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Tuesday, November 7, 2006

—
Chair

The Honourable Judy Sgro

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• (1120)

[English]

Mr. Bruce Stanton (Simcoe North, CPC): Thank you, Madam Chair, and thank you for the clarification on the amendment that we discussed previously.

The original motion, as put on October 31, reads as follows:

Pursuant to Standing Order 108(2) that the Standing Committee on the Status of Women recognize that all women are equal in Canada under the Constitution and the Charter of Rights and Freedoms and that the government strive to address the barriers that would prevent the full participation of women in Canadian society, so the economic, social, and cultural situation is improved through projects directly impacting women in communities across Canada.

The Chair: Is everyone clear—there seems to be some activity—that I ruled the amendment by Ms. Stronach out of order?

Hon. Maria Minna (Beaches—East York, Lib.): Just for clarification on the amendment, which one was ruled out of order? We were discussing one last week.

The Chair: It was the amendment by Ms. Stronach to Ms. Smith's motion. It's the only amendment I have in front of me—the amendment by Ms. Stronach that would have changed Ms. Smith's motion to read:

...reinstate "equality" as the primary mandate of the Women's Program at Status of Women Canada...

I've already ruled on it, unless someone wants to—

Hon. Maria Minna: I just wasn't sure which one we were talking about.

The Chair: That's the only amendment we have on the table right now—the amendment by Ms. Stronach—and I've ruled it out of order. It changes the intent of the motion by Ms. Smith.

We have Ms. Smith's motion. Is there any discussion on Ms. Smith's motion? We'll call a vote on this motion. Do you want a recorded vote?

Some hon. members: Yes.

(Motion negatived: nays 6; yeas 5)

The Chair: The next motion we have before us is the motion by Ms. Stronach.

Ms. Stronach, would you like to read it into the record and speak to it, please?

Hon. Belinda Stronach (Newmarket—Aurora, Lib.): The motion reads as follows:

Pursuant to Standing Order 108(2)(b), that the Standing Committee on the Status of Women (SWC) hold extended meetings to assess the impact the cuts to Status

of Women Canada and the extensive changes to the Terms and Conditions of the Women's Program have had on the ability of Status of Women Canada to carry on its important work on behalf of women in Canada.

I propose this motion because I think it goes to the heart and soul of what this committee is meant to achieve. I think we need to examine what it means when we take equality out of the mandate of the department. I think we should be able to call witnesses before this committee to examine the impact of this important change.

The Chair: We'll go to Ms. Davidson.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thank you. Can I just ask the mover a question regarding extended meetings? Were you suggesting that we meet longer than the two hours we're meeting or that we set up, say, three specific meetings in the first part of January.

I guess it wouldn't be January, would it?

Hon. Belinda Stronach: I think we should deal with this as soon as possible, and that we call third-party groups from which we've had requests to come to committee to explain the impact of the change to equality on their organizations.

So given the original mandate of this committee, I think we need to address some of the fundamentals as soon as possible.

Mrs. Patricia Davidson: I'm not opposed to what you're suggesting. I'm just trying to figure out how I'm going to work it into my schedule. I sit on three committees, and if we're looking at extended times or—

Hon. Belinda Stronach: It's not our intention to compromise the work that is being done on human trafficking, so if it means that we have to look at a couple of extra meetings to make this accommodation, I think there would be a willingness, certainly on our part, to do that.

Mrs. Patricia Davidson: Okay, thank you.

Hon. Maria Minna: I would say much the same thing as Madam Stronach said. Because of the nature of the work, to some degree, I think that as we work on the trafficking issue, this particular work will overlap with that as well. At the last session we had with witnesses, there was a question specific to the aboriginal groups, about how the changes in the terms and conditions and the mandate were going to affect their work, and they said it would. So in a way it overlaps.

I would like to do this, and obviously we would like to see this done before the Christmas break. I don't mind. I know we're all busy. We're all doing double committees. I have my fair share as well. But we could do them as two extra meetings, and they could be done as round tables, so we would have a fair number of people around the table to discuss it, as opposed to one or two witnesses only. We do that at the finance committee all the time. We have huge round tables to do the consultations. Sometimes they have ten people around the table, or ten organizations represented.

It can be done in two or three meetings.

•(1125)

The Chair: Is there any further discussion on the motion?

Ms. Deschamps.

[Translation]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Madam Chair, the members on this side also share the concerns of our colleagues Ms. Stronach and Ms. Minna. I believe we have a duty to examine the likely impact of these measures on the program in question. It's critically important that we do so.

[English]

The Chair: Is there any further discussion?

I think it's quite clear, then, that the intent is for additional meetings, because we already have a pretty heavy schedule for the work we're trying to do on human trafficking. So the intent would be for the clerk to check with all the members, if the motion were to pass, to see what would be the best opportunity. Is it a Wednesday from 3:30 to 5:30? What would be the best block of time so that we could deal with this issue and be able to report back? That's the intent of the motion.

So we'll call for a vote on the motion. Does the committee want a recorded vote on this motion? Should I read it out again? Okay. It reads:

Pursuant to Standing Order 108(2)(b), that the Standing Committee on the Status of Women (SWC) hold extended meetings to assess the impact the cuts to Status of Women Canada and the extensive changes to the Terms and Conditions of the Women's Program have had on the ability of Status of Women Canada to carry on its important work on behalf of women in Canada.

Do you want to specify two meetings, one meeting, or three meetings? Do you want to leave it open?

