightmare for women on stand

TRAFFICKING from A1

When the victim was told that he could, she asked her lawyer for permission to go to the washroom to put on makeup.

"This girl was tortured and manipulated and beaten and she's about to testify against him about these horrific acts and she wanted to make sure she looked good for him," Tramontozzi said.

Justice figures related to human trafficking show that it is difficult for the specific charge to stick. However, the figures are incomplete — Ontario's attorney general only tracks completed cases in the lower Ontario Court of Justice, not the higher court, the Ontario Superior Court of Justice.

Looking at the lower court, only 19 of the 269 human trafficking cases completed — just 7 per cent — have resulted in a conviction on the specific trafficking charge over the last



MELISSA RENWICK/TORONTO STAR

Human trafficking victim, Claire, 26, (using a pseudonym) said testifying in court was "more traumatizing" than being forced to work in the sex trade.

eight years, according to information provided by the Ministry of the Attorney General. Toronto alone has seen only two convictions for this crime, both in the past year.

The majority of Ontario's cases — 250 allegations of human trafficking — ended with either a conviction for a lesser charge like assault (45) or the cases were stayed, dismissed, withdrawn or the accused was acquitted.

Another 103 cases were sent for trial to the higher court. Two senior officials with the attorney general's ministry said the government has no idea how they ended or whether the trial is still pending.

A Star investigation into The Game — domestic sex trafficking — found this is one of Ontario's fastest-growing crimes and thousands of young girls and teenagers are being lured into the sex trade by so-called "Romeo pimps."

The power and control these traffickers have over victims, many in their mid-teens and some as young as 12, do not switch off once police become involved, Tramontozzi said.

"Basically, these victims, when they hit rock bottom, that's when (police) get them. They are so broken," he said.

Victims are usually the only evi-

dence against traffickers and without their testimony, the Crown has no case, Tramontozzi said.

Over the past two months, the Star has spoken to six victims of sex trafficking in Toronto. Only one has testified against her trafficker in a trial.

Claire, who is 26 and using a pseudonym to protect her safety, said testifying in court was "more traumatizing" than being forced to work in the sex trade.

She was trafficked in hotels across the GTA for almost two years by the man she loved. It took more than two years to see him convicted of this crime through the courts, she said.

"On the stand I felt so judged," Claire said, adding that she had to relieve her nightmare first in the preliminary hearing and then in the full trial.

During cross-examination, the defence lawyer "tears you to shreds, calls you a liar and twists your words," she said.

Michele Anderson, a sex-trafficking specialist at Toronto's Covenant House, said the trial process was "brutal and harsh" on victims.

"I've had cases where I've gone into court and the pimp has been smirking at me and given me the finger," she said, adding that she has personally suffered vicarious trauma after a trafficker was let off in a particularly brutal case.

Carly Kalish, a therapist at East Metro Youth Services who has

worked with up to 60 trafficked survivors in the past year, said she could count on one hand the number of victims who had decided to press charges. One of those girls, who was trafficked for two years when she was a teenager, told the Star she never pressed charges because she didn't believe they would stick.

"I didn't think it was worth my emotional energy. The justice system can't be depended on," she said.

Human trafficking was written into the Criminal Code of Canada in 2005.

As of August 2015, there were only 34 human trafficking-related convictions across the country, according to the RCMP.

Over the past three years, Toronto police have been proactive in enforcing human trafficking laws, arresting 114 pimps and laying 847 charges. The majority of those charged have not reached trial, Tramontozzi said, but he was aware of at least six victims who have already recanted their testimony.

Police are facing uncharted waters with these complex cases, Tramontozzi said, adding that he was aware of some traffickers trying to coax victims into not testifying by promising to change their ways before trial.

Rescuing a girl from The Game might end a nightmare, but it can also mark the beginning of a daunting legal roller-coaster that could last up to three years, Tramontozzi said.