

BRIEF SUBMISSION for the Federal Justice Committee-

February 13, 2022.

TOPIC: PCEPA (Protection of Communities and Exploited Persons) Review

Submitted by:

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TITLE:

The Importance of keeping and strengthening the “Protection of Communities and Exploited Persons Act” in Canada

QUESTIONS:

1. *What is the **strength of PCEPA**?* The FOCUS on **discouraging the DEMAND** and the buying of sex which **addresses the ROOT CAUSE of prostitution, trafficking, sexual exploitation**. The **Preamble** to the LAW is concise and gives the **INTENT** of the Law to stop the harms caused by prostitution.
2. *Why is **discouraging DEMAND KEY in addressing prostitution**?* “Discouraging The Demand” is the name of a 2021 OSCE report regarding human trafficking for the purposes of sexual exploitation. **The motor behind this...is money**, as global yearly profits are estimated at around 100 billion dollars. Canada has signed the Palermo Protocol and has a **legal obligation to discourage DEMAND (Article 9, Section 5)**.
3. *What has **PCEPA accomplished so far**?* a) There is now discussion in Canada about the **HARMS** of prostitution. b) More Prevention Education organizations have developed; ie. The National Human Trafficking Education Centre by the Joy Smith Foundation. c) Law Enforcement do not criminalize sellers of sex, but recognize the **HARM** they endure. d) The National Human Trafficking Hotline is set up under the Canadian Centre to End Human Trafficking. They have submitted their first nation-wide report, which helps to understand the issue and provide data in Canada.

4. ***Are prostitution and trafficking linked?*** While not all prostituted persons are trafficked, trafficking is for the purpose of prostitution. **They cannot be de-linked.** The vast majority in the sex industry are trafficked or pimped. Page 4, *The Nordic Model of Prostitution: A change in perspective in protection of human dignity*” by Dr. Ingeborg Krause, September 18, 2021. TRAUMA AND PROSTITUTION; Scientists for a World Without Prostitution.
5. ***What amendments are needed?*** a) The definition for human trafficking in Canada needs to follow the definition in the Palermo Protocol. The current definition in Canada includes the need for the victim to state **FEAR**, this requirement of removing Fear as a factor needs to be removed b) Funding and training for law enforcement needs to accompany the strengthening of PCEPA. c) The 3rd element of PCEPA is the provision of EXIT SERVICES for sellers of sex. Currently, monies are given to HARM REDUCTION agencies that inadvertently support the sex industry so it can continue to grow. Monies should NOT be given to organizations that support full decriminalization of prostitution, or that undermine anti-human trafficking efforts, because it contravenes PCEPA, the Federal Law. Monies should be given to vetted organizations that provide full wrap around programs such as Covenant House or Salvation Army (Deborah’s Gate). NOTE: Has the National Human Action Plan been followed?
6. ***What GAPS are not being addressed in Canada?*** Trafficking in Persons Report by the USA State Department cites these Gaps: a) comprehensive data is needed on investigations, prosecutions, convictions and victims services b) quality and timely delivery of trafficking-specific services are needed c) there needs to be coordination between federal and provincial governments on anti-trafficking measures d) there needs to be proactive law enforcement techniques, increased training for prosecutors and judges and increased partnerships with private sector to prevent human trafficking.
7. ***What are negative outcomes if PCEPA is repealed?*** Canada would become “America’s brothel”. Canada shares the longest border in the world with the USA, and there is only some counties in Nevada that have legalized prostitution. Americans would come to Canada to buy sex. Any country or community that allows prostitution attracts more prostitution and attracts sex buyers. This has occurred in Germany, Netherlands, Thailand, Nevada and now New Zealand. Canada would become a global sex tourism destination.
8. ***Can there be a middle ground?*** There is **no middle ground**; Canada either supports gender equality and human rights OR prostitution. Both cannot exist together. Prostitution violates human dignity and **prevents equality between men and women.** For example, “On April 16, 2016, the French National Assembly passed a prohibition on sex-buying with the following reason: “Prostitution is physical, psychological and sexual violence, and affront to human dignity and in violation of the principle of equality

between men and women”.

https://www.academia.edu/28982923/Das_franzoesische_Gesetz_zur_Freierbestrafung
by Dr. Inge Kleine (The French Law Punishing Sex Buyers).

