

**Submission to the Standing Committee on Justice and Human Rights**

**National Consultation on Human Trafficking in Canada**

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**Introduction:**

**I am a concerned citizen who has a passion for justice especially for the most vulnerable members of our society. For almost 20 years, I have worked at Covenant House Vancouver as a senior manager, pastoral counsellor and ombudsperson. I have served on several local and national committees focusing on Human Trafficking. Over the years, I have met and worked with many prostituted and trafficked young people both male and female who have been trafficked domestically and internationally. For safety reasons, many of these youth were transferred to other cities or agencies for their safety.**

Our experience speaks to the interconnection of human trafficking and prostitution. Just as child abuse is a pipeline to prostitution, prostitution is a pipeline to human trafficking. Canadian laws regarding all three human rights violations need to be strengthened and implemented to increase the number of convictions in Canada and to eliminate violence towards women and youth. Prostitution, in most cases, is the purpose for which human trafficking exists.

Criminalizing the buyers and profiteers is the only possible avenue to stop human trafficking.

Canada is positioned to be a global leader, standing for justice, non-violence and gender equality. With the current Canadian laws (**The Protection of Communities and Exploited Persons Act**), Canada shows a positive, progressive step toward eliminating this crime and protecting the community. This law is a major shift for Canada, focusing the law on the actual source of the harm, the buyers and profiteers. The law stresses that human trafficking/prostitution is inherently harmful as it is based on an imbalance of power that results in damage to the most vulnerable, silent victims and the community. The majority of prostituted persons are youth with complex internalized trauma which negates any possibility for prostitution to be considered either a choice or work.

This imbalance of power or the exercise of power over another person is based on gender-based violence. Gender-based violence is violence that is based on an individual's gender, gender identity or expression, and is intended to control and harm the individual. Both human trafficking and prostitution are expressions of gender-based violence.

Obviously, legalization is not the answer which would only further escalate both the violence and the volume of prostitution and human trafficking. Cho (2012) and others studied human trafficking trends in 116 different countries and their conclusion was that legalizing sex buying correlated with increased human trafficking.

Germany is a good example of how the legalization of prostitution has increased sex trafficking. In Germany, known as the brothel of Europe, trafficked women from other countries have been coerced into supplying the demand for prostitution there. Germany's own women are not sacrificed or drawn into the industry. But approximately 90% of the women are trafficked from abroad, mainly from poor

countries in Europe, like Bulgaria and Romania. Once the women are sold, used and totally broken, they are discarded and sent back.

In Germany, prostituted women are treated like objects being served on a conveyer belt or like machines that must produce more and more. Daily, 1 million men pay for commercial sex. Brothels are marketed as men's wellness centres where men gather for a meal, a drink, a hot tub and then pay for sex. Prostitution has become a 15 Billion Euro a year industry that exploits women's bodies under the worst conditions. The sex buyers have become more brutal and the sex practices more perverted and dangerous. As the buyers want more and more, the violence has escalated. Women are totally dehumanized, being called, 'fresh meat', 'new goods', and treated as a commodity to be bought and sold at the super market.

It is similar in Amsterdam, Netherlands. Recently in an article by Sanchez Manning, it is reported that scores of human trafficking trials in the Dutch courts have exposed the horrific truth – many smiling window girls have been brought from Eastern Europe by ruthless pimps who think nothing of beating, knifing or raping them. Some legal brothels there are now being closed as a result of recent reports indicating that the brothels were dominated by organized crime groups who force trafficked women to be there.

Government reports from both Germany (Federal Ministry of Family Affairs, 2007) and the Netherlands (Daalder, 2007) indicate the failures of legalization policies. Legalization in these countries did not decrease violence against women but increased individual and social harm as well as organized crime.

The Legalization of prostitution increases the demand and expands the market, causing greater violation of the human rights of women. Throughout the world, more and more countries are implementing the Nordic Model which is an innovative form of prostitution policy which has been adapted in Sweden (1999), South Korea (2004), Iceland (2008), Norway (2009), Canada (2014), Northern Ireland (2015) France (2016), Republic of Ireland (2017) and variations in Finland, and is under consideration in Italy, Israel and Luxembourg . Through its current law, Canada has become a leader and taken a positive and progressive step forward in demand reduction, gender equality and eliminating violence against women. Canada needs to continue to be a progressive leader in stopping gender-based violence.

In 2000, Canada became one of the first 117 countries to sign the United Nations **Palermo Protocol** in May 2002. This **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children** is an international treaty and the first UN mechanism to address the demand side of trafficking that is the cause of women and children being trafficked. By signing this agreement, Canada has a binding obligation to implement its terms such as strengthening legislative models, as well as social and educational programs, in order to discourage the demand which fosters all forms of exploitation of women and children. (Article 9.5).

