Dear Members of the Standing Committee on Justice and Human Rights - Review of the Protection of Communities and Exploited Persons Act.

My Name is Michelle Abel, I am writing to you as a survivor of Familial Trafficking and Abuse. I advocate for the exploited, marginalized, and oppressed. For the past 12 years, I have been working in providing direct support to victims and survivors, fundraises for major events, speaking at conferences and facilitating training on how to detect and respond to cases of Familial Trafficking.

At the age of 16, I started my working and modelling careers. In modelling, I was exposed to the exploitative side of the modelling industry ranging from unwanted advances in exchange for shooting opportunities, requests to attend private parties, explicit photo shoots and "promoters" from escort agencies. I eventually gave up modelling.

Since the age of 19, I have been involved in women's support and empowerment groups, and charitable work.

In my late 30's after battling several health problems and being diagnosed with severe health conditions, I started assisting Women and Children in Human Trafficking, Domestic Violence, Poverty and Orphanages both in Canada and Caribbean Countries and became involved with several Ontario NGO's.

On February 21, 2021, I submitted a Brief to the Standing Committee on Access to Information, Privacy and Ethics -Protection of Privacy and Reputation on Platforms such as Pornhub. The brief was published on the Committee website on March 9,2021.

In June 2021, the Royal Canadian Mounted Police and the Canadian Association of Chiefs of Police invited me as a guest speaker on "Familial Abuse and Human Trafficking: A Crime Against Children". During the training webinar presentation, I integrated my lived experience with the Adverse Childhood Experiences, Neurobiology of Trauma and Coercive Control according to the Biderman's Chart of Coercion.

I have committed much of my life to fight for those who are trauma-bonded and to ending all forms of sexual exploitation of women and children.

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#### Summary

In my brief I will be addressing aspects of Sex Trafficking that is not covered by the Protection of Communities and Exploited Persons Act, that I believe need to be taken into consideration before any decision regarding the Act be made. I also will present some recommendations on how to improve the Protection of Communities and Exploited Persons Act.

#### Sex Trafficking does not happen in a vacuum:

We draw many of our perspectives about the world from media outlets. We rely on the news to provide accurate information about current events. We use media to provide us with entertainment. We look to journalists and social media influencers to know which issues we should care about. Given the influence of media on our day-to-day lives, it comes as no surprise that the media has the power to shape our perception of sex trafficking.

However, the media does not always speak about sex trafficking in ways that are helpful, or even accurate. We also have a media that exploits the over sexualization of women and girls.

Visual images are powerful tools in shaping a person's perception of sex trafficking. Stock images of trafficking victims in handcuffs or with highly visible bruises and injuries, whilst representative of the tragic realities of some trafficked individuals, sends the message that sex trafficking is always visually obvious. These stereotyped images undermine the importance of community members knowing how to recognize less obvious signs of trafficking. In addition, you also have the glamorization of sex trafficking through tv shows like "The Girlfriend Experience", an American anthology drama television series that is broadcast on the premium cable network Starz and available on YouTube, Amazon and on your Rogers TV Service. It is now in its third season. It portrays young female characters mostly university students, being introduced to the world of transactional relationships by working as high-end escorts. On Netflix we have the movie "Cuties" that caused an uproar for depicting oversexualized pre-pubescent girls. On the other end of the media spectrum, you have the music industry with lyrics about pimping and prostitution by performers like Snoop Dogg, 50cent or Jay-z among others.

We live in a society that tells us that women are little more than glorified sex objects. This leads movie and TV directors, video game developers, advertisers, clothing designers, toymakers, and everyone else to create more products based on this stereotype, which further promotes the sexualization of children and women.

All of the external pressures we have discussed so far have been around for decades, and in some cases centuries. But in the last decade or so, a new player has come onto the scene; social media. Now young people see impossible standards every waking hour of the day and from people who they perceive to be peers. Instagram models can portray an unrealistic standard that teenagers feel pressured to live up to. Angles, filters, and Photoshopping can do wonders, but these images are portrayed as reality and adolescents are getting on social media and starting to absorb those damaging messages.