Mr. Bruce Stanton: Madam Chair, we already have one extra meeting I think in the next four weeks.

The Chair: We have one on gender-based analysis already coming up. This will probably get us into December. So we'll vote on the motion.

(Motion agreed to: yeas 11; nays 0)

The Chair: That's the first thing we've passed so far that we have been unanimous on in this committee.

We will move forward on that. The clerk will get in touch with everyone as far as availability, and then we'll do the necessary things to contact whatever organizations are necessary, and we can move forward on this.

Yes, Mr. Tilson.

Mr. David Tilson (Dufferin—Caledon, CPC): Madam Chair, I assume that sometime in the future the committee will set aside some time to discuss the list, so that all sides can have a mutually agreed upon list of names, as opposed to the clerk just appearing, with all due respect, with a list of names. So at a future meeting, can we have that opportunity so that all sides could present their lists of suggested names?

The Chair: I would ask that members submit their lists, as this is the customary way that this is done. Submit the lists with any groups or organizations that you feel have been affected that you would like to have come before the committee. We will present that back to the committee, and the committee will decide what groups it feels are the most important. And I'm sure they'll all be. That will all be done in conjunction with and with the approval of the committee as we move forward on this issue.

Again, the intent is not to belabour these things too long. We want to get some comments back. We'll get the comments back and we will move on, because we do have a fair amount of work we want to accomplish between now and the Christmas break, when we rise, so that we're not leaving too many things undone. So we'll add our comments.

Now that we've moved forward on that, our analysts have been most anxious to try to find a few minutes to discuss with the committee some of the concerns we have as we try to move forward on the human trafficking report.

Because we are going to be discussing a report, we need to move in camera until noon, when our next guests will be appearing, when our witness will be before us.

So we'll be moving in camera. If we could, we'll ask everyone who isn't entitled to be here to leave the room. You can come back in at 12 o'clock. MPs' staff are allowed to stay in the room while we are in an in camera session, but other people have to leave.

[Proceedings continue in camera]

•(1130)

(Pause)

•(1201)

[Public proceedings resume]

The Chair: Ms. Tie, I apologize for keeping you waiting. Welcome. We very much appreciate you being here.

Ms. Tie is a lawyer and she represents the National Association of Women and the Law. Thank you very much for coming. I will turn the floor over to you for a brief presentation, followed by questions and comments from our members.

Mrs. Chantal Tie (Lawyer, National Association of Women and the Law): Thank you very much.

First, thank you very much for inviting us this morning. We appreciate the opportunity to appear before you.

The National Association of Women and the Law is a feminist, non-profit organization, and we've been working for women's equality rights since 1974. We're governed by a regionally representative steering committee, which is fully, directly elected by our membership. We work through law reform to achieve substantive equality and the realization of human rights for women and girls in Canada.

I'm a professor at the University of Ottawa law school, where I teach immigration and refugee law, and I chair the NAWL immigration working group at the present time.

I understand I have about ten minutes to make a presentation and then be open to questions.

In NAWL's opinion, and I think it's universally recognized, trafficking is a multi-dimensional problem. We are concerned, however, that of the three potential areas of focus that are outlined in the Palermo declaration, the government has so far fairly narrowly viewed their role as one of enforcement and criminalization of the problem.

NAWL is much more concerned at the present time with the human rights perspective of the victims of trafficking, and we have concerns that the current emphasis on prosecution is in fact indicative of an insufficient emphasis on human rights protection.

Trafficking is both a national and an international or global problem. We have an internal trafficking problem, principally the trafficking of aboriginal girls and women within Canada. It's also an international problem, but the common thread and the causes of it are poverty and inequality for women throughout. These are the root causes that make women so vulnerable to being both trafficked and exploited both in Canada and into Canada. Because of this, trafficked women need both protection and assistance. We need to develop a comprehensive system of supports and protection for the victims themselves.

The difficulty the criminal prosecution raises is that it ironically increases the vulnerability of the trafficked people themselves, because in many of the instances they're working in sex trade industries, and the criminal nature of the organizations that control the industries themselves put the workers themselves, the trafficked people, at greater risk, beyond the reach of important civil society organizations and governments that could protect their human rights. It increases the stigmatization that trafficked women already experience. It makes it that much harder for them to access protection and in many ways serves to re-victimize the victims of trafficking.

We currently have prostitution-related offences, documents offences, and illegal migration offences that have those consequences for trafficked women. Indeed, the traffickers themselves use the threat of exposure, either criminal or immigration exposure, as a means to enforce the control over their victims that they already have. So, ironically, the greater the control and enforcement mechanisms, the greater the prosecutions, the harder it is going to be to protect the victims themselves.

Importantly, the way to get around this is to prosecute the traffickers and not the trafficked persons themselves. They should be immune from prosecution. This removes a tool from the traffickers,

it does not target the victims, and it does not allow the abuses to continue.

Both in Canada and into Canada, major contributing causes are poverty, abuse, social isolation, drug and alcohol problems within Canada, and gender inequality itself, which is manifest in an unequal distribution of power, money, and educational resources. The notion of consent and the distinctions made between trafficked and smuggled people are extremely tenuous categories.

● (1205)

We urge the government to look seriously at trafficking from a protection perspective and not just as enforcement. This means a number of things—both legislative and social supports for the people here in Canada.

