

**A Brief Submitted to The House of Commons' Standing Committee on Justice and Human Rights for Deliberation on the Review of the *Protection of Communities and Exploited Persons Act* (PCEPA)**

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## **THE PCEPA – THE INTERNATIONAL GOLD STANDARD**

In December 2014, the Protection of Communities and Exploited Persons Act (PCEPA) changed the laws related to the sex industry in Canada, **shifting the focus of criminalization from those who sell their own sexual services onto those who purchase sexual services and those who benefit financially from others' sexual services.** As the Standing Committee on Justice and Human Rights conducts this overdue legislative review, the intent of this brief is to support the PCEPA as an effective and useful legislation in protecting those who are involved in the sex industry, and who may also sell their own sexual services.

**While not to be conflated with the activities of those who willingly enter and stay in the sex industry, the sex industry and human trafficking are related.** This issue can be a divisive one, but trauma-informed research, evidenced-based data, front-line accounts, lived experience, along with best and most-promising practice all show that the PCEPA is the **best available** model, especially as it relates to the protection of women, children, and youth.

The PCEPA is designed to protect those who sell their own sexual services, protect communities, and especially children from the harms caused by prostitution, and to reduce the demand for prostitution and its incidence. The PCEPA disrupts the demand for sexual services. *The Act* harmonizes the penalties imposed for human trafficking and prostitution-related conduct to ensure a consistent response to practices that are linked. This harmonization with the PCEPA includes Main Trafficking Offences, Material Benefit Offences, and the Documents Offence, all of which protect children and youth, and those induced through force, fraud or coercion into the provision of sexual services.<sup>1</sup> This creates a framework of understanding which protects some adults, as well as children and youth specifically in relation to activities fuelled by demand for sexual services often provided by the sex industry. When applied universally and consistently, the PCEPA creates a safe and effective community standard which protects adults, children and youth impacted negatively by the sex industry and the demand it creates. This has been demonstrated to be the best-available model in a free and democratic society, affording choice and bodily autonomy, while at the same time maintaining community safety in accordance with the principles of fundamental justice, and considering “all the interests at stake”.<sup>2</sup>

The June 2021 review by the Canadian Centre for Justice and Community Safety Statistics details, “Other countries have taken a similar legislative approach that views the sex trade as negatively impacting women and girls, and the practice of capitalizing on the demand for sexual services posing too high a risk of exploitation.” Referred to as the “Nordic Model”, this approach targets purchasers of sexual services and third parties who develop economic interests in others’ sexual services, while providers of their own sexual services are not criminalized; rather, they are viewed as needing “support and assistance, not blame and punishment”.<sup>3</sup> The Nordic Model originated in Sweden in 1999 and more recently, in the past decade, versions of it have been incorporated into law in Norway, Iceland, Northern Ireland, France and Israel.”<sup>4</sup>

The Nordic Model is the internationally recognized legislative gold standard for dealing with crimes and victimization related to the sex industry.

The very future and success of a society is deeply linked to its ability to foster an environment of safety for its most vulnerable. Whether in an effort to create safe and ideal conditions for children to develop and grow, or in an attempt to address the tragic consequences of risky decisions in a preventative, restorative, protective, rehabilitative effort, the spirit of the PCEPA is at the historic root of what it means to be Canadian; non-judgementally upholding individual rights and freedoms, as well as concepts of equality, which benefit the entire society. The PCEPA embodies these values.

The decision taken by the Supreme Court of Canada (SCC) in the Bedford Decision primarily centred around Section 7 of the Charter of Rights and Freedoms. The striking down of past laws which criminalized the selling of sexual services came as a result of the general concept that no legislation enacted in Canada can endanger the safety of a Canadian citizen, regardless of how risky the activity that citizen engages in.

This SCC decision itself acknowledged the inherent risk in the sale of sexual services. There are risks inherent whether a person is prostituted by others, or is, of their own accord, prostituting themselves. The Supreme Court then wisely tasked Parliament to respond to this ruling. Parliament created new laws rooted in equality which would protect an individual’s right to choose, while at the same time, protect Canada’s most vulnerable. That is how the hybrid justice mechanism of the Nordic, or Equality model came to find its place in Canada. The central tenet of the Nordic Model, as the following example written into Swedish Law details, reflects the feminist notion: (that) “Prostitution by its very nature is discriminatory against women.”

<sup>1</sup> Prostitution Criminal Law Reform: Bill C-36, the Protection of Communities and Exploited Persons Act- Department of Justice-2018 [https://www.justice.gc.ca/eng/rp-pr/other-autre/c36fs\\_fi/](https://www.justice.gc.ca/eng/rp-pr/other-autre/c36fs_fi/)

<sup>2</sup> Technical Paper: Bill C-36, Protection of Communities and Exploited Persons Act- <https://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>

<sup>3</sup> Department of Justice Canada, 2014 <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00010-eng.htm#r10>

<sup>4</sup> Crimes related to the sex trade: Before and after legislative changes in Canada by Mary Allen and Cristine Rotenberg, Canadian Centre for Justice and Community Safety Statistics June 21, 2021

According to the Juristat, June, 2021, “the number of men accused of obtaining sexual services from an adult or from a minor increased from 132 in the five years prior to the new law to 2,489 in the five years after. Most men (92%) accused of these offences were criminally charged.”<sup>5</sup> More victims were identified. More children were protected. More sex purchasers were charged- as they should be.