This hypersexualization also gives women and girls unrealistic expectations about what their bodies should look like. Children look to media and the adults around them as role models for how to behave. When they see these hypersexual stereotypes, they assume that is the accepted way to interact.

Then we have the pornographic industry that creates unrealistic expectations about women and sexual behavior. Pornography erodes the physical and emotional intimacy in real relationships. Children are exposed to sexual images very young; it shapes their perception of sexual practices and attitudes regarding sexual violence and violence against women. Another effect of pornography is that causes measurable changes in the brain from reduction in size and activity.

The consumption of pornography can be directly linked to violence against women. Researchers found that the exposure to pornography is linked to adolescent dating violence and sexual aggression. Research on men's sexual aggression has shown that the denial of women's "human uniqueness" is a driving factor for some men who commit sexual offences. The use of pornography by the abusive partner fuels marital rape and other forms of sexual abuse with its stream of provocative imagery and distortions of sexual activity.

Studies that show that men who go to prostitutes are twice as likely to have watched a porn film in the last year compared to the general population. A study of 854 women from nine countries showed that 47% had been harmed by men who had either forced or tried to force them to do things that they had seen in porn.

Traffickers benefit from porn films and men who desire to live out a fantasy at the expense of innocent women. In fact, sex traffickers use porn as a training method. Women who are forced into the sex trade are shown what they should expect and how they should behave with a man.

The media occupies an increasingly important role in how we respond to social issues therefore, they must also be responsible stakeholders in how they portray sex trafficking.

Although, many may think that women working in adult entertainment do it because they want to, however researchers have noted that 70% of females who are trafficked are trafficked into the commercial sex industry, which includes porn, strip clubs, and massage parlors in the United States.

A culture of tolerance surrounds the marketplace of commercial sexual exploitation. The culture of tolerance is derived from a country's history, ethnicity, religious practice, language, political and economic system, and other influences. Cultures of tolerance differ from country to country and sometimes vary within countries or even cities. But the essence is the same; societal acceptance backed by political tolerance. Marketplaces of commercial sexual exploitation require some level of tolerance within the community in order to exist.

It is well documented that the majority of women in sex trafficking have suffered Adverse Childhood Experiences. Adverse childhood experiences (ACEs) encompass various forms of physical and emotional abuse, neglect, and household dysfunction experienced in childhood. ACEs is linked to premature death as well as to various health conditions, including those of mental disorders. Toxic stress linked to childhood maltreatment is related to a number of neurological changes in the structure of the brain and its function.

In a study done by the CDC and Kaiser Permanente, researchers followed participants over time, they discovered that a person's cumulative ACEs score has a strong, graded relationship to numerous health, social, and behavioral problems throughout their lifespan, including substance use disorders.

Many independent prospective studies have now shown that if a mother is stressed, anxious or depressed while pregnant, her child is at an increased risk for having a range of problems, including emotional problems, ADHD, conduct disorder and impaired cognitive development. Both altered brain structure and function have been shown to be associated with prenatal stress, and also the mother's experience of early childhood trauma.

According to the California Surgeon General's Report on Adverse Childhood Experiences, Toxic Stress, and Health publish in December of 2020: Adverse Childhood Experiences increases the risk for 9 out of 10 leading causes of death in the US: Heart Disease 2.1%; Cancer 2.3%; Accidents 2.6%; Chronic Lower Respiratory Disease 3.1%; Stroke 2%; Alzheimer's 11.2%; Diabetes 1.4%; kidney disease 1.7% and Suicide 37%.

Adverse Childhood Experiences costs the state of California \$112.5 Billion in Select Health Conditions and an additional \$19.3 Billion in other sectors (Education, Welfare, Criminal Justice, Lifetime productivity, early death)

It is estimated that Adverse Childhood Experiences costs the North American and European economies \$1.3 Trillion Annually.