There must be in place a regime of protection for the victims. When dealing with global trafficking, the current protection mechanisms are woefully inadequate, and I can talk about the pre-removal risk assessments. The PRRA in Immigration has an extremely low success rate. Refugee claims are sometimes not available to trafficked women, because once a removal order has been made, you have no access to the refugee division. If women receive no appropriate legal advice prior to Immigration's enforcement, they would have no access to the refugee division. And it's very problematic as well because of what qualifies as trafficking and because of notions of consent, even when consent is obtained fraudulently.

Humanitarian and compassionate applications are entirely inadequate. There is no stay of removal pending consideration of an H and C application. There are fees adhering to H and C applications that are beyond the resources of these women in many cases. The women would rarely qualify under the H and C criteria, sometimes for reasons related directly to their being trafficked, such as involvement in criminal activities, willingly or unwillingly, or inability to establish oneself within Canada if one has low skills. There is no access to legal advice for many of these types of applications. Some jurisdictions, such as British Columbia, that have decimated their legal aid schemes recently are particular cases in point.

There has to be training and sensitivity for front-line workers who come in direct contact with women who are or could be trafficked; that means police, immigration officials, immigration settlement workers, shelters, and women's groups. In particular, police and enforcement officers with Immigration need to be trained to view trafficking victims from a human rights and gender perspective and not from an enforcement perspective. They need to be aware of potential community links and legal resources, and they need to consider designating specifically trained immigration officers, hopefully women, who have the skills, training, and sensitivity to deal with trafficking cases.

It's of particular concern to us that Status of Women Canada has recently been cut, because it was taking the lead in this area in terms of social supports for female trafficking victims, funding national consultations through the CCR, and other important activities. So if you're looking at addressing trafficking, the cuts to Status of Women Canada are directly relevant to combatting the problem.

There's a specific recommendation as well: paragraph 245(f) of the regulations under the Immigration and Refugee Protection Act specifically provides a heightened risk of detention if there's a possibility you could be under the control of traffickers or organized crime. So what we have here is a provision that effectively mandates the incarceration of trafficked persons. This needs to be reviewed and changed.

There needs to be adequate funding for organizations that support trafficked persons, so they can provide appropriate gender-sensitive counselling and alternative employment assistance and upgrading to counter the inequality that leads these persons into being trafficked in the first place. These women and girls need real protection and real alternatives.

Then, as I have said, we need much more than a three-month temporary resident permit. That is an important first step, and we welcomed the announcement in May of the temporary resident permit, but it does not go far enough. There are lots of questions that need to be asked about that permit. We need to know specifically, how is the department defining real victims of trafficking? What does that mean? Does it include women who are in forced bondage, even if they may have thought they were consenting in the first place? We understand only one visa has been issued under the program. Have other applications been considered and refused? What is the channel and the path to long-term permanent status, not just temporary status? And what other supports and protection are being provided to those women? Is availability strictly contingent upon cooperation? We do not agree it should be. Those are some important questions that need to be asked.

• (1210)

Obviously, in the long term we clearly need to work for aboriginal women, for the improvement of options and opportunities within their communities. We have to address the racism and discrimination that underlies their social condition. In the international arena, we have to put more development resources into supporting efforts for gender equality and elimination of poverty. We need to support specific initiatives aimed at mobilizing women's communities to combat trafficking in their own communities. There are some very good examples of that. We need to strengthen women's legal, social,

and economic positions worldwide. This is a global problem. And we need to work with trade and aid and make sure that trade and aid are subject to specific conditions that respect and promote women's equality.

I'd like to finish by making some comments about our military and peacekeeping obligations. Trafficking is also linked to civil war and conflict. Women are the main victims in many of those conflict areas. One of the major causes of the mass movement of people is armed conflict. Women are fleeing without family protection and they're left to fend for themselves. They're clearly targets of criminal traffickers.

Major assistance to trafficked women in conflict zones is required. Canada also needs to ensure that our troops serving as peacekeepers are protecting women and not using the services of trafficked women. We need to review our training and policies in this regard. We need to identify the gaps. We need to ensure that other peacekeeping forces we are operating with or that are operating under us are similarly intolerant of the practice.

It's widely known that UN peacekeeping troops are a magnet for traffickers. Those troops are supposed to be protecting human rights, not creating and participating in the violation of human rights. Military personnel contributing to trafficking or using the services of trafficked people must be brought to justice, so the climate of impunity overseas doesn't continue.

Thank you.

The Chair: Thank you very much for an excellent presentation. You managed to cover so many different parts of this issue in that short ten minutes.

Thank you so very much.

Ms. Minna, first round, seven minutes.

Hon. Maria Minna: Thank you.

Yes, me too. That was a terrific presentation. You put in a tremendous amount of stuff.

I agree with you on a whole lot of things. I'm going to tell you some of the things I agree with and what we should do about them. Then I'll ask you questions on them, and then you can comment.

One of them is the root cause. Economics is a major cause, there's no question. The economic conditions of women, whether in Canada or abroad or in the developing world, the dire poverty that women live in, and their inability to access proper economic stability of any kind are major issues. In fact, this committee was to be looking at economic security for women before we started on this one. We thought we would do them both together. And it makes sense to do both together. Eventually, we'll get to that. I agree with you 100%. The root cause is economic, a vulnerability that women have.

I wanted to ask you a couple of things, some of which you alluded to. You said that the Status of Women was taking the lead in this area and was funding consultations. Other organizations have appeared before us, and advocacy groups have said the same thing—not on this, but that they themselves were doing some work.