### **EFFECTS OF LEGALIZATION AND DECRIMINALIZATION**

Currently 93% of those trafficked in Canada are Canadian. 97% of individuals trafficked in Canada are women and girls. The greatest risk factor to being trafficked in Canada is being a girl. The average age of first being trafficked in Canada is 13 years old,<sup>6</sup> and younger for Indigenous populations.<sup>7</sup> Removing or substantively altering the PCEPA by introducing sex industry decriminalization or legalization will negatively impact women, children, youth, and Indigenous populations within Canada.

Spurred on by demand for sexual services, human trafficking is a lucrative \$150 Billion dollar per year global industry, and is the second largest source of illegal income in the world.<sup>8</sup> The majority of children and youth who are victimized by sexual exploitation are female, however there is growing awareness of sexual exploitation of boys and LGBTQ2+ youth. Youth from populations of new immigrants and Indigenous communities are over-represented among victims.<sup>9</sup>

Human Trafficking is still often a hidden crime with statistics scattered and uncoordinated at best. Due to limited data collection and information sharing, it is most likely far more prevalent than what statistics currently show. For the sake of safety of sex industry-impacted children and unwilling sex industry participants, the constant vigilance and hybrid approach of the PCEPA is key.

Speaking to the issue of demand largely created by the sex industry as it impacts children, new data released May 2nd 2021 by Statistics Canada reveals that a record-high number of Human Trafficking incidents were reported to police in Canada in 2019, a number some advocates call only the “tip of the iceberg”. Reports are up 44% from the previous year. More than 1 in 5 Victims are 17 or younger. The incidence of this crime is increasing in areas around the country.

Take Alberta for example. Recent spikes have been observed in demand to purchase and abuse people for the purpose of sexual exploitation and Human Trafficking in that province. Reports of online child exploitation in Alberta are up from 118 to 243 referrals in the 2019-2020 time span. Online Sexual Abuse Material identified in Alberta went up 156% in 2020. From 2018-2019 Alberta’s Law Enforcement Response Teams (ALERT) and Internet Child Exploitation Units (ICE) identified 380,351 pieces of online child sexual abuse material (known as CSAM). Between 2019 and 2020, that number for CSAM was up to 976,569. Between January and May 2020, Edmonton’s ICE team took in 63% more files compared to the same time period in 2019. Police in Alberta have laid criminal charges for child sexual exploitation and/or human trafficking on December 1, 2020, and then in 2021 on the dates of January 13th, January 16th, January 27th, 2 separate cases on April 13th (One Labour and on Domestic Sex Trafficking), May 4th, June 29th, and September 29th. Sexual exploitation and trafficking online have skyrocketed beyond law enforcement’s ability to address each case they know about.

Traffickers use popular online platforms to lure and exploit victims who are often children. The two most common social media sites used to facilitate Human Trafficking in Alberta are Snapchat and Instagram.<sup>10</sup> Trafficking is a deliberate, premeditated, and vicious crime and is committed in order to meet the demand for sexual services and exploitation.

Aside from arguments between viewpoints of adults on either side of the issue, what is often neglected in the discussion is the impact the sex industry has on children and youth. The demand for sexual services in Canada clearly requires an urgent, courageous, and innovative response. Enhancement and strengthening of the PCEPA is understood by sector thought-leaders and frontline personnel across Canada as a most-promising practice strategy.

Human trafficking is an outcome of vulnerability, and vulnerability, as it is connected to human trafficking, is progressive in nature. Traffickers are adept at identifying and exploiting vulnerable individuals, and through force, fraud, and coercion, controlling victims for profit.

Demand created by the sex industry has negative impacts on children.

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<sup>5</sup> Juristat, June, 2021 <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00010-eng.htm>

<sup>6</sup> Canadian Women’s Foundation. (2014). “An Assessment of Sex Trafficking in Canada”

<sup>7</sup> Sethi, A. (2007). “Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications

<sup>8</sup> International Labour Office. (2014). “Profits and Poverty: The Economics of Forced Labour”

<sup>9</sup> The United States Department of Justice. (2020). <https://www.justice.gov/humantrafficking/what-is-human-trafficking>

<sup>10</sup> Alberta Law Enforcement Response Teams. (2020)

While human trafficking and the willing provision of sexual services are not the same, there is a direct connection between human trafficking and the sex industry. **75% of people involved in the commercial sex trade were first exploited as children.**<sup>11</sup>

The transition into adulthood does not suddenly make a child or youth who has been experiencing sex trafficking or exploitation a willing participant in the adult sex industry, but this is often the way that these individuals are seen under the law and by inconsistent application of the PCEPA. The framework of the PCEPA maintains an environment where exploited and trafficked youth transitioning into adulthood are receiving the assistance and support that they need.