In the late 70's, the US Department of Health and Human Services commissioned a study on how to tackle Sex Trafficking. The consulting firm reported back with a proposal of "six intervention strategies." Among these: "*reduce negative early childhood experiences*;" "mitigate environmental influences;" and "provide meaningful social roles."

Canadian First Nations have suffered Adverse Childhood Experiences and Adverse Life Experiences for far too long and this has impacted their health and lives. From colonial treatment, the residential school system, the birth alert

system, the forced sterilization of First Nations Women, the enforced poverty for lack of opportunities, the economical exploitation due to high prices of food in Native Reserves or Northern Territories.

These intragenerational circumstances continue to stigmatize Canadian First Nations with Adverse Childhood Experiences and Adverse Life Experiences, making First Nations Women prime targets for sex trafficking (50% of trafficked girls and 51% of trafficked women in Canada are Indigenous).

Exposure to intimate partner violence during childhood increases the risk for victimization in sex trafficking during young adulthood. The lasting impacts of exposure to interpersonal violence during childhood affect one's ability to trust others or to perceive future relationships as supportive, thereby increasing the risk for exploitation in human trafficking. Furthermore, intimate partner violence and human trafficking share common dynamics. The element of coercive control facilitated by power imbalance and intermittency of abuse has been documented in offender-victim interactions involving intimate partner violence and human trafficking. Human trafficking victims are commonly trafficked by an abusive and exploitive intimate partner, and victims may be arrested and prosecuted for human trafficking offenses due to their forced involvement in criminal activities.

Issues of Human Trafficking and Intimate Partner Violence are often interwoven, and identifying someone's experience as one or the other is nearly impossible at times. Sex trafficking in Canada often happens in the context of an intimate relationship, for example, it is not uncommon for a trafficker to be a romantic partner and/or the father of her children.

Furthermore, it is possible that victims and survivors will not self-identify as having experienced trafficking but "being in an abusive relationship". Because of these similarities, it is not surprising that some human trafficking victims and survivors might choose to access support via the more readily available domestic, intimate partner and family violence shelters.

Intimate Partner Violence almost always follows the same script. It is a truly confounding phenomenon: how is it that men from vastly different cultures know to use the same basic techniques of oppression (Coercive Control)?

In her ground breaking book Rape in Marriage, Diana Russell presented two lists side by side: Biderman's Chart of Coercion, and the common techniques of domestic perpetrators. The lists were virtually identical. The only difference was that whereas captors in North Korea deployed the techniques tactically, Intimate Partners appeared to be replicating the system of coercive control unconsciously.

Harvard psychiatrist and trauma specialist Judith Herman wrote, "The [coercive] methods that enable one human being to enslave another are remarkably consistent." In situations of Intimate Partner Violence, the effect of coercive control is the same: the perpetrator becomes "the most powerful person" in the victim's life, and their psychology is "shaped by the [perpetrator's] actions and beliefs". Domestic perpetrators don't need physical violence to maintain their power – they only have to make their victims believe they are capable of it. This threat is particularly effective, wrote Herman, when it is directed towards loved ones: "Battered women, for example, frequently report that their abuser has threatened to kill their children, their parents, or any friends who harbor them, should they attempt to escape." This atmosphere of threat is enough to "convince the victim that the perpetrator is omnipotent, that resistance is futile, and that her life depends upon winning his indulgence through absolute compliance".

Today, we know that that the techniques common to Intimate Partner Violence match those used by practically anyone who trades in captivity: kidnappers, hostage-takers, pimps, cult leaders.

Canadian Commission Special Committee on Pornography and Prostitution (1985) found that the death rate of women in prostitution was 40 times higher than the general population.

