

Submission to the Standing Committee on Justice and Human Rights

National Consultation on Human Trafficking in Canada – Halifax / March 19, 2018

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I want to thank the **House of Commons Standing Committee on Justice and Human Rights** for making human trafficking a priority, and for creating opportunity for civil society from across our country to discuss this heinous crime. The part of human trafficking I am most familiar with is human trafficking for sexual exploitation.

As a feminist, human rights activist, and citizen, who has worked with people impacted by human trafficking, I want to emphasize this is about human exploitation and human slavery and we cannot discuss human trafficking if we don't also talk about prostitution.

As a society, we need to face the fact that there are people, almost exclusively male, who live amongst us and see other people as a commodity, something to be bought and sold. What does it say about our society when there is a "market" for women and children's bodies? When a number of people, primarily males, see women and children as a commodity for their pleasure.

In part we got to this point in our society because of the impact patriarchal misogynist culture is having on male behaviour. Our culture, like others on this earth, reinforces human rights inequality, has normalized societal and relational violence, subordination, oppression, objectification, and the sexualization of women and girls. This scary reality gets to the heart of women and children as a commodity. There needs to be a serious cultural shift so the commodification of women, children, and other vulnerable populations, and male entitlement to the commodity, is not the social norm for men.

Male entitlement to sexually exploit women and children's bodies is what fuels human trafficking. We could discuss for days ways to address this, but for now can we all agree that men need to step up and be a significant part of the solution?

I would like to quote Gunilla Ekberg, international human rights lawyer, from Sweden.

"If men did not consider that they had the right to buy and sexually exploit women and children, prostitution and trafficking in human beings for sexual purposes would not occur. Consequently, men must take criminal and ethical responsibility for their own and other men's oppressive sexual behaviour and change it."

The problem:



The sellers and the buyers need to be accountable. Society needs to give them a very clear message that these crimes will not be tolerated, and the punishment they will face needs to be the maximum possible, based on our Charter of Rights & Freedoms. The level of violence experienced by victims most often includes torture, sadistic acts, rape, and other extreme acts of violence, and for some victims, the violence is so extreme it leads to their death.

I am no different from the rest of us in trying to understand these crimes, and I too am at fault for thinking the sellers or pimps come only from organized crime. When the reality is, many pimps are parents in family units, and others disguise themselves as boyfriends and guardians whose speciality is conning and grooming their victims.

For some reason, law enforcement often refuses to see the exploitation when the victims are 18 and older. This is one reason for so few trafficking convictions. Another is the use of “fear for safety” as a requirement in determining exploitation in the criminal code. This inclusion is not necessary and goes beyond what is required under the UN Palermo Protocol.

Last June 2017, we were fortunate to host a forum on sexualized human trafficking and exploitation in Yarmouth. One of the experts we brought in was Detective Inspector Simon Haggström from the Prostitution Unit, Stockholm Police Force in Sweden - simon.haggstrom@polisen.se.

Simon works in both the Human Trafficking and Prostitution units in Sweden and with other police forces across Europe. He made it very clear to us that you cannot separate human trafficking and prostitution. They are dependent on each other.

Simon shared with us the success they are having in Sweden as they apply **the end demand approach, otherwise known as the Nordic model**, to human trafficking and prostitution. How are they doing this? By enforcing the laws by arresting, punishing, and shaming the pimps and johns.

In a US research study of the buyer (johns/ punters), 80% indicated that any type of public exposure, after being convicted, would be a deterrent from buying, and 75% indicated that any kind of increased criminal consequences for buying would be a deterrent.

The solution:

Punishing Those Who Sexually Exploit → Ends Demand → Limits Trafficking

As a Canadian society, we need to continue to denounce and prohibit the procurement of persons for the purpose of prostitution. To do that we must punish those who do these criminal acts. But, we also need to work to change societal attitudes about the procurement of persons for the purpose of prostitution.

I would like to share what Simon shared with us, in respect to the societal change Sweden went through in regards to the purchasing of sex.

In 1996, when the preparatory work for the ban on the purchase of sex was happening, 67% of the population were of the opinion that the purchase of sex should not be regarded as a criminal offence. By 1999, a mere 4 years later, this had flipped: 76% supported prohibiting the purchase of sex. With the adoption of the Nordic Model, public support continues to be strong for outing, punishing, and shaming those who purchase sex.

Many countries are realizing, to be effective in the fight against trafficking they need to turn the tide from legalization of prostitution to targeting the demand for prostitution, without penalizing the victims. Countries are now realizing that de-criminalizing or legalizing of prostitution makes them havens for trafficking and sexual exploitation of women and children and sanctioning pimps as legitimate sexual entrepreneurs.

Jurisdictions that have decriminalized or legalized prostitution have large organized crime industries, hence higher rates of human trafficking for sexual exploitation.

Quote - from Job Cohen, Mayor of Amsterdam, in 2007: "Since the legalization of prostitution in 2000, things have changed. The law was created for voluntary prostitution but these days we see trafficking of women, exploitation, and all kinds of criminal activity".

Evidence shows that legalizing prostitution escalates human trafficking and organized crime groups.

Recommendations:

- At trial, our justice system needs to seek to have the pimps and buyers in the same trial. This will give a very clear message to buyers they are involved in criminal activity.
- The UN Palermo Protocol, signed by Canada in 2002, to prevent, suppress, and punish trafficking in person (especially women and children) is based on a human rights

definition of trafficking that focuses on exploitation. Canada's criminal code has included a clause "fear for safety" as a requirement in determining exploitation. This requirement goes beyond the Palermo Protocol and restricts the application of the law, knowing traffickers use many tricks and threats to control women and children.

- Provide funding, especially to rural areas, so civil society that works with the most vulnerable population can provide services, housing, and basic needs to this population, lessening their vulnerability to being trafficked and sexually exploited. This need to also extend to education of our youth on human rights equality and healthy relationships as a basis to preventing violence against women, girls, and other vulnerable citizens.
- Strengthen our current law *Protection of Communities and Exploited Persons Act* (PCEPA) by ensuring it is applied by police and crown prosecution services. We know the laws protect women by decriminalizing the sale of sex, but the proper application of the law would punish the purchase of it, thereby reducing demand and organized criminal activity.
- Prostitution is built on inequality. The women who suffer most from inequality are Indigenous, Immigrant, and African Canadian women. Their vulnerability to sexual predation needs to be addressed. These communities need the greatest attention and supports so they can provide the services they need.
- I cannot say it strongly enough: Law enforcement needs to vigorously target and prosecute the buyers of sex, with the goal of ending the demand for sexual human trafficking.

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