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The Honourable Judy Sgro

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• (1110)

[English]

The Chair (Hon. Judy Sgro (York West, Lib.)): I'd like to call the meeting to order. This is meeting number 27 of the Standing Committee on the Status of Women.

I welcome our committee members and our witnesses this morning. As you know, we've been doing a very important study on human trafficking. We thank you for your participation today and look forward to hearing from you.

We have witnesses from the Federation of Sisters of St. Joseph of Canada. Joan Atkinson is a co-director and Sue Wilson is also a co-director. Welcome.

From International Justice Mission Canada, we have Jamie McIntosh, who is the executive director, and one of his associates, Hiroko Sawai. I apologize if I didn't pronounce the name properly.

We also have, from the Canadian Feminist Alliance for International Action, Gunilla Ekberg, researcher on trafficking in human beings. Welcome.

If you could keep your remarks to ten minutes, that would give the committee an opportunity, after everyone has presented, to go through a question and answer period.

Mr. McIntosh, would you like to begin?

[Translation]

Mr. Jamie McIntosh (Executive Director, International Justice Mission Canada): Thank you for asking me to testify before the Committee today. My name is Jamie McIntosh and I am the Executive Director of International Justice Mission Canada.

[English]

In its myriad forms, human trafficking is an egregious assault on human rights, human dignity, and human freedom. One current manifestation is forced labour slavery, where women, men, and children are frequently held in exploitive and brutal conditions from which they might never be released.

During a typical IJM investigation a few years ago, I encountered a young woman who was forced to crush rocks with a small sledgehammer for 12 hours a day, each day, in the blazing South Asian sun. Her slave masters cared not that, at the time, she was about eight months pregnant. Thanks in part to cooperative local officials and a contingent of British, American, and Canadian lawyers—one of whom is in the room with us today—who volunteered their expertise, we were able to successfully assist in

an intervention that resulted in her immediate release, along with the release of 37 others, leading to the start of a new life for them.

According to credible estimates, this one woman's daily experience is suggestive of the plight of 27 million others who are held in present-day slavery. Shockingly, that figure represents about 10,000 more souls than were extracted from Africa in 400 years of the transatlantic slave trade.

On a recent visit to Africa, Governor General Michaëlle Jean reflected on the horrors of the enslavement of her ancestors. She said:

This doesn't concern just the descendants of slaves. There are still children who are enslaved. I know that slavery is still a reality today.

In fact, as brutal as forced labour slavery is—and it is brutal indeed—sexual slavery is perhaps even more horrific. One young woman who I have been privileged to meet had been held as a slave in a brick kiln until one day, at the age of 14, she courageously fled her situation in pursuit of a better life. She got farther than most. She made it to a train station, where four kindly women befriended her and offered her some tea. The tea had been laced with a drug, and this young woman found herself coming to, a few days later, in what turned out to be a brothel, where she was beaten with plastic pipes, whipped with electrical cords, burned with cigarettes, and forced to give service to between 15 and 25 men each and every day. This hellish nightmare went on for a period of about three years, until, by the grace of God, IJM investigators were able to find her in that situation and mobilize an effective operation to secure her release from her captors, who tormented her day after day. Sadly, this beautiful young woman was one of the estimated 10 million women and girls who are held against their will, trafficked into sexual slavery, whose lot in life is, simply put, to be serially raped for profit.

International Justice Mission is a human rights organization that rescues victims like these two women, victims of violence, sexual exploitation, slavery, and oppression. We serve in an overseas context where local authorities cannot always be relied upon for relief. IJM provides a direct operational field response to individual cases of abuse by conducting professional investigations to document the abuse and mobilizing intervention efforts on behalf of the individual victims. These cases are referred to us by the relief and development communities serving amongst the poor overseas who witness the abuses but are powerless to intervene.

IJM has field offices in 13 countries in South Asia where slavery is prevalent: in Africa; Latin America; and Southeast Asia, including countries like Thailand, Cambodia, and the Philippines, where sex trafficking today is a pronounced reality.

Since 1997, IJM agents have spent thousands of hours infiltrating human trafficking operations and working carefully with government authorities around the world to bring rescue to the victims and accountability to the perpetrators.

Such international cooperation can lead to effective action. In 2003, for example, IJM conducted a three-week undercover operation in the Cambodian village of Svay Pak, just outside of Phnom Penh. We identified 45 children under the age of 15 who were being offered for sexual exploitation, often to foreign sex tourists, including, sadly, Canadians.

Thankfully, Canadians are also helping to combat this form of violent sexual abuse and exploitation. On March 29, culminating from this investigation, in an operation conducted jointly with the Cambodian National Police, 37 girls were rescued from the brothels, including nine who were between the ages of 5 and 10. Toronto resident and former UN police officer, Jasper Ayelazuno, who is with us today, provided logistical support on this particular operation. This led to 13 arrests and 6 convictions, including a 20-year prison sentence for the brothel keeper.

IJM has since developed an ongoing relationship with the authorities in Cambodia, providing training to police officers in investigative techniques and in conducting raids in sex trafficking situations. Staff Sergeant Joanne Verbeek of the Toronto Police Service has provided invaluable assistance in these initiatives over the past two years through volunteer deployments.