Can you tell us a little more clearly how the cuts to Status of Women and the change of criteria will affect this kind of work, both from the Status of Women Canada and other NGOs on the ground?

•(1215)

Mrs. Chantal Tie: I think Status of Women Canada would be able to tell you more specifically about how the cuts will affect it. All I can do is look at the work they've done to date and say that they are doing some of the most groundbreaking work. They've supported many of the NGOs that are now able to work in the field.

This whole round of support they provided to the Canadian Council for Refugees, and I participated on part of the national consultations, was pretty much groundbreaking. It was very important to get to all the service agencies to find out their experience on the ground and identify the areas they needed help with in order to combat trafficking. If those resources had not been there, I'm not sure who would have been able to do it.

My understanding is that the protection agenda has not been in the forefront with the government. Status of Women has been one of the few voices that has been looking at it from the perspective of the victims. It has promoted that view, both in the intergovernmental working group and by supporting the civil society organizations that do that work.

I have very grave concerns about the cuts to Status of Women and their ability to continue to work in this area, in juggling all their other mandates.

As I said, I think that's an indication. We really think this is not just a criminal enforcement agenda attacking trafficking. It is counterproductive not to deal with supporting and helping the victims. I think that's really an important point.

Hon. Maria Minna: Thank you.

I agree with you with respect to supporting the victims.

I want to go to the issue of immigration, which you mentioned. You referred to PRA, and the H and C not being an adequate tool. Of course, they can't even apply for PRA, I don't think, unless it's under the IRB. And they're not really qualified under the IRB.

I was suggesting something, and I need to know whether you think this would work. Instead of the three-month permit, which means they then need to leave after, what about giving an actual work permit—normally one to three years, I think—that allows people to then apply for landing, as opposed to the IRB process. The IRB process suggests that they're refugees, which then of course goes back to the Geneva...and then you have to deal with H and C. It gets complicated.

I want to know what you think of the work permit route.

Mrs. Chantal Tie: There are a number of options open to the government. One option is to actually strengthen the PRA process

and provide specific policy guidelines that trafficked persons do qualify as people who are at risk. That could be done.

We could also provide guidelines under the “person in need of protection” possibilities. That requires, as you said, going before the Immigration and Refugee Board that now has dual jurisdiction over refugee claims and persons in need of protection under section 107. That's a possibility.

I think, though, that the factual determination you need to make in terms of a trafficked person might not require the whole complexity of the Immigration and Refugee Board. Work permits are clearly one possibility.

Certainly, I think the three-month temporary resident permit is just not adequate. I think a program with specific guidelines that transparently sets out who's eligible for the work permit and under what basis, and the possibility that it could lead to permanent status in Canada would be very, very helpful.

One of the problems for trafficked persons, and particularly women, that the settlement agencies have documented is the social stigma attached with being a victim of trafficking. Return to their home country means not only an increased re-victimization and re-stigmatization because of being trafficked; it also sends them back to the conditions that created the trafficking in the first place. There's a dual problem, which in fact makes it worse to return the women. Ultimately, the women need to be given a real choice as to whether they are returned or not.

I think a work permit and some type of status that could eventually lead to permanent status in Canada is the way to protect the victims.

•(1220)

The Chair: Thank you.

Ms. Mourani.

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Thank you, Madam Chair.

Thank you for agreeing to appear before the committee today.

You spoke about human trafficking in the context of war. That's a very interesting theme, one which we have not talked about a great deal thus far. In my opinion, the witnesses who appeared previously did not have enough information about this. You maintain that whether we like it or not, wars create a climate conducive to violating human rights. Indeed, war as such is a violation of human rights.

Can you tell me what kind of human trafficking occurs in times of war, when countries are destabilized? I'm especially interested in Afghanistan, since safeguarding women's rights was the stated reason for sending troops to this country. You say that wars, including the war in Afghanistan, represented fertile ground for trafficking in women, a clear violation of women's rights.

Mrs. Chantal Tie: I do understand your question, but I will answer it in English.

[English]

I'd like to direct you... There's an excellent report that Human Rights Watch prepared about the war in Bosnia and Herzegovina that I think sets out very clearly for you the conditions that civil conflict creates that make women particularly vulnerable.

What was interesting in Bosnia and Herzegovina and the UN troops is that the situation of civil war itself created certain conditions, but the massive presence of foreign troops caused the traffickers to bring in women from other areas to service the UN peacekeepers. There was documented evidence of a level of tolerance in the military for the use of these brothels with trafficked women in them, as well as documented evidence concerning the contractors that went in on the heels of the reconstruction effort—mainly American contractors—who also were using and purchasing the services of women, and in some cases were actually purchasing the women themselves for their own use while they were there.

There were a number of recommendations made. It's a November 2002 Human Rights Watch report. I can provide the site for it if you like. It's a very good example.

What is useful about the report is that it provides very specific recommendations to the U.S. government on the impunity with which their personnel, both civilian and military, operate overseas, because they cannot be prosecuted in the United States for using the services. It sets out the actions that both the U.S. and the UN need to take.

In the wake of Bosnia and Herzegovina, there were some efforts made and there have been some improvements. But I don't know the extent of the review of the Canadian military that's been done on this issue. I think it bears asking some questions about the protocols and policies that we have in place that permit this type of crime to continue. It's a sense that it's getting at the customers.