Although certain populations are more vulnerable, sexual exploitation can happen to any child or youth regardless of social, cultural or economic background.<sup>12</sup> Some studies suggest that while Indigenous people make up only 4% of Canada's population, over 50% of trafficking Victims in this country are Indigenous. Other studies are inconclusive as to whether Indigenous people are over-represented among Human Trafficking Victims and Survivors in Canada.<sup>13</sup> These facts present a gap in acknowledgment, data, and intervention, requiring specific and prioritized actions, some of which are only now beginning to be addressed across Canada as awareness and consistent use of the PCEPA begins to increase. Stemming demand through consistent and uniform application of the PCEPA protects these vulnerable individuals.

### **IMPACTS OF THE DECRIMINALIZED/LEGALIZED MINDSET**

In one conversation I had with a Toronto City Council Social Policy director, she outlined the exploding issue of Human Trafficking occurring in Toronto in licensed Body Rub Parlours and throughout the known sex industry in that city. During the conversation, this city leader expressed her frustration in the following way. She said, *"It's a challenging issue, it's a real grey area... I mean what if she (referring to a child in the commercial sex industry), 'what if she's 16 years old and she wants it.'"*

This misinformed way of thinking related to decriminalization and legalization and the nature and legal definition of consent as it applies to prostitution is common. Mindsets, municipal licensing practices, and recent rulings which, in essence, decriminalize and legalize the purchase of sexual services in Canada, have also been observed internationally. This is well documented in countries such as The Netherlands, Denmark, and Germany. Legalized prostitution is associated with an increase in human trafficking inflows. Conversely, Sweden's Nordic Model approach, after which the PCEPA is modelled, "...resulted in the shrinking of the prostitution market and the decline of human trafficking inflows."<sup>14</sup>

Kate Quinn, Executive Director of Edmonton Alberta's CEASE Now puts it this way: "When men are buying sex, they have no way to know from the Advertisement if that person is a minor (make-up can make a 15 year old look like a 19 year old), a trafficked person (the trafficker posts the ads and promises the acts the person will perform), or a person in a desperate financial situation (she needs the money for whatever purpose and will be willing to perform sex without a condom just to get more money, thus endangering her own life.)"

As has been detailed later in this brief through Ms. Baptie's experience, the vulnerabilities which sometimes exist in the transition from youth to adulthood can be exacerbated in the absence of a framework like the PCEPA. This continuum of personal understanding over the course of the lives of those involved in the sex industry is real. Ms. Baptie's concept of her consent to be involved in prostitution as a young twenty-year-old was much different to her assessment after exiting. Additionally, "(u)nderstanding trafficking as a continuum of accumulating vulnerabilities or compounded risks focuses attention on survivors. It also highlights upstream social programs that can reduce the chances of harm before they reach extreme levels of trauma, violence, and exploitation. This idea of a continuum of trafficking aligns with similar research on trafficking from a service provider perspective."<sup>15</sup> The PCEPA and its protective dynamics for those who sell their own sexual services, as well as communities and especially children both reduces demand, and takes into account these continuums.

Currently under Canadian law, there is no such thing as a willing provider of sexual services who is a child or a youth. A permissiveness and acceptance of a concept that there may be "willing" child sexual service providers allows the public, policy makers, and law enforcement to take their guard down. The desired community standard of Canadians as reflected in current legislation and the criminal code is clear. Children, youth, and adults in Canada are and should be protected from being impacted by the sex industry under the PCEPA and other separate but related legislative provisions.

<sup>11</sup> Government of Alberta - Ministry of Children's Services. (n.d.) "Sexual Exploitation: What Every Parent Needs to Know"

<sup>12</sup>The United States Department of Justice. (2020). <https://www.justice.gov/humantrafficking/what-is-human-trafficking>

<sup>13</sup> The Canadian Centre to End Human Trafficking. (2021). "Human Trafficking Corridors in Canada"

<sup>14</sup> Does Legalized Prostitution Increase Human Trafficking?- World Development 2012\* Cited- Does Legalized Prostitution Increase Human Trafficking?-Harvard Law School <https://orgs.law.harvard.edu/lids/2014/06/12/does-legalized-prostitution-increase-human-trafficking/>

<sup>15</sup> The Trafficking Continuum: Service Providers' Perspectives on Vulnerability, Exploitation, and Trafficking-(Corinne Schwarz, Daniel Alvord, Dorothy Daley, Megha Ramaswamy, Emily Rauscher, Hannah Britton-2018 <https://journals.sagepub.com/doi/full/10.1177/0886109918803648>

As it relates to Human Trafficking, the PCEPA creates an important framework which fosters a much needed social safety net for Canadian society. The PCEPA ensures that the rights of all Canadians are upheld, with special provisions to ensure that those who have had their agency stripped away are protected with mechanisms which assist them to exit trafficking experiences and journey toward an empowered, full, and healthy life outside of the violence inherent to the sex industry.

### **LEGALIZATION, DECRIMINALIZATION, AND INCREASED HUMAN TRAFFICKING INFLOWS**

Under PCEPA, “**providers of their own sexual services are not criminalized**”; rather, they are viewed as needing “support and assistance, not blame and punishment.”<sup>16</sup>

The Nordic Model upon which the PCEPA was based is a blend of capitalist economics with socialist values. International examples and statistics also suggest that with the removal of the hybrid sex buyer criminalization approach of the PCEPA, increased foreign inflows of trafficking victims into Canada would also likely occur.