The dangers of rebranding prostitution as 'sex work'. The fact that prostitution involves sexual acts and some kind of payment is a given. However, engaging with it first and foremost as a labour issue, using the term "sex work" as if it was an adequate and appropriate shorthand for what takes place in strip clubs, on porn sets and in brothels, serves a deeply political goal. Not only does this framework shrink the field of analysis to the seller (to the exclusion of men's demand and its social impact), it hides what should be front and centre of our response to the transaction: the inherent sexual abuse.

The whole point of the sex industry is that it offers men the chance to buy sexual access to women who do not want to have sex with them – otherwise they wouldn't have to pay.

This makes sex trafficking a hazardous profession that would require so many changes to the Canada Labour Code, Provincial/Territories Labour Laws, Occupational Health and Safety Laws among other laws and international treaties. These changes would make any women working in any other industry vulnerable of the same type of violence that women in prostitution face.

How can sexual consent be a thing that can be bought and sold, yet we can still talk with a straight face about there being such concepts as healthy sexual relationships and meaningful consent?

Sex trafficking can not be considered work because prostitution is multitraumatic: 71% were physically assaulted in prostitution; 63% were raped; 89% of these respondents wanted to escape prostitution, but did not have other options for survival. A total of 75% had been homeless at some point in their lives, 68% met criteria for PTSD.

In a study published in World Development titled "Does Legalized Prostitutions Increase Human Trafficking, researchers conclude that "On average, countries where prostitution is legal experience larger reported human trafficking inflows".

### Recommendations

In my opinion, the Protection of Communities and Exploited Persons Act should not be abolished however, the Act can be improved to address Adverse Childhood Experiences and Coercive Control.

Below are some of my recommendations to improve PCEPA.

In the Canadian Criminal Code Section 286.1 it reads:

Quote

# **Commodification of Sexual Activity**

Obtaining sexual services for consideration

- **286.1** (1) Everyone who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person is guilty of
  - (a) an indictable offence and liable to imprisonment for a term of not more than five years and a minimum punishment of,
    - (i) in the case where the offence is committed in a public place, or in any place open to
      public view, that is or is next to a park or the grounds of a school or religious institution
      or that is or is next to any other place where persons under the age of 18 can reasonably
      be expected to be present,
      - (A) for a first offence, a fine of \$2,000, and
      - (B) for each subsequent offence, a fine of \$4,000, or
    - (ii) in any other case,

- (A) for a first offence, a fine of \$1,000, and
- (B) for each subsequent offence, a fine of \$2,000; or
- (b) an offence punishable on summary conviction and liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years less a day, or to both, and to a minimum punishment of,
  - (i) in the case referred to in subparagraph (a)(i),
    - (A) for a first offence, a fine of \$1,000, and
    - (B) for each subsequent offence, a fine of \$2,000, or
  - (ii) in any other case,
    - (A) for a first offence, a fine of \$500, and
    - (B) for each subsequent offence, a fine of \$1,000.

# End quote.

I would recommend the following amendment to PCEPA, change the offence from "indictable offence" to "offence punishable on summary conviction and liable to a fine" and increase the fines.

The effects of this change are to make the enforcement of the law practical. In 2016, France changed their Prostitution Laws by adopting a similar position as Canada, Sweden and other countries that are applying the Nordic model. The effectiveness of their approach was instituting the fines as an "offence punishable on summary conviction". This decision had immediate effects in a 6 month period with 249 fines that were issued to men trying to purchase sexual services, and according to their news, reports this lowered the demand for sex work.