[Translation]

Mrs. Maria Mourani: So then, from what you're saying, demand created a supply of trafficked women. The presence of the military in Bosnia — and we won't get into what troops were doing in that country — generated a demand situation.

• (1225)

Mrs. Chantal Tie: Yes.

Mrs. Maria Mourani: A demand for trafficked women.

Mrs. Chantal Tie: That's correct.

Mrs. Maria Mourani: Do you believe a similar situation exists in Afghanistan? Do you have any information on that subject?

Mrs. Chantal Tie: I have no information whatsoever about Afghanistan.

Mrs. Maria Mourani: And is that because no investigation or research has been done?

[English]

Mrs. Chantal Tie: I don't know. I just don't know. I'm not familiar with any, but I could certainly get back to you if I can find....

[Translation]

Mrs. Maria Mourani: Did the report's recommendations come about as a result of changes made by the US military? Is that in fact what you're saying?

Mrs. Chantal Tie: Not exactly.

Mrs. Maria Mourani: So nothing was done then?

[English]

Mrs. Chantal Tie: No, I don't think so.

[Translation]

Mrs. Maria Mourani: In your opinion, is what happened in Bosnia typical of what happens in general during times of war, or is each war different?

[English]

Mrs. Chantal Tie: I think what's happened is that women's human rights violations have very rarely played an important part in any type of research or investigation. The Bosnia and Herzegovina study was one of the first done. I'd be very surprised if it was not typical of what happens when you have large concentrations of soldiers in particular areas. I would be very surprised if that was not typical.

[Translation]

Mrs. Maria Mourani: But it's the only study of its kind ever done.

[English]

Mrs. Chantal Tie: That's one of the pieces of research that is very well documented, yes.

[Translation]

Mrs. Maria Mourani: There's another form of trafficking that I've never really understood up until now, and that's the trafficking in Aboriginal women.

[English]

The Chair: Go quickly, please.

[Translation]

Mrs. Maria Mourani: All right.

As part of the committee's study, I've asked witnesses if trafficking in Aboriginal women was tied solely to organized crime in the Aboriginal community or whether it was also linked to other forms of organized crime. Have any statistics been compiled on this subject?

[English]

Mrs. Chantal Tie: I am not sure. I don't know the answer to that. I think you'd probably have to ask a group like NWAC.

[Translation]

Mrs. Maria Mourani: I'm talking about data compiled by the RCMP.

Thank you.

[English]

The Chair: Mr. Stanton.

Mr. Bruce Stanton: Thank you for your presentation today. It is very insightful, albeit I realize that you had to get through it very quickly.

There are a couple of things I want to ask you about. The first is on the source of this phenomenon—human trafficking. You mentioned, certainly, the critical issues around economic disadvantage, the vulnerability of women. We've discussed in this committee trying to keep it within the Canadian example, realizing that it is impossible in Canada to try to effect some kind of change in terms of economic disadvantage in other parts of the world.

However, we have not seen any evidence or any testimony that would suggest.... We recognize that there will always likely be, as long as we have society, people who will want to seek economic advantage. They'll want to be mobile so they can take advantage of economic and/or job opportunities in other parts of the world, and we'll deal with a level of vulnerability in our society.

Having said that, we have seen no evidence to suggest that while these people will, regrettably, more than the average, fall into becoming victims of this.... In fact, the source of this phenomenon is really the demand for it. In other words, we have had no real evidence to suggest that even if economic disadvantage was completely cured, as whimsical and as noble as that might be, it would take away the demand for prostitution or sexual slavery, which ultimately exists to feed a certain demand within society.

Could you comment on that?

Mrs. Chantal Tie: I would like to say a few things.

What you want to do is eliminate the criminal and exploitive parts of it, the human rights violations parts of it. I think that's what I was getting at when I said that the increased focus on criminalization doesn't address that issue, which is the exploitive nature of it and all the associated criminal aspects that adhere to all these problems.

When you're talking about the problem, one of the difficulties we have is that there are very few legitimate routes of migration for women into this country. Many women don't qualify under the skilled worker point system, particularly if they come from countries where women are significantly disadvantaged. They are not going to have the higher education; they are not going to have the skills to qualify. They have only a very limited ability to migrate under the domestic worker program, which has its own problems with potential forced labour, isolation of the women, and the live-in requirement—which we've been advocating be removed for many years.

So you're right. You're saying that the demand will continue to be there. But there are things that can be done to reduce demand. One is to make it entirely socially unacceptable. One is to remove all the criminal activity that surrounds the demand. Partly, you do that by removing the criminal stigma from it.

• (1230)

Mr. Bruce Stanton: I'm working on a timetable here, so I'll try to get to my next question. Thank you very much for that.

You talked about the criminalization of the victims as being one of the crucial issues here, and the concentration on law enforcement from that point of view. We've heard from several witnesses,

particularly from the law enforcement community but also from community groups, who almost say the opposite.

The law enforcement people from Vancouver and Toronto clearly put an emphasis on ensuring that the victims of human trafficking are not treated as criminals. Instead they are protected by putting them in safe houses and getting them immigration status, even on a temporary basis. That's a whole other discussion we're having. But ultimately, the community and the law enforcement agencies that deal with these victims are purposeful in not treating them as criminals. That seems to contrast with your message today. Could you comment on that?