In the Harvard study “*Does Legalized Prostitution Increase Human Trafficking*”, it was found that, “Countries with legalized prostitution are associated with higher human trafficking inflows than countries where prostitution is prohibited.” “On average, countries with legalized prostitution report a greater incidence of human trafficking inflows.” The Nordic approach in Sweden, “...resulted in the shrinking of the prostitution market and the decline of human trafficking inflows. Cross-country comparisons of Sweden with Denmark (where prostitution is decriminalized) and Germany (expanded legalization of prostitution) are consistent with the quantitative analysis, showing that trafficking inflows decreased with criminalization” (or the Nordic Model) “...and increased with legalization.”<sup>17</sup>

In an effort to boost welfare protection for those selling sexual services in Germany, the sale of sexual services was legalized in Germany. Laws were created in order to provide workplace safety standards, registration of social security, state-run health insurance, as well as pensions and unemployment benefits.

In one 2019 article on the issue it was noted that of the roughly 200,000 women who prostitute or are prostituted in Germany, only seventy-six (76) women were registered for state services.<sup>18</sup> The FDP’s human rights chairman, Gyde Jensen, confirmed, “The intended goals were not met. There has simply been no measurable improvement.” Other articles on the topic detail that of the estimated 400,000 to 1,000,000 prostituted people in Germany, only 44 chose to register in order to access benefits.<sup>19</sup>

### **WILLING PARTICIPANT OR VICTIM? THE TRAFFICKING CONTINUUM.**

One study contends, “It is impossible, however, to discuss sex trafficking outside of the context of prostitution as all sex trafficking occurs within the commercial sex market and forced prostitution involving fear is, by definition, human trafficking in Canada. Traffickers embed girls and women in prostitution, advertise them in places where prostitution is advertised, and threaten victims with retaliation if they reveal their traffickers. These practices lead to significant challenges in distinguishing between those voluntarily, independently and legally in prostitution with those who are lured, groomed, coerced and forced into selling sex by others.”<sup>20</sup>

Trisha Baptie outlined in her presentation to this committee, and has detailed to me in the past, about how she was sold without interference from the the time she was 13 until her 19th birthday. As an adult, suddenly she was seen by the law as an empowered woman, and therefore seen as making a choice to be involved in the sex industry. She insists, “But it was not a choice.”

Trafficked, abused, and exploited children become trafficked, abused and exploited adults.

Evidence-based research, statistics, and anecdotal evidence support the PCEPA as the best model to shift the balance of power in sexual exploitation and trafficking away from traffickers, pimps, and sex buyers, and in the favour of those most at risk. The PCEPA increases safety, equality, and supports the human rights of women and children. The PCEPA recognizes that prostitution is

<sup>16</sup> Department of Justice Canada 2014- <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00010-eng.htm#r10>

<sup>17</sup> Does Legalized Prostitution Increase Human Trafficking? June 12, 2014- Harvard Law School <https://orgs.law.harvard.edu/lids/2014/06/12/does-legalized-prostitution-increase-human-trafficking/>

<sup>18</sup> “Germany: Prostitute Protection Laws Proving Impotent”- Source DW News- <https://www.dw.com/en/germany-prostitute-protection-laws-proving-impotent/a-47560411>

<sup>19</sup> “Prostitution” by Marc Neller of WELT, 2014 [https://www-welt-de.translate.goog/print/wams/politik/article123421343/Prostitution.html?\\_x\\_tr\\_sl=auto&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=wapp](https://www-welt-de.translate.goog/print/wams/politik/article123421343/Prostitution.html?_x_tr_sl=auto&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=wapp)

<sup>20</sup> An Assessment of Sex Trafficking in Canada- Nicole A. Barrett, Director, Global Justice Associates, commissioned by the Canadian Women’s Foundation

inherently violent and exploitative. Failed legalization and decriminalization approaches in other countries, including Amsterdam's famed "Red Light District" have confirmed this.

Andrea Matolcsi, the programme officer for sexual violence and trafficking at Equality Now, in an interview about legalization explains, "For a trafficker it's much easier to go to a country where it's legal to have brothels and it's legal to manage people in prostitution. It's just a more attractive environment." Additionally, she "...points out that Denmark, which decriminalized prostitution in 1999 – the same year Sweden made the purchase of sex illegal - has four times the number of trafficking victims than its neighbour despite having around half the population.' It's for this very reason '...the Netherlands has gone into reverse with legalization.' The Deputy Prime Minister, Lodewijk Asscher, has called it (legalization) 'a national mistake'. As Deputy Mayor of Amsterdam he spent millions of euros buying back window brothels, turning them into shops and restaurants in an effort to rid the city of the gangs that had moved in."<sup>21</sup>

Dutch MP Ger-Jan Segers, interviewed as leader of his party in the coalition government told the UK Sun that legalizing the sex industry does not restore human dignity. He was quoted as saying,

*"We legalized prostitution in 2000. The idea was it was giving women their freedom and to get rid of the criminality. But we took it away from being linked to freedom and we linked it to human trafficking. The red light district is a dark place. It's chilling, it's humiliating – it makes me cry. For a long time we just accepted it – there are tour guides telling naughty and funny stories about the place. But the reality is that it's just commercialized rape."*

It seems to be reasonable that the information provided in this brief and throughout the review of PCEPA currently underway, that a great deal of organized crime, suffering, victimization, and death could be avoided by simply reinforcing and supporting the PCEPA, and learning from the failed experiments of decriminalization and legalization that have occurred in multiple countries around the world. To support the PCEPA is to avoid the "national mistake" of legalization and decriminalization which has destroyed so many lives in its wake. The PCEPA is based on the concept that the sale of individuals for the purposes of sex is, by its very nature, discriminatory. It strives for the standard of an egalitarian society.