In article 3, the **Palermo Protocol** defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, **of the abuse of power or of a position of vulnerability or** of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the **exploitation of the prostitution of others** or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In 2005 Canada amended the Canadian Criminal Code to be in greater alignment to the UN's definition of human trafficking. (Section 279) The Palermo Protocol is based on a human rights definition of trafficking that focuses on exploitation which is the core of the crime. Our Criminal Code has included a clause, "fear for safety" as a requirement in determining exploitation. This requirement goes beyond the requirements of the Palermo Protocol and appears to be too narrow as traffickers do not always directly threaten the safety of a person or their families. Traffickers can use other threats such as deportation, use of debt bondage etc. This extra requirement may be one reason why there are so few trafficking convictions in Canada.

As of January 2017, HTNCC (RCMP Human Trafficking Nation Coordination Centre) identified 401 cases since 2005 with 382 domestic trafficking and 19 international trafficking. So far only 115 cases resulted in human trafficking specific and/or related convictions. There have been very few convictions of human trafficking despite the fact that between 2013 and 2014, violations (including sex trafficking and forced labor) shot up by 50 percent. Prosecutors will often choose to charge the traffickers with other related crimes which are more likely to net a conviction.

Most importantly, our current law reflects appropriately the Palermo Protocol by decriminalizing the prostituted persons and penalizing the customers who create the market and cause the harm. Bill C-36, the *Protection of Communities and Exploited Persons Act*, received Royal Assent on November 6, 2014. Bill C-36 treats prostitution as a form of sexual exploitation that disproportionately impacts on women and girls. Its overall objectives are to:

- Protect those who sell their own sexual services;
- Protect communities, and especially children, from the harms caused by prostitution; and
- Reduce the demand for prostitution and its incidence.

This law situates Canada as a global leader in asserting that prostitution is inherently exploitive and violent. It recognizes the social harm caused by the objectification of the human body and the commodification of sexual activity. It states the importance of protecting human dignity and the equality of all Canadians by discouraging prostitution, which has a disproportionate impact on women and children. It prohibits the purchase of sexual services because it creates a demand for prostitution. It encourages those who engage in prostitution to report incidents of violence and to leave prostitution. It states that it is important to resist the commercialization and institutionalization of prostitution.

Unfortunately throughout Canada, there is no consistent enforcement of this law and until such time the law is not effective and buyers and profiteers act with impunity.

The only improvement to this law relates to Section 213 where the trafficked person continues to be criminalized if communication happens on school grounds, etc. It is not the place that makes prostitution a crime but rather the actual act of buying the body or exerting power over a vulnerable person.

To abolish systems of oppression and exploitation that cause this injustice in Canada, Canada needs to strengthen both laws in order for the justice system to proceed with increased investigations, prosecutions and convictions. Stopping the demand will stop the supply. Canada needs renewed

commitment to increase convictions throughout Canada, thus lessening the reality of inequality that exists with the intersection of age, racial, economic and sex identify.

**a. Age - Prostitution starts with child prostitution**

Prostitution is an unequal exchange or imbalance of power between buyer and the bought whereby men buy sexual services through force and coercion for the buyer's gratification. Sex for money is by its very nature an act of coercion since any healthy relationship requires some capacity for equality and mutuality. The prostituted person is usually a young homeless person, living in poverty and a victim of childhood abuse. It is an outrageous injustice where predators prey on the most vulnerable and powerless in our society. The buyers prefer younger persons, some as young as 12 years of age. Unlike drugs, the prostituted person can be used and abused over and over again before discarded.

Two trafficking cases (Moazami and Bannon) in Vancouver are proof of the prevalence of underage youth coerced into prostitution. Reza Moazami was sentenced to 23 years in prison for assault, luring, pimping and trafficking 11 girls. These girls started into prostitution between 12 and 19 years of age with the average age being 15. These girls were bought by between 2-11 men a day and none of these men were arrested.

Michael Bannon, 35 years of age was sentenced to 14 years after pleading guilty to 22 charges in connection to an underage prostitution ring he ran out of hotels and apartments in Vancouver from 2014-15. Nine of the prostituted persons testified, the youngest being 14 years of age but all teenagers when they were pulled into the exploitation, plied with drugs and promises of money. One youth died of an overdose before the case was heard. Many were living in group homes when they were lured. A 16 year old male told the court about how he suffered attempted suicide, self-medicating with drugs and struggling with depression and anxiety after his two months working for Bannon. As the Prosecutor stated behind this extensive abuse was a very lucrative criminal enterprise. One 16 year old reported leaving her Surrey home wearing a thin green dress, thinking she was going to a modelling gig but instead spent three straight days serving johns inside a Vancouver hotel room. At one point she was unconscious for five hours after taking some oxycodone that a drug dealer had used to pay for sex. By the time she returned home, she had more than 25 sexual encounters.

In these two cases as well as so many others throughout Canada, the men who are buying sex are not charged or convicted? Hundreds of men in our country are not being held accountable and are victimizing young vulnerable young women with impunity. Enforcement of our current Canadian laws needs immediate attention of our government for justice to reign in our country.