Mrs. Chantal Tie: That's certainly not the message we've received from the settlement agencies in all of our national consultations. One of the difficulties we have is that some of these women may be picked up first by immigration officials, not law enforcement officials. I agree with you that where it's in the interests of the prosecution, they will be sheltered and protected. If they are too afraid or unwilling to testify and assist in the prosecution, they can be deported quite quickly, and that's a problem.

Historically, the response of Immigration was to detain and remove them as illegal immigrants participating in illegal activities here in Canada. The Immigration perspective was not that they were victims of human rights violations. These women are dealt with by the enforcement division, which is now the CBSA. They are not dealt with by the section of Immigration that deals with humanitarian and compassionate applications. So there are two different mindsets, two very different priorities. CBSA is concerned with removals, and that's what they do.

Mr. Bruce Stanton: You know then that CBSA is acting to remove. We've heard some testimony here that there is an effort to try to make sure that status is upheld and services are there to try to make sure there's a transition point at which the ultimate needs of the victims...because they are victims of these crimes; they're not criminalized at all. We want to get at the perpetrators too—I can see a valued point in our ability to be able to get at the perpetrators—even to the point where we've heard that our prosecutions won't put these victims on the stand. They don't even need to give testimony.

The Chair: Could we get a quick response to a very complicated question?

• (1235)

Mrs. Chantal Tie: I'm not denying that efforts are being made; I'm just saying they do not go far enough. Very important and appropriate players in all of this are the NGOs. They need to receive support because they are the groups the women will trust.

The Chair: Ms. Mathysen.

Mrs. Irene Mathysen (London—Fanshawe, NDP): Thank you very much.

Thank you so much for being here.

I have a number of questions. How much direct work does NAWL do each year with female victims of human trafficking? Do you have programs in this area? If so, could you describe them?

I'm also concerned that your funding is limited. You will receive funding up to September 2007, and I'm wondering how the work you do will be affected by the loss of that funding after that date.

Mrs. Chantal Tie: My colleague actually works for NAWL. I'm a volunteer with NAWL and I work on immigration issues for NAWL as part of the immigration working group. I know that NAWL is always scrambling for resources. Even though we draw upon tremendous volunteer resources like me and many other women, both lawyers and non-lawyers, we're always struggling to keep going. So I'm sure it will have an impact, if that's what you're asking me.

We have not done any direct work with victims of trafficking. I've participated in all of the consultations that the Canadian Council for Refugees has organized and we're really monitoring the situation. Our mandate is not to provide services but to do law reform work. So we look at taking on-the-ground experiences and trying to transform them into legislative changes that will make a difference.

Mrs. Irene Mathysen: Perhaps then we could look at the legislative changes and the work you do with the court challenges program. Does this program help victims of human trafficking, and what does the loss of this program mean to finding justice for women in Canada?

Mrs. Chantal Tie: I'm the immediate past chair of the court challenges program. I just finished my mandate. If you're interested in the court challenges program, I think it's a tremendous blow to the ability of women to participate in a judicial system where many of these issues would be resolved.

The Chair: You still have time.

Mrs. Irene Mathysen: Okay, thank you.

You said that the victims of trafficking would be better served by the government focusing the majority of its resources on victim services, rather than on prosecution. How large or small a part of the government's trafficking prevention program should prosecution take, in order to really serve the victims' needs? What's the ratio there?

Mrs. Chantal Tie: I really can't answer that. It's threefold. There need to be adequate resources for protection, prosecution, and prevention.

The Palermo declaration recognizes the three approaches, although it places significantly less emphasis in the two articles on prevention and protection than it does on prosecution. It really is about transnational crime, and that's the emphasis in Palermo.

I think this has been reflected in the efforts of the Canadian government, which has made some significant strides in recent years on the prosecution end. What we're saying is it's time to catch up with the prevention and protection mandates in the protocol, which we've signed.

The Chair: You still have a few minutes.

Mrs. Irene Mathysen: Okay.

This morning the House is debating—I guess it must be almost finished by now—a motion to act on the 2004 task force report on pay equity. There's some resistance. We would like to see a proactive pay equity law in place, and we have received support from the government only for the status quo, the complaints-based system.

Would a proactive pay equity act help to prevent trafficking of women, help women who are trafficked in terms of their ability to access the income, the economic security, which they need?

• (1240)

Mrs. Chantal Tie: NAWL has always supported pay equity. That's one of the positions that NAWL has always taken. Pay equity is a very important part of ensuring women's equality.

When we are talking about trafficking, we're talking about women who are working illegally in the country in many cases, or on visas in an area that would probably not be protected by pay equity, in any event.

Mrs. Irene Mathysen: We've heard some testimony that because of their lack of economic security, domestically women are being drawn in and abused in the same way that offshore women are being abused.

Mrs. Chantal Tie: It's possible. I'd have to think about the link. In a broader sense, obviously pay equity is a very important piece for women's equality, and trafficking is based on women's equality. I suppose there's a connection, but I hadn't thought precisely about what it was until you asked the question.

Mrs. Irene Mathysen: Thank you. I appreciate that.

The Chair: Thank you.

We are starting the five-minute round. Ms. Neville, and then Ms. Davidson.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Thank you very much, Madam Chair.

Thank you for what was a superb presentation. You gave me some remarkable insights in terms of the Department of Citizenship and Immigration and some of the barriers and flaws, the difficulties.

My first question is, do you have any other recommendations relating to Citizenship and Immigration that we as a committee should put forward? I'd be interested to know this.