**The government's role is not to be an enforcer of virtue, this much is true. It is to protect citizens from the violation of their rights by others. It has been said that the smallest minority of all is the individual, and in this case, the group of individuals most in need of the protection by the provisions of the PCEPA are undoubtedly children, youth and women who are involved in the sex industry who are human trafficking victims.**

**The rights of willing sexual service providers are inextricably linked to the rights of human trafficking victims. The rights of each respective group are, in essence, like a see-saw. If one is weighted in one direction, the other loses ground. The genius of the PCEPA is that it balances the rights and freedoms of these disparate-yet-linked minority groups in society.**

#### **THE CHILDREN-PCEPA'S MOST VULNERABLE PROTECTEES**

The PCEPA has been demonstrated to be effective in the protection of many, but with the focus of this brief and section on children, the following accounts and ideas will focus on this group. Minor-related statistics about the PCEPA have been included for your review in the Appendix of this document.

In my role as Chair of the Alberta Human Trafficking Task Force, and through personal experience and activities related to my foundation, and through the organization I am founder of called Not In My City, I have had occasion to meet child trafficking survivors, hear their accounts, and work alongside some of them as they have chosen to become advocates for victims and survivors of this crime which is deeply connected to the commercial sex industry.

Trisha Baptie's story stands out to me, in part because of how unusual it is to have the opportunity to hear from someone who has been through the amount of abuse that she has endured physically, sexually, and emotionally, and for her to still be alive. Ms. Baptie carefully chooses her words when she calls herself a "Survivor of Prostitution". The inherent violence in her experience in the sex industry as a result of the demand created by men is what she is highlighting here.

In the National Film Board Documentary "Buying Sex"<sup>22</sup>, Ms. Baptie has a poignant exchange with a woman who is prostituting herself. They discuss childhood abuse and a line of logic which is popular in pro-sex industry circles which posits that the provision of sexual services decreases incidences in which children are abused and raped because men can instead choose to unleash their rapacious sexual urges on a person selling sex instead.

Ms. Baptie pushes back in the conversation with a brilliant counterpoint. She says, "I am not willing to allow an abused child who grew up into an abused woman be offered up as some sort of sacrifice in order to save another child."

<sup>21</sup> "Welcome To Paradise" - Nisha Lilia Dui, The Telegraph- <http://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/>

<sup>22</sup> NFB Film "Buying Sex"- 2013 [https://www.nfb.ca/film/buying\\_sex/](https://www.nfb.ca/film/buying_sex/)

A repeal of PCEPA would in essence be asking the question, which young women, which children, are we saying will fill the beds of the commercial sex industry in a legalized or decriminalized model? Which ones should be sacrificed to society as tribute?

Ms. Baptie correctly describes the purpose of the PCEPA, and how *the Act*, when used consistently and uniformly applied, decreases a demand which is responsible for destroying the lives of so many Canadian children.

Rather than a battle of ideologies between bystanders, the issue of whether to apply legalization, decriminalization, or the Nordic Model to the selling of sex is a battle within the individual prostituted person's mind. In the documentary, an 18 year old Baptie says, *"You always knew it (prostitution and sexual abuse) just didn't seem quite right, but you never really voiced your opinion in my house. I was already sleeping with people to get high or get drunk when I was 12 and then when I went to my first group home, I guess I got shown the official ropes."*

As an older adult looking back on the clip she confirms, *"I would have said I chose it (the sex industry). There was a point in my life in my early 20's where I would have said I loved it, it was fun, it was a party, and I would have said, 'I choose it', in that singular moment. But it's not about a singular moment. It's about all of the moments that got you to that place."*

Another young woman I've had the privilege of speaking with details that it was her involvement in Body Rub parlours which eventually lead to her trafficking. She says:

*"...my mom abandoned me – I went to a youth shelter, the shelter was full and they turned me away. I contacted Social services, and a worker told me I was old enough to get a job, and she turned me away. I was turned away as a youth! I had nothing! So I returned to my older, drug-addicted boyfriend. I found other ways to help myself."*

As an Indigenous woman from Ft. Chipewyan Cree Nation in Alberta, she details that the operation of Body Rub Establishments and illicit massage businesses in Alberta negatively impacted her life, liberty and security of person. *"I was only 16 years old. As I got older, I struggled to get by and felt desperate. I met a woman that everyone seemingly looked up to – she told me she could take me to a place where I could make money, by giving massages. The men asked for more than massages. I was terrified. I got moved around, eventually ending up in New York City, and was trafficked in various locations for 10 years. I was "advertised" as an exotic woman because of the colour of my skin – clients wanted to buy into a fantasy that doesn't really exist."*

Another young Indigenous woman shared her story of solitude, trauma, resilience, survival, and growth. Growing up in an addiction-based, abusive home, her journey of sexual exploitation started when she was very young – all she remembers is pain. She was just four years old when her body was shared with someone else. When she was six years old, she was offered money for her body. She was shared around, "It's your turn", the men would say to each other.

