

- Human Trafficking in Canada Working Group Brief -

Protection of Communities and Exploited Persons Act
Standing Committee on Justice and Human Rights, Parliament of Canada

Submitted on July 7, 2014

Introduction

The Canadian Council of Churches is the largest ecumenical body in Canada, now representing 25 denominations of Anglican; Evangelical; Free Church; Eastern Orthodox and Oriental Orthodox; Protestant; and Catholic traditions. Together we represent 85% of the Christians in Canada.

We welcome the recent efforts of the Department of Justice to strengthen the protection of the rights of children, women, and men to be free from violence and exploitation, specifically sexual exploitation, and to criminalize those who profit from and exploit others for their own benefit. We affirm the steps taken in this proposed legislation towards framing prostitution as a form of violence against women and are encouraged that it does not accept prostitution as inevitable; these are important contributions to affirming the full equality and dignity of girls, boys, women and men.

Likewise, we welcome the announcement regarding \$20 million in new funding to support grassroots organizations dealing with the most vulnerable who assist those wanting to exit prostitution.

We believe human beings – women, men and children – are created equal. Therefore, all have a fundamental right to the necessities of life, including safety and protection from exploitation. Accordingly, we support efforts that address the systemic objectification and commodification of children's, women's and men's bodies for sexual services.

Bill C-36 resonates with Canadian values of gender equality and a commitment to social justice. The Charter of Rights and Freedom states that "Every individual is equal before and under the law and **has the right to the equal protection** and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Canada needs laws and systems in place to provide a culture of equality considering that there is a disproportionate number of those involved in the sex trade who are under the age of 18, marginalized and vulnerable ("Aboriginal, racialized, immigrant, and abuse survivors"¹), female, and desiring to exit the sex trade.

¹ Canadian Women's Foundation, "End human trafficking," <http://www.canadianwomen.org/trafficking>

Recommendations

1) Addressing poverty as a means of prevention

We believe sex work is inherently violent and dangerous. We are concerned when “consent” is used to describe transactional sex when the dynamics of power are not equal; that is when one of the persons involved feels a sense of obligation or has limited choices. We also know from experience that poverty is a major factor contributing to individuals entering prostitution. Therefore we want to encourage further efforts to address the safety of those who are exploited, and to do more to end the conditions that lead to poverty, prostitution and violence. The Canadian Council of Churches has a long history of supporting all-party efforts at developing and implementing a National Anti-Poverty Action Plan with appropriate public accountability mechanisms. Accordingly, this submission provides us an opportunity to reiterate our call for a Federal Anti-Poverty Act² that complements provincial and territorial plans and ensures enduring federal commitment and accountability for results.

2) Public awareness campaign

We urge the Government of Canada to accompany this new legislation with a high profile and important public education and awareness campaign to ensure that the spirit and intent of the proposed legislation is achieved. The campaign should be developed in close partnership with trafficked persons and social service organizations with a view to prevention and protection. The Human Trafficking in Canada Working Group of The Canadian Council of Churches commits to making their own contribution to developing a public education campaign and promoting those messages through its network of member churches.

3) Law enforcement training

This legislation will require a shift in thinking for law enforcement agencies. We are aware of many law enforcement agencies that currently operate with the mindset that those involved in the sex trade are often marginalized and vulnerable. However, we are also aware of various leaders within law enforcement who believe that commercial sexual exploitation does not happen in their jurisdictions. We recommend that efforts be made to provide standardized training to all law enforcement agencies (federal, provincial and municipal) to support implementation of the legislation that is congruent with the intent as stated in the preamble.

4) Full decriminalization of prostituted persons

In previous correspondence with Minister MacKay leading up to the tabling of Bill C-36, we expressed a strong desire to see an amendment to our laws “to reflect the current non-criminal nature of individuals who are being prostituted.” While we affirm the steps this legislation takes to decriminalize the selling of sex, we are concerned with Sections 213 (1) and (1.1) and its potential to create barriers for prostituted individuals to exit the sex trade. Those charged

² The Canadian Council of Churches “Federal Contribution to Reducing Poverty in Canada,” http://www.councilofchurches.ca/wp-content/uploads/2013/12/Brief_FederalContributionEndingPoverty.pdf.

under these sections are often the most marginalized in the sex trade: those who work on the streets as a result of poverty, addictions and other hardships. We urge the committee to consider the removal of these sections altogether. At a minimum we would like to see clearly defined parameters set as to what is considered a “place open to public view” (Section 213 (1) and (1.1)) and “is or is next to a place where persons under the age of 18 can reasonably be expected to be present” (Section 213 (1.1)). Without clearly defined parameters in place, interpretation is up to the law enforcement officer and there is risk of 1) abusing the ambiguity of these sections for the purpose of criminalizing prostituted person, going against the very nature of the Bill; or 2) a lack of consistency with enforcement.

5) Rehabilitation of purchasers and exploiters

We recognize the announcement made by the Government of Canada to contribute \$20 million to support organizations and programs which provide exit programs, rehabilitation and reintegration efforts and general care for those who are vulnerable or exploited. As stated earlier, we believe human beings – women, men and children – are created equal. We believe this to be so for perpetrators as well. Accordingly, we recommend a commitment to rehabilitation programs for pimps and john’s whether they are specifically tailored for those in correctional facilities or financially supported by the Government of Canada and provided by social service agencies.

Conclusion

Human dignity, gender equality, freedom from violence, safety, addressing the conditions that lead to prostitution, public education, and rehabilitation for offenders are the key principles that inform our submission to this committee. We want to encourage the members of the committee to keep these in mind in their deliberations, strengthening the legislation so that it better reflects these principles.

Thank you.

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