9. ***Is the New Zealand Model working?*** New Zealand is cited as the Gold Standard by the sex industry. New Zealand is a very isolated country in the Pacific Ocean sharing no borders. Read the **Trafficking in Persons Report 2021 and 2022 by the USA State Department** to see that New Zealand has dropped to a **Tier 2 country** because of increased human trafficking and child sex trafficking. “The profiteers of the system of prostitution maintain a very large influence on many politicians, disseminating a romanticized view of prostitution...and who view prostitution as an occupation of choice...leading to the creation of legal frameworks that enable women’s degradation as cheap products and their sexual exploitation.” Page 2, “The Nordic Model of Prostitution: A change in perspective in protection of human dignity” by Dr. Ingeborg Krause, September 18, 2021. TRAUMA AND PROSTITUTION; Scientists for a World Without Prostitution.
10. ***Does legalized or fully decriminalized prostitution increase Human Trafficking?*** The comparative study, “Does Legalized Prostitution Increase Human Trafficking?” investigated the sex trade in 150 countries with three independent researchers from Berlin, Heidelberg and London, concluding that a liberalized prostitution law, such as the one introduced by Germany in 2002, leads to an increase in human trafficking. The number of prostitutes in Germany is 60 times higher than Sweden, even though the Swedish population is just 10 times smaller. page 8, “The Nordic Model of Prostitution: A change in perspective in protection of human dignity”, by Dr. Ingeborg Kraus, TRAUMA AND PROSTITUTION, Scientists for a world without prostitution.
11. ***What is a recent case in Canada?*** R vs. Alcorn (2021 MBCA 101 Date:20211209) – In Manitoba an underage Indigenous girl was sexually exploited and committed suicide. The perpetrator requested a lesser sentence and **the judges quadrupled the sentence.** This is a **precedent setting court case in Canada illustrating the targeted harm to Indigenous youth.** Other cases: Robert Pickton, Highway of Tears, Reza Moazami
12. ***What is the impact of prostitution on youth and children?*** Prostitution could not exist if UNDERAGE individuals were not recruited; the sex industry relies on underage recruitment. PCEPA 2014, “Sex Industry Slavery; Protecting Canada’s Youth” by Dr. Robert Christmas, University of Toronto Press, 2020, Joy Smith Foundation
13. ***What factors contribute to increased Human Sex Trafficking (for the purpose of prostitution)?*** **Globalization, Unregulated Technology, Limited Law enforcement and Little Prevention Education.** Valiant Richey, Special Representative and Co-ordinator

for Combating Trafficking in Human Beings, OSCE, Organization for the Security and Cooperation in Europe, representing 57 countries and 1 billion people.

14. NOTE: There is no “consent” if there is no choice. There is no “consent” if there is coercion or manipulation. That leaves a very small number of individuals who choose to be prostituted.

15. **How does Law Enforcement enforce PCEPA?** Follow templates from cities that are using PCEPA and criminalizing johns. Templates can be from the USA, and Sweden. Having a simultaneous rollout Education campaign is necessary. In Sweden this is effective. Social Workers working in tandem with police is effective. School Liaison Officers in schools is a highly effective tool because recruiting is occurring in schools.

Sources:

- Stats Canada, Juristat Canada
- RCMP Human Trafficking Coordination Center
- Federal Public Safety Ministry- Human Trafficking Center
- OCTIP- Office to Combat Trafficking in Persons (BC)
- Children of the Street (PLEA)- prevention education program in BC reaching over 25,000 youth in Grades 3-12
- SEE- Sexual Exploitation Education by Tiana Sharifi- owner, founder, educator
- report: TIP- Trafficking in Persons Reports by USA State Department (on Canada, New Zealand)
- book: “Sex Industry Slavery- Protecting Canada’s Youth” by Dr. Robert Christmas, University of Toronto, 2020.
- Joy Smith Foundation
- NCOSE- National Centre on Sexual Exploitation- Washington, DC
- Shared Hope International- Washington State, USA
- OSCE- Organization for the Security and Cooperation in Europe- largest security organization in the world representing 57 countries, 1 billion people- Report: “Discouraging DEMAND-that fosters trafficking for the purpose of sexual exploitation by Valiant Richey- OSCE Special representative and Co-ordinator for Combating Trafficking in human Beings.
- report: “The Nordic Model of Prostitution: A change in perspective in protection of human dignity” by Dr. Ingeborg Kraus, July 2, 2021. TRAUMA AND PROSTITUTION- Scientists for a World Without Prostitution.
- VCASE.ca- Vancouver Collective Against Sexual Exploitation- excellent source of videos and research.
- www.beamazingcampaign.org- my website with educational handouts and resources