Eventually, following the well-worn path of progression of abuse, self-medication with drugs, alcohol and exploitation, she ended up in the commercial sex industry.

As Ms. Baptie so eloquently puts it, *"It wasn't choice, it was lack of choice."*

Another example of the ravages of the legalized/decriminalized sex industry was one I saw in the Southeast Asian country of Cambodia. It was in an area called Svay Pak where a Canadian convicted child abuser, Child Sexual Abuse Material producer, and trafficker was arrested and extradited to Canada and charged under Bill C-310 which was introduced by former MP Joy Smith and allowed for extraterritoriality to be applied to the prosecution of those exploiting and trafficking persons abroad.

15 years ago in that same town, I saw a glimpse of a horrific future, one without the PCEPA. The sex industry at that time in Cambodia was legalized/decriminalized and culturally accepted to a point that sexual service providers were seen under the law as "owned property", chattel for brothel owners, and members of traffickers "stables" of girls and women. This same description of "stables" is commonly used by traffickers and pimps in Canada today. Traffickers in Canada make an average of \$280,800.00 (CDN) per victim, per year.<sup>23</sup>

This small town was internationally renowned for the trafficking of young of children, and was rife with organized crime and gang activity. On that street was a warehouse where children were given drugs (downers) to force them to sleep during the day. Then they were then given amphetamines (uppers) at night to wake them up before being taken to work at brothels and body rub parlours by their traffickers, pimps, and bodyguards.

Across from the warehouse, a three story building was under construction which was being financed by a California-based businessman to be used as a sex-destination hotel to service bus-loads and plane-loads of men from around the world who pay to have sex with young children. Children who had been used up in this industry and had died were being buried in the yard behind the construction site. Those who survived were sold for sex until they "aged out", were impregnated by their abusers, or had AIDS,

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<sup>23</sup> Criminal Intelligence Service Canada. (2008). "Organized Crime and Domestic Trafficking in Persons" Strategic Intelligence Brief

and were then no longer in demand by sex buyers. Similar buildings on the street contained series of six foot by six foot rooms, "rape cubicles", with rudimentary wooden benches as makeshift beds. It was one of the most horrific places I have ever been.

I met a little girl that day on that dusty street who was 5 years old who was being sold 6-8 times a night to adult men for the purposes of sex.

When I arrived back in Canada, I began to educate myself on the connections between human trafficking and the commercial sex industry. How sexual abuse thrust upon children created a progression of subsequent abuse and victimization often resulting in them being trafficked. How, as was previously mentioned, 75% of those in the sex trade were first exploited as children. How the PCEPA sets Canada apart from countries where human trafficking cases and inflows proliferate in a legalized or decriminalized environment.

Crime investigators I spoke with detailed how the Child Abuse Sexual Material created to feed the demand in the sex industry which they viewed during trafficking investigations, had become their nightmares. One former RCMP officer detailed that the worst part wasn't the visuals, but the sounds the children made while being sexually tortured that he couldn't get out of his head.

All of these places— Norway, Amsterdam, Germany, Cambodia, these are examples of countries which applied the failed experiment of legalization and decriminalization.

Brothels, Drive-Thru "sex boxes" at truck stops where buyers pull into walled stalls to buy women and girls by the hour. Clubs where a small flat-rate buys unlimited sex with as many women as a man wants during his stay.

5 years ago, it came to my attention that it is well known within the anti-trafficking community that one common menu item available to sex buyers occurs once a year during the time period of the Calgary Exhibition and Stampede. There is a high demand by local and international sex buyers who visit the city at that time for what is referred to by buyers as the disgustingly racist "Cowboy and Indian" package, which ensures buyers can choose Indigenous women and girls to fulfill their sexual fantasies.

Undercover investigations often turn up online communications on the dark web between traffickers. They say, "We don't deliver to Calgary, but we can get it across the border." The "it" referred to are trafficking victims forced into the sex industry to meet demand.

Repealing the PCEPA would undoubtedly turn Canada into America's Brothel, and it would most likely be Indigenous women and girls who would bear the brunt of the assault.

#### **EVOLVING MOST-PROMISING PRACTICE BASED ON THE PCEPA**

My home province of Alberta has made great strides in the past 5 years by uniformly and consistently applying the tenets of the PCEPA, and momentum is changing communities for the better. In cooperation with municipal, provincial and national networks, new techniques, best practice and emerging strategies are being introduced to create a community response model with more immediate and robust exit pathways where no door is left closed to those involved in the sex industry, and providing options for exit. Seven years after the introduction of the PCEPA, the excellent framework created by this much needed legislation is only now beginning to find its footing in some jurisdictions, and is being used effectively by law enforcement, front line agencies, and advocates of human trafficking victims and those involved in the sex industry. Safety Network Coordinator positions have been introduced through the Alberta Law Enforcement Response Teams (ALERT) to assist those wanting to exit the sex industry to navigate systems and resources, providing immediate and coordinated prioritized/enhanced access to services, which is essential to effectively and efficiently intervene on behalf of victims of sex trafficking. Inspired and in cooperation with leading practice in Canada and the US, a unified, coordinated response based on the PCEPA and its Nordic/Equality model are proving successful.