How do you see the communications among Citizenship and Immigration, the other law enforcement organizations, and the NGOs? You talk about the need for protection in human rights. Is the communication adequate, and are they doing what they should?

That's my first line of questioning, and if you have time, I'd appreciate any further comments on Canada as a source country. You referenced aboriginal women. Do you have anything to add to that?

Mrs. Chantal Tie: I'll just start with the last question about the aboriginal women. One of the issues that arose from our national consultations was the prevalence of aboriginal women being trafficked within Canada, and we need to actually look at that. It's not just foreign women coming in. I'm not sure there's any definitive research done in that area, which again I think is problematic. So one area that Status of Women would need to look at is doing some research into the problem of the forced enslavement, basically, of aboriginal women.

My understanding is that they are driven into it by poverty and conditions on the reserve, sometimes by conditions of abuse. They are then sold throughout Canada. Basically their handlers start them in Vancouver. They work for them there for awhile, then they're sold to someone in Winnipeg and then to someone in Toronto, and so on down the line as they get moved around the country. This is an extremely vulnerable population of women—extremely vulnerable—and these are Canadian women.

So the point we'd like to make today is that this is not just women who are being brought into the country. There's a significant movement, and it does appear to be connected to gangs and organized crime within Canada, and there are aboriginal gangs as well, as was pointed out. They have a role in the use of aboriginal women and girls as prostitutes.

In terms of the cooperation, there is the interdepartmental working group, which, as we understand it, has now been given much more permanent status. It has been working on many of these issues and has been able to have significant NGO input. So we fully support the work of that group and hope it continues to have both a permanent status and to have NGO input into it.

I think the point we make is that the NGOs have the front-line experience, they have the access to the clients, and they are best positioned to provide assistance. Their voice needs to be heard in those groups, and so far that appears to be happening. Things move slowly, though. We're never entirely happy with how things move.

• (1245)

Hon. Anita Neville: We've been advised that only one individual has taken advantage of the opportunity through Citizenship and Immigration. Based on what you know, is that because of the structural impediments in Citizenship and Immigration, as you understand them?

Mrs. Chantal Tie: Yes. I think it raises, certainly in my mind, a number of flags. Unfortunately, the department is in possession of the answers to the questions and all I can do is pose the questions.

We need to ask clearly how widely known the availability of the visa is. We need to know whether women are specifically counselled when they are rounded up by the police. Have the police received adequate training on the availability? What strings are attached to the visa? How many women have applied and been refused the visa? We need to know what other supports are being provided with the visa to assist the women. I don't think the one visa that's been issued has yet expired—I think we're still within the three-month period since its issuance—so what we don't know is what the provisions for long-term protection are for those women.

So a three-month visa is fine. It's important—a period of reflection for the woman to make some decisions, to begin her recovery—but we need to know whether in fact it will or could lead to some type of long-term status. As I said, the current mechanisms within Immigration are inadequate to deal with the kinds of problems that are presented by trafficked women.

When you submit H and C applications in Ottawa now, they are taking three years to be processed. The resources are just simply not there. You have no protection. So your three-month visa runs out and you still don't have your H and C application processed. What

happens? Are you removed? There's no stay available. The Federal Court will not issue stays in most cases, and you can't get to the Federal Court without legal access to counsel.

So there are significant problems. I would say the fact that only one visa has been issued is probably indicative of a problem, but the department needs to answer some specific questions related to the visas.

The Chair: Thank you, Ms. Tie.

Ms. Davidson, go ahead, please.

Mrs. Patricia Davidson: Thank you very much, and thank you, Ms. Tie, for your presentation. I certainly enjoyed it.

I was very interested in hearing you say you felt it was a multi-dimensional problem, because I think we've heard that over and over again with the witnesses who have come before this committee. Certainly, I was very interested—and I know others were as well—to hear your comments on protection and assistance and not just on enforcement issues. Those are all things that I think we've been hearing about over and over again.

I know you commented on the cuts to the Status of Women group. I know you'll be pleased that those are administrative cuts and that this government wants to see those dollars go directly to the organizations that have a direct impact on helping women, not to the organizations whose sole purpose is to lobby government for more dollars. I think we're all on the same wavelength. We want to do what we can to help women, and that's where those dollars are going to go.

I have one question for you, and I know you've had a lot of experience in this and you've looked at a lot of different areas. Is there any one area where there are sound models of legislation or programs to combat human trafficking, either in Canada or somewhere that we could look at as a model? I'm not sure whether we've heard there are other jurisdictions that have anything specific in place that we could use to start our process of recommendation.

Mrs. Chantal Tie: There are a number of jurisdictions that have moved, specifically in light of the signing of the Palermo Protocol, to protect victims. I know the United States has legislation; Italy has legislation; and the Council of Europe also has, and in fact I think I have a copy of their legislation here.

Some of those pieces of legislation are contingent upon cooperation and prosecutions. They're very directly tied; some of them are not. Sweden has legislation as well, but I'm not personally familiar with the Swedish legislation. Those are three jurisdictions you can look at.

I know the U.S. has successfully used their legislation to combat some of the trafficking and illegal migrant farm workers who've been sold into virtual slavery working on tomato farms in Florida and various other places. One of the features is that it does lead to permanent status in the United States and protection during the prosecution.

It has been a very effective enforcement tool, I should say, so these things don't have to be mutually exclusive. Providing for and looking after victims assists them to come forward and help you if that is their choice. My only concern is that protection and health not be dependent upon cooperation.

