



Sexual Exploitation in Canada Working Group Brief

Protection of Communities and Exploited Persons Act Review

Standing Committee on Justice and Human Rights, House of Commons

Submitted on February 25, 2022

Introduction

The Sexual Exploitation in Canada Working Group is a subcommittee of The Canadian Council of Churches (CCC), a broad and inclusive ecumenical body representing 26 member churches throughout Canada. Its purpose is to lead a shared church response to sexual exploitation as a justice and human rights issue that primarily affects women and children.

We affirm the current legislation that strengthens the protection of the rights of children, women and men to be free from violence and exploitation, specifically sexual exploitation, and imposes criminal sanctions on those who profit from and exploit others for their own benefit. We affirm that the *Protection of Communities and Exploited Persons Act* (PCEPA) has framed prostitution as a form of violence against women and are encouraged that it does not accept prostitution as inevitable; these are important contributions that affirm the full equality and dignity of girls, boys, women and men.

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 legislation such as PCEPA that addresses the systemic objectification and commodification of children's, women's and men's bodies for sexual services.

PCEPA resonates with Canadian values of gender equality and a commitment to social justice. The *Charter of Rights and Freedoms* 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." A disproportionate number of those involved in the sex trade are marginalized and vulnerable, including minors, Indigenous women, abuse survivors and those desiring to exit the sex trade. PCEPA recognizes those vulnerabilities and seeks to promote a culture of equality.

PCEPA treats prostitution as a form of sexual exploitation that disproportionately and negatively impacts on women and girls. It maintains that the best way to avoid the harms of prostitution is to bring an end to its practice.

PCEPA is based on a Nordic or Equality model of law and policy on prostitution, which has three important elements: laws that prohibit sex buying and pimping; public education and awareness about the laws and their objectives; and robust exit supports and services for those wishing to exit prostitution.

This Committee's task of studying the impact of PCEPA is limited by the reality that this model was never fully implemented across Canada.

Recommendations

1) PCEPA must be upheld and fully implemented and enforced across Canada.

2) Public awareness campaign to ensure Canadians and those involved in prostitution understand the laws and their objectives

We urge the Government of Canada to create a public education and awareness campaign to further support the intent of PCEPA. The campaign should be developed in close partnership with trafficked persons and social service organizations with a view to prevention and protection.

3) Renewed, significant and sustained investment in exit supports and services

Those who choose to exit prostitution have a complex set of needs including housing, mental health supports, job training and addiction services. Effective coordination between law enforcement and social services agencies is critical in order to ensure the best care and recovery.

4) Law enforcement and justice training

This legislation requires a shift in thinking for law enforcement agencies and the justice system. 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. We recommend that efforts be made to provide standardized training to all law enforcement agencies (federal, provincial and municipal) and those in the justice system to support the implementation of the legislation that is congruent with the intent as stated in the preamble.

5) 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 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.

6) Rehabilitation of purchasers and exploiters

We believe human beings – women, men and children – are created equal. This same degree of equality and dignity extends to perpetrators. Accordingly, we recommend a commitment to rehabilitation programs for pimps and johns whether they are specifically tailored for those in correctional facilities or financially supported by the Government of Canada and provided by social service agencies. An example of a successful and partnered prostitution offender program is operated by the Winnipeg Police Services, the Salvation Army and the Winnipeg Crown office.

7) Remove Section 213 which targets the most vulnerable and is rarely applied.

Section 213 criminalizes those who sell sexual services near schools and day care centres. The only prostituted people selling near those institutions would be those who are impaired or extremely

vulnerable. This section should be removed. Criminalization of those who are most vulnerable only creates further barriers in their lives.

Conclusion

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

Thank you.

*Submitted by: **Deb Stanbury and Diane Dwarka**, Chairs, Sexual Exploitation in Canada Working Group of the Commission on Justice and Peace, The Canadian Council of Churches*

With copies to:

Sr. Donna Geernaert, Chair, Commission on Justice and Peace
The Rev. Dr. Das Sydney, President
Pastor Peter Noteboom, General Secretary

The Canadian Council of Churches, founded in 1944, is a broad and inclusive ecumenical body, now representing 26 member churches including Anglican; Eastern and Roman Catholic; Evangelical; Free Church; Eastern and Oriental Orthodox; and Historic Protestant traditions. These member churches represent 13,500 worshiping communities and comprise 85% of the Christians in Canada.

Together we respond to Christ's call for unity and peace, seek Christ's truth with affection for diversity, and act in love through prayer, dialogue, and witness to the gospel.

Submitted to: Jean François Pagé, Clerk of the Committee
Standing Committee on Justice and Human Rights
Sixth Floor, 131 Queen Street, House of Commons
Ottawa ON K1A 0A6

E-Mail: just@parl.gc.ca