***"The Nordic Model approach of the PCEPA is the most effective middle ground for addressing the connections between human trafficking and prostitution. Uniform application of the PCEPA, along with increased public education about the links between human trafficking and the commercial sex industry, are improvements I would like to see to enhance safety within the community. ALERT's client-centred approach recently implemented in Alberta through Safety Network Coordinators (SNC) has been a great success in assisting those involved in the sex industry who would like to exit, are being trafficked, or are at risk of being trafficked. This SNC's success at intervening on behalf of those in the sex industry who need immediate support depends on the protections available within the PCEPA. The activities of the SNC were developed with the PCEPA in mind. The repeal of the PCEPA would be disastrous to both willing and non-willing individuals who are involved in the commercial sex industry. The risks are simply too high. The international evidence of the failures of decriminalization and legalization is clear. Law enforcement jurisdictions across Canada do not have the capacity to address the amount of organized crime and victimization that is likely to occur should the PCEPA be substantively altered."*** Colleen Bowers, Staff Sergeant, Alberta Law Enforcement Response Team- Human Trafficking Counter Exploitation Unit (HTCEU)

Through the application of the framework provided by the PCEPA, and in consultation with individuals who have exited the sex industry, front line agencies including law enforcement are changing the way they interact with those involved in the sex industry.



In a real world example, a typical intervention attempt called a “knock-and-talk” where an officer knocks on a door at a hotel where suspected sex industry and trafficking activity is occurring, a young woman answers the door. She has a black eye and clearly has been roughed up. Known to the officer because of past intervention attempts, the officer says, “Why are you doing this?” He hands her his card and says “You really need to leave him. Give us a call if you ever want out.”

The intervention is unsuccessful.

With updated training, in consultation with a human trafficking survivor who exited the sex industry and had advised officers on more effective ways to intervene, a similar knock-and-talk went like this. This is a true story.

Officer knocks. Young woman answers the door.

*“Hello ma’am, I’m with the Human Trafficking Unit. I’m here accompanied by a trafficking survivor advocate. Here’s my card. Would you mind if we come in to talk for a moment? We’ll pay you for your time.”*

The survivor advocate advised paying girls and women for their time, because often if they don’t bring money back to those who control or facilitate their sale of sex, they are beaten and punished violently. She invites them in.

The officer stands to the side. The survivor advocate sits on a bed in the room and she takes over the conversation.

*“Do you like this work?”*, She asks gently and respectfully.

The young woman says, *“It’s great.”*

The officer notes a defensive tone.

*“How much money are you making?”*

*“I make about \$1800 bucks a night.”*

*“Wow.”*, the advocate chimes in. *“That adds up to a lot of money. What are you going to do with it all? Do you have any future plans?”*

This is the first time that the young woman fully understands that she doesn’t get to keep the majority of the money she brings in.

*“I’ve always wanted to be a nurse.”* She says.

The advocate continues, *“I could get you enrolled into the local community college right away. And I see the needle on the bedside table. I was a user too. We can get you help with that, get you to a safe, anonymous location, get you ID, cash, clothes, and food, right now.”*

The Unit’s client-centred, trauma-informed intervention techniques de-prioritized focus on the trafficker in the early stages, and prioritized safe exit, with an eye toward future prosecution of the trafficker. There is currently no limit on when survivors can give a statement and/or press charges in Canada. **These new intervention techniques developed in collaboration with human trafficking survivors have increased disclosures to police by those in the sex trade from 5% to 95% in some jurisdictions.**<sup>24</sup>

The young woman in this case did decide to exit the sex industry, went through college, and is now working as a Registered Nurse.

The application of the PCEPA through a survivor lens, with a relational approach, which is client-centred and trauma-informed, is working. By constantly measuring value and impact and maintaining safety nets where “every door is open”, the tool of the PCEPA is proving highly effective when used.

## **CONCLUSION-SUPPORT AND ENHANCEMENT OF PCEPA**

Anti-Trafficking Advocacy nonprofit Restore NYC’s Executive Director Amanda Eckhardt has a novel strategy in her organization’s approach. It is being modelled in Alberta and Ontario’s Durham Region, and indeed is quickly becoming a key concept in all jurisdictions in Canada who are familiar with and applying the PCEPA. Coalitions concerned with the health and safety of trafficking victims and those involved in the sex industry are now keeping victims and those at risk in the centre of their focus. A space is being created for cooperation, even between groups with disparate ideologies. As Ms. Eckhardt puts it, “We (Restore NYC) align with the partial decriminalization (Nordic) model as an organization, but we work with anybody. **We pride ourselves on the fact that pro sex-industry groups often approach us to work on behalf of clients.**” The Nordic model is inclusive of the needs and concerns of all who are connected to the sex industry when applied with this non-partisan approach.