So, it would read as follows:

# **Commodification of Sexual Activity**

Obtaining sexual services for consideration

- **286.1** (1) Everyone who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person is guilty of
  - (a) an offence punishable on summary conviction and liable to a fine \$1,500 first offence; \$3,500 second offence and \$5,000 for subsequent offences with the condition to participate in a certified "Prostitution Prevention Class" and not engaging in obtaining sexual services for consideration for 24 months or to imprisonment for a term of not more than five years less a day, or to both, and to a minimum punishment of,
    - (i) in the case where the offence is committed in a public place, or in any place open to
      public view, that is or is next to a park or the grounds of a school or religious institution
      or that is or is next to any other place where persons under the age of 18 can reasonably
      be expected to be present,
    - in the case referred to in subparagraph (a)(i),
      - (A) for a first offence, a fine of \$2,500, and
      - (B) for each subsequent offence, a fine of \$5,000

In the Canadian Criminal Code Section 286.1 it reads:

Quote

# **Commodification of Sexual Activity**

.....

### No exception

(5) Subsection (4) does not apply to a person who commits an offence under subsection (1) or (2) if that person

• (a) used, threatened to use or attempted to use violence, intimidation or coercion in relation to the person from whose sexual services the benefit is derived;

### End Quote

I would recommend the following amendment to this section the addition of "Coercive Control", because most of the traffickers/pimps establish a romantic relationship with the trafficked women. As I explained above, they use Coercive Control to traffic the women.

In the Canadian Criminal Code Section 286.1 it reads:

Quote

# **Commodification of Sexual Activity**

.....

Exception

(4) Subject to subsection (5), subsections (1) and (2) do not apply to a person who receives the benefit

- .....
- (c) in consideration for a service or good that they offer, on the same terms and conditions, to the general public; or
- (d) in consideration for a service or good that they do not offer to the general public but that they offered or provided to the person from whose sexual services the benefit is derived, if they did not counsel or encourage that person to provide sexual services and the benefit is proportionate to the value of the service or good.

# End quote

Most of the sex trafficking happening in Canada is done in Hotels, Motels, Air B&B's, Strip Clubs, Massage Parlours and Adult Entertainment Venues. The above exceptions allow these venues to escape responsibility for allowing sex trafficking happening in their venues.

I would recommend applying a non exception to Hotels, Motels, Air B&B's, Strip Clubs, Massage Parlours and Adult Entertainment Venues.

Trafficker's/Pimps are predators that identify vulnerable women and girls and systematically break them, they move from victim to victim without regard for the damage they leave behind. I would like to recommend that the committee consider putting into the Canadian Criminal Code that a person convicted from Human Trafficking be classified as a "Dangerous Offender".

In addition to these amendments, I would recommend the consideration of the following Bills that were presented to the House of Commons.

- Bill C-423 December 13, 2018 Modern Slavery Act
- Bill C-247 October 5, 2020 amends the Criminal Code to create an offence of engaging in controlling or coercive conduct
- Bill C-233 February 7, 2022 amends the Criminal Code to require a justice, before making a release order in respect of an accused who is charged with an offence against their intimate partner

# Other International Laws

- California Bill AB1788 Introduces a Civil penalty to hotels constructive knowledge of allowing sex trafficking (I recommend that these penalties be extended to Motels, Air B&B's, Strip Clubs, Massage Parlours and Adult Entertainment Venues)
- California Bill AB2130 Introduces mandatory training for Emergency medical services on issues relating to human trafficking
- South Carolina Bill 4563 Cyber Sexual Harassment
- UK Modern Slavery Act 2015
- UK Serious Crime Act 2015
- Loi n° 2016-444 du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées (1) [Law No. 2016-444 of April 13, 2016, Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons (1)]

# Conclusion

The Protection of Communities and Exploited Persons Act (PCEPA), while imperfect, provides reasonable protections for victims of commercial sexual exploitation and should not be abolished.

It is important for this Committee before making any decision regarding "The Protection of Communities and Exploited Persons Act (PCEPA)" to consider the lived experiences of exploited women, including consideration of how coercive control, adverse childhood experiences and adverse life experiences impact the lives of women in the sex trade. Commercial sexual exploitation causes irreparable harm to those involved, to their families and to future generations. It is a vicious cycle with tremendous costs to the individuals and to society.

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