I say that because there's significant evidence that traffickers exert pressure and coercive pressure upon families in the source countries, which makes the trafficked people extremely vulnerable once they arrive here, and it makes prosecution virtually impossible for them unless it's at serious risk to their family back home. I think we need to recognize that and not place victims in a position in which they're being forced to betray their own family in order to get at their traffickers.

●(1250)

Mrs. Patricia Davidson: I'll share my time with Mr. Tilson.

The Chair: Go ahead, please, Mr. Tilson.

Mr. David Tilson: Thank you.

I was interested in your suggestion about emphasizing the prosecution of the person who is doing the trafficking, who is forcing women—and I suppose young men, for that matter—into prostitution.

I'm not too sure what that meant. Are you suggesting a new defence for women who have been forced into prostitution for the many different reasons you've talked about and that members of the committee have talked about? You're not suggesting that?

Mrs. Chantal Tie: No, not at all. I'm saying they shouldn't be prosecuted. They shouldn't be charged. They shouldn't need a new kind of defence. You shouldn't charge them. They're victims.

Mr. David Tilson: So they shouldn't be charged at all.

Mrs. Chantal Tie: That's right. Don't prosecute.

Mr. David Tilson: My question then would lead to the fact that might that lead to an abuse of where a woman or a young man has voluntarily gone into the sex trade?

Mrs. Chantal Tie: Well, there....

Mr. David Tilson: Your suggestion is commendable, but it needs to be looked at. My concern would be that there are young women and young men who voluntarily go into the sex trade.

Mrs. Chantal Tie: Yes. This is a difficult issue, the issue of women's agency and their right to make choices, and you're quite correct that there are movements, but I think the defining feature here is the coercion and the violence that accompany trafficking. So since we're talking about trafficking, not involvement in the sex trade per se, trafficking in and of itself by definition involves violence and coercion. So the minute there's violence and coercion, we're not talking about voluntary involvement in the sex trade.

Mr. David Tilson: I just wanted to raise that issue as a concern, that it might lead to abuse.

Do I have time for one more quick question?

The Chair: Two seconds, if you can throw something out there very quickly.

Mr. David Tilson: My concern is about your comments about the armed forces. I think you mentioned the United Nations armed

forces. Are you suggesting that the Canadian Armed Forces are getting involved in the sex trade where Canadian Forces have been? Are you making that suggestion?

Mrs. Chantal Tie: No. What I said is that we need to carefully review our policies and protocols. We need to ensure that people are reported and that they have a mechanism to report. We need to ensure that we have adequate training. I'm making no allegations about what's going on currently. I'm just saying we have an obligation to ensure that if it is going on, it's detected and it's prosecuted, and that there's adequate education going on.

●(1255)

The Chair: On behalf of the committee, thank you so very much, Ms. Tie, for an excellent presentation. We very much appreciated your contribution as we move forward.

I would just remind our committee members, on the witness issue that had to do with Ms. Stronach's motion, if you can supply the clerk with suggestions for those meetings, we will have some possible dates at our Thursday meeting and start to come up with some witnesses. So anyone who has witness suggestions, would you please give them to the clerk as quickly as possible so that we can do whatever work is necessary and see if we can get that tied up as well before the Christmas break?

Ms. Mourani.

[*Translation*]

Mrs. Maria Mourani: Madam Chair, in light of the testimony that the committee has just heard, I would like us to obtain either an electronic or paper copy of the report on Bosnia, or of any related report. It makes no difference if they were produced by research centres somewhere in the world or by some NGOs that may have produced reports on human trafficking in times of war. This type of information would give us a better grasp of the issue of trafficking in Aboriginal and non-Aboriginal women and children. Is there no research whatsoever available on this subject?

Ms. Lyne Casavant (Committee Researcher): Not to my knowledge. The report, which discusses the subject at some length, implies that this is a very real phenomenon, but no actual research exists.

Mrs. Maria Mourani: None at all?

Ms. Lyne Casavant: Not to my knowledge. We can continue to look into this.

Mrs. Maria Mourani: Madam Chair, in light of the testimony given, I would like us to take into account human trafficking in wartime in our report. I'd like us to focus on this question. We could go as far back as the war in Vietnam or in Cambodia. There have been a number of Asian conflicts, most notably the one in Thailand. It would be good to have an idea of the human trafficking problem back then. I don't know if any studies have been done showing a link between past and current conflicts, in terms of human trafficking.

[*English*]

The Chair: I would just add, though, Ms. Mourani, that we had decided as a group when we were going specifically into the issue of human trafficking via sexual exploitation that we were going to focus on what was going on within the confines of Canada. Would you like to add something to that? It's such a broad issue.

[*Translation*]

Ms. Lyne Casavant: I simply wanted to mention that researchers were really drawn to the subject of human trafficking during the 1980s. It would be difficult to find earlier studies covering this topic. However, studies have been done on prostitution in wartime. We could obtain copies of some of them for information purposes.

Mrs. Maria Mourani: Madam Chair, you are quite right. We did decide to look at human trafficking in the Canadian context. However, we mustn't forget that trafficking in Canada is tied to the international picture. We can't discount the fact that young girls come from and are sent to other countries. Trafficking is a global problem.

[*English*]

The Chair: Exactly.

All right. Since there is no further business, we will adjourn. We will get together on Thursday morning at eleven o'clock.

Thank you all very much. The meeting is adjourned.

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