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<sup>24</sup> Lane, D. (2021). “Nova Scotia’s Human Trafficking Strategy – A Response to the National Domestic Sex Trade”

In conclusion, all indications are that the PCEPA is the best available model. While more and consistent resources are needed for data collection, awareness, universal education and branding of campaigns, training for frontline agencies, exit options, and prevention, the Nordic Model sets the bar internationally as a tool to shift culture and create a common understanding of human value and dignity. One Indigenous child trafficking survivor residing in Alberta puts it this way: *“How do you value a human life? Women are sacred. Women are life givers. Women, men, and children should never be bought or sold.”*

#### **TO SUMMARIZE, THIS BRIEF RECOMMENDS:**

Supporting and maintaining the PCEPA (C-36) and enhancing the legislation as it is, is a valuable provision for Canadians. Women and girls, youth and children, and a disproportionate amount of Indigenous people are lured into the sex industry, and the PCEPA addresses this issue. By enhancing measures within *the Act*, the PCEPA can be made even more effective. This brief recommends the following:

- 1. More focus on prevention within *the Act*.**
- 2. Resources and additions made available within *the Act* for re-education and vocational opportunities for survivors.**
- 3. Additions to *the Act* to enhance access to addiction and trauma resources.**
- 4. Strengthening of *the Act* to encourage and support the PSEPA as a bridge between all levels of government including municipal, provincial, and federal.**
- 5. Requirements and provision of resources within *the Act* to ensure the use of shared definitions in relation to trafficking, consistent approach and training, universal branding and public messaging, and universal and consistent ongoing training.**
- 6. For more specific suggestions on trauma-informed, most-promising practice detail, suggest contacting The Government of Alberta (GOA) to review the Alberta Human Trafficking Task Force/GOA report “The Reading Stone”.**

#### **APPENDIX**

##### **The PCEPA, Before and After Introduction Comparisons, General Observations**

1. The sex trade can be a gateway into human trafficking (Barrett 2013; Cho et al. 2012), which is a serious crime involving the exploitation of persons usually for profit, including in the sex trade. In this context, victims are often young women.
2. Between 2010 and 2014, 20 of the 54 murdered women in the sex industry were identified as Indigenous.
3. According to the Juristat, June, 2021, “the number of men accused of obtaining sexual services from an adult **or from a minor** increased from 132 in the five years prior to the PCEPA to 2,489 in the five years after. Most men (92%) accused of these offences were criminally charged.<sup>25</sup>
4. Human trafficking charge was present in three in ten profiting offence cases after PCEPA.

#### **ABOUT THE AUTHOR**

Paul Brandt is a Multi-Platinum recording artist, Canadian Country Music Hall of Fame member, philanthropist, and 21-year serial entrepreneur in music. He is the most awarded male Canadian Country Music artist in history.

Recognizing his dedication to ending human trafficking and child sexual exploitation, in November 2019, Elder Leonard Bastien honoured Paul with a Blackfoot name: Buffalo Bull Shield.

Paul is the past Chair of the Premier appointed Alberta Human Trafficking Task Force and was one of the two primary writers of the report “The Reading Stone”, recently submitted to the Government of Alberta with 5 recommendations to better address and suppress human trafficking in Alberta and Canada.

As a recipient of the Queen’s Diamond Jubilee award and numerous other national and regional humanitarian nods, Paul is committed to serving those in need through various charitable endeavours including his Buckspring Foundation. A proud champion of The Great Trail, Paul is dedicated to creating and supporting spaces for respectful discussion and fostering meaningful community through his artistic platform.

Beginning his musical journey in honky-tonks and talent contests in Calgary, Canada, Paul’s journey eventually led him to Nashville, Tennessee where his music was first exposed to the entire world. A career highlight for Paul was being a co-writer on a song which was recorded by Johnny Cash.

Influenced by his past work experience as a Registered Nurse at the Alberta Children’s Hospital, Paul often looks for ways to combine humanitarian endeavours with his celebrity platform. Paul’s humanitarian aid work has taken him to various places and projects in Ethiopia, Malawi, Egypt, Belize, Mexico, Haiti and Cambodia.

Through his Buckspring Foundation, Paul has participated in and helped fund projects in Nepal, Mexico, Haiti, Cambodia and Canada. By encouraging neighbours to help neighbours Paul promotes activities and projects to meet practical physical, emotional and psychosocial needs around the world. Inspired by this philosophy, Paul also founded the anti-Human Trafficking organization called #NotInMyCity ([www.notinmycity.ca](http://www.notinmycity.ca)) which raises awareness about Child Sexual Exploitation and Sex Trafficking.

Aside from his music and medical background, Paul has a number of honorary degrees, including a Doctor of Fine Arts (University of Lethbridge) and Doctor of Divinity (Briercrest Bible College). In 2018 he was honoured with another degree in Business Administration for his Social Innovation work at Mount Royal University’s Bissett School of Business in recognition of his work as Storyteller in Residence at his alma mater. In 2019, Paul received the Slight Humanitarian Award at the Canadian Country Music Awards. Paul continues to be an active touring and recording musician, speaker and writer.

Married with two children, he is inspired by people with big vision to help others and strives daily to defy categorization. He and his family live in Alberta in the foothills of the Canadian Rocky Mountains.

<sup>25</sup> Juristat, June, 2021 <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00010-eng.htm>