



April 11, 2016

The Honourable Jody Wilson-Raybould
Minister of Justice and Attorney General of Canada
Member of Parliament for Vancouver Granville
House of Commons
Ottawa, ON K1A 0A6

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Re: Protection of Communities and Exploited Persons Act

Dear Minister Wilson-Raybould,

We write to you to reaffirm our position on the Protection of Communities and Exploited Persons Act (PCEPA). On April 15, 2014 we wrote to the Minister of Justice with recommendations for protecting those who are commercially sexually exploited in Canada and preventing vulnerable populations from future exploitation. We look forward to continuing this conversation with you.

Attached please find previous correspondence outlining our recommendations. In the April 15, 2015 letter we wrote: “We believe that we need to stop viewing prostitution as a vocation of choice and instead view it as an affront to gender equality and violence against women, children and marginalized populations.”

In a document titled “Human Trafficking in Canada Working Group Brief” sent to the Standing Committee on Justice and Human Rights on July 7, 2014, we wrote:

“Bill C-36 resonates with Canadian values of gender equality and a commitment to social justice. ... 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>

Despite our general support for PCEPA, we have a number of suggestions that we believe would enhance efforts in preventing commercial sexual exploitation and protecting those negatively impacted by the trade. In our Brief, we addressed a number of concerns with PCEPA, and many of these concerns are still valid:

1. *Full decriminalization of prostituted persons*

While we were pleased that PCEPA passed with clearer parameters than the originally proposed “place open to public view” (originally found in Section 213 (1) and (1.1)), our correspondence with the Minister of Justice has always called for full decriminalization of prostituted persons.

2. *Expunging of records of victims and survivors*

In decriminalizing those who sell sex, PCEPA recognizes that sellers of sex are often marginalized and victimized by the sex trade and that criminalizing them only creates further barriers to exiting. However, these barriers are still being faced by those who were criminalized by laws prior to PCEPA. We ask that you consider a process of expunging the criminal records of those who would now be considered as protected.

3. *Addressing poverty as a means of prevention*

We 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.

4. *Public awareness campaign*

In our Brief to the Standing Committee on Justice and Human Rights, we urged 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. We do not feel that this was adequately carried out after the implementation of PCEPA. Moving forward, we would like to see a public education and awareness campaign that is developed in close partnership with

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.

trafficked persons and social service organizations with a view to prevention and protection.

Furthermore, our group is confronted all too often with the appalling realities many Indigenous women and girls in Canada face on a daily basis, and we recognize the overlap between commercial sexual exploitation and missing and murdered Indigenous women and girls. We will be sending your office (in addition to Ministers Bennett and Hajdu) further correspondence addressing the national inquiry process and our call to consider issues of sexual exploitation.

In closing, we understand that you plan to hold consultations regarding PCEPA. We recognize that there is still *much* work to be done, and we urge you to consider complementing PCEPA with policies, laws, practices and public campaigns that better protect those most vulnerable to exploitation and identify prostitution for what it is: gendered violence.

Thank you for your consideration. We would appreciate an opportunity to meet with you to discuss these issues, and we ask that you keep us in mind when it comes time to scheduling consultation meetings. Please be assured of our prayers for the work and safety of you and your government colleagues. May your efforts lead to a more just and fair Canada.

Yours sincerely,

A handwritten signature in black ink that reads "J. C. Lucking". The signature is written in a cursive, flowing style.

Jennifer Lucking
Chair, Human Trafficking in Canada Working Group

cc:

The Honourable Carolyn Bennett, M.P., Minister of Indigenous and Northern Affairs
The Honourable Patty Hajdu, M.P., Minister of the Status of Women

Hon. Rob Nicholson, Justice Critic, Conservative Party of Canada
Michael Cooper, Justice Critic, Conservative Party of Canada
Murray Rankin, Justice Critic, New Democratic Party of Canada
Rhéal Fortin, Justice Critic, Bloc Québécois
Elizabeth May, M.P., Leader of the Green Party of Canada

The Rev. Canon Dr. Alyson Barnett-Cowan, President, The Canadian Council of Churches
The Rev. Dr. Karen Hamilton, General Secretary, The Canadian Council of Churches

The Canadian Council of Churches is the largest ecumenical body in Canada, now representing 25 churches of Anglican, Eastern and Roman Catholic, Evangelical, Free Church, Eastern and Oriental Orthodox, and Historic Protestant traditions. We are one of the few ecumenical bodies in the world that includes such a range of Christian churches. The Canadian Council of Churches was founded in 1944.