In Canada, 93% of the trafficking of persons happens within our borders from city to city or from reserve to city or province to province. Underage youth are being preyed upon in high schools, in malls, airports, hotels, shelters and through social media. For our youth to be protected from the false promises of the predators, our current law needs to be consistently enforced throughout Canada

Prostitution is not a choice as there is no choice without options. Research indicates that prostitution involves those with the fewest choices. Girls enter into prostitution from a position of vulnerability, many coming from families broken by poverty, addiction and mental illness; many are homeless, orphaned or refugees, suffering some type of disadvantage. For many, the choice to have sex with the buyer is based on survival or continued homelessness, not really a choice but desperation. Most are

also influenced by the unrelenting messages of media, pop culture and society that communicates that women's value is based only on their sex appeal.

Prostitution cannot be considered a choice when it preys on the most vulnerable in our society, coercing individuals through life circumstances to trade sex for hope of a better life or to simply survive. It is fueled on the notion of male sexual entitlement, fostering the idea that consent can be bought. Young girls and women are treated as sexual commodities, objects to be bought and sold for profit without any concern for their humanity.

Youth are being exploited usually by males for their sexual gratification. It is only the buyer who has a choice. From his research in Seattle, Valiant Richey (Senior Deputy Prosecuting Attorney for King County, Seattle) describes the buyers of sex as,

- 54% are married, from all professions with higher than average education
- from all races/ethnicities with the majority of buyers of minors are white (80%) and buyers of adults are white (52%)
- possess a prevalence of other issues, ( eg. depression, anxiety, and prior trauma)
- heavy pornography use and prevalence of misogyny
- more likely to have less empathy and more likely to report having committed sexual violence
- arrested buyers have usually purchased more than once (sometimes up to 1000x)
- only about 5% have a deviant diagnosis
- 67% want to stop

The sex industry business, whether a prostitution ring, massage parlors or strip clubs sets up a social environment that fosters male privilege and dominance, compromising the safety of all women. It normalises the hyper-sexualised commercial and systemic objectification of female bodies.

Prostitution is inherently harmful – one survivor said, “Older prostituted persons are heavily addicted, psychological and physically damaged without a future. Their lives are destroyed, going nowhere.”

#### **b. Racial injustice**

Prostitution in Canada is rooted in the system of racial oppression whereby racial stereotypes of Indigenous and Asian women are further exacerbated. More than one half of those trafficked in Canada are indigenous women and girls even though they represent only four percent of our general population. Aboriginal women are overrepresented within street prostitution whereas, Asian women are over-represented in massage parlours. Many young Asian women who are prostituted in massage parlours are often lacking language skills, often in Canada illegally.

The United Nations has declared that the over representation of indigenous women in Canada stems from their economic and social marginalization and puts them at a disproportionately high risk of disappearance and murder. With 1200 missing or murdered indigenous women and girls in Canada, the reality of trafficking and exploitation within this culture is a given.

“In a new report from Polaris reveals an estimated 9000 illicit massage businesses across the country, where vulnerable women are bought for sex in thinly veiled brothels. The report found the sex buyers

pour around 25 billion in revenue into this industry annually with the proceeds supporting organized criminal networks. It also states that women trafficked in massage parlors are usually immigrants from Asia who speak limited English, have little education, are under extreme pressure and are victims of force, fraud and coercion.”

Allowing some women to be bought and sold for men’s sexual arousal or entertainment compromises the position of all women in community.

In summary, Canada is in a positive position to move forward only if it strengthens the current laws and their implementation. Canada needs to recognize that trafficking and prostitution in this country is based on ageism, racism and sexism and damages the future of our young people.

## **RECOMMENDATIONS**

- A. Government of Canada needs to align the Criminal Code more accurately with the Palermo Protocol with a clearer definition of human trafficking and eliminating the safety clause.
- B. Canada articulates 4-Pillars in their Trafficking Protocol (Prevention, Protection, Prosecution and Partnership. (National Action Plan to Combat Human Trafficking, Government of Canada) The prime goal of a Canadian plan ought to be the elimination of exploitation of women and girls. This can only be done by focusing on the demand side of the exploitation. The 4p’s are important but greater emphasis needs to be placed on prosecution. Stopping the demand stops the inflow of money, thus stops the supply.
- C. The Nordic Model, with the dual goal of eliminating exploitation and providing exiting services, needs to be strengthened throughout Canada by ensuring that all law enforcement (local and national) increase efforts to apprehend charge and prosecute the buyers of sex.
- D. Canada also needs to increase public awareness of this crime through a national educational plan. Canada could encourage airlines, hotel associations and the medical profession to include staff education regarding human trafficking in their training.
- E. With a greater emphasis on obtaining convictions, the legal system could enforce a system whereby trafficked persons are able to sue the trafficker for losses while under their control.
- F. National Action Plan states that the Canadian will be investing 6M on Human Trafficking activities on an annual basis. Most of this financial support went to governmental offices with little support given to the exiting strategies and service that increase youth employment possibilities.
- G. As more persons are trafficked from Mexico and other countries, the process of obtaining a Temporary Residents Permits (TRPs) needs to be simplified and more easily available to youth instead of them being deported back to their home countries.

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