Our collaboration with Cambodian authorities has, in the past two and a half years, led to the rescue of 147 individual victims of commercial sexual exploitation, and 59 arrests of perpetrators, of whom 34 were convicted of their crimes. Through this type of direct field experience, IJM is gaining, I believe, some precise insights about the nature of the problem, along with some lessons about concrete steps that actually prove effective in combatting human trafficking.

We would like to comment on what we perceive as some of the greatest needs in Canada's efforts to combat trafficking. The four areas—and we will only highlight the first one in the interest of time—are enforcement, education and training, domestic awareness, and the development of a national action plan.

Enforcement. We believe that the greatest single gap in Canadian and international efforts in combatting trafficking is in the enforcement of existing laws. Our anti-trafficking laws need to be vigorously enforced to provide any real protection for the victims. In fact, traffickers are deterred only when the force of law adds sufficient risk of criminal sanctions to their cost calculation. Simply put, they only view these young women and girls as commodities to be trafficked for their own profit, and they will exploit them no matter to what extent, as long as they feel they can get away with it at the end of the day. Unless they feel the weight of the law, unless traffickers are arrested, prosecuted, convicted, and sentenced, they will not be deterred.

Canada's efforts to combat trafficking cannot be focused only on those trafficking cases that find their way into Canada, and I think this is an important understanding that we need to grasp. According to RCMP figures, an estimated 600 to 800 victims are trafficked into Canada annually, and another 1,500 to 2,200 are trafficked through Canada into the United States, whereas there are some 700,000 trafficking victims worldwide, according to the UN. It's like comparing a teaspoon to a tsunami.

Canada can only effectively fight human trafficking by disrupting the global networks that bring the victims and the perpetrators into Canada, and to do so we must understand the counter-trafficking challenges in the countries where the victims are trafficked.

Without resources dedicated to assist in international investigations, Canadian law enforcement is not adequately positioned to ensure actual enforcement of existing extraterritorial laws that pertain to Canadian offenders abroad. A strategic redeployment of resources is necessary for Canada to assist developing nations in confronting the global scourge of human trafficking.

For instance, Canada's provisions on sex tourism had been in force for eight years before a single conviction was obtained: it was still open season on these children. This was not due to the lack of professionalism or dedication by Canadian law enforcement, but rather a natural consequence of the lack of forward deployment of dedicated investigators to counter Canadians engaged in the heinous criminal sexual exploitation of children abroad.

The only conviction to date under these provisions is that of Donald Bakker. In that particular case, Vancouver police investigators engaged in a collaborative effort with IJM to piece together the elements of Donald Bakker's crimes against trafficked children in Cambodia, little prepubescent girls who he was torturing while videotaping himself doing this to these girls. Without the evidence IJM had gathered in counter-trafficking operations in Svay Pak, the Vancouver Police Department has stated that it would have been extremely difficult to have established a case against Bakker. In all likelihood, his crimes against children would have gone simply uncharged.

What good are the laws that exist on the books if they aren't enforced for the most vulnerable in our society, these girls who are trafficked into these situations? Of course, without the Canadian authorities' exemplary efforts to hold Bakker accountable, IJM would not have had the ability to provide for his prosecution.

IJM's experience in the field demonstrates that sex trafficking is the ugliest and most disturbing, but also the most preventable, human-instigated disaster in our world today. The simple fact of the matter is this: sex trafficking only flourishes where it is tolerated by local law enforcement. The business of sex trafficking requires that perpetrators commit multiple offences of abduction, rape, assault, and false imprisonment, and that they do this openly, offering the victims to the public so that the customers can find them. If the customers can find them, the law enforcement can find them. But if they're being cut into the profits, they have no impetus to secure effective operations to ensure the detention of the perpetrators. Therefore, it can be shut down wherever there is the political will combined with the operational resources to do so.

• (1115)

This fundamental vulnerability underscores the critical importance of strengthening law enforcement efforts that lead to the successful prosecution and conviction of sex trafficking offenders, both in Canada and overseas.

I conclude with a final thought and story. Governor General Michaëlle Jean has just reminded us, when it comes to the present realities of slavery, that indifference is guilt. Indifference is a killer. These girls are trafficked and they're infected with HIV/AIDS because we're not getting there to help them. She continues, "Not only would we betray the people still living in those conditions...we would also be betraying ourselves".

To shake us from any lingering complacency, I would like to conclude our time with a simple request. It comes from the courageous young woman whose story of sexual slavery I introduced you to earlier. What I didn't mention to you is that on her own initiative and at great risk to her own personal safety, she offered to lead us to other brothels where she knew girls were still being held and violated night after night. Some of the girls she led us to were literally held in brothels, in dungeons underground, held captive against their will. While we were able to rescue several other girls, who then led us to other girls whom we were able to release, some of her friends were nowhere to be found. Presumably, they had been moved to another location by the traffickers. When our time together was drawing to a close, this young woman urged me to share her story with Canadians, that they might use their influence and resources to set free other girls like her, perhaps even her missing friends. She implored me to ask us to do whatever we can.

This young woman cannot be here today. I'm a poor substitute, but I'm asking you on her behalf, on behalf of the some 10 million other girls and women like her, I'm asking you, the House of Commons and the entire country, to do whatever you can to rescue them. Thank you. *Merci.*

• (1120)

The Chair: Thank you very much.

We'll hear now from Ms. Atkinson for the Federation of Sisters of St. Joseph of Canada.

Ms. Sue Wilson (Co-director, Office of Systemic Justice, Federation of Sisters of St. Joseph of Canada): I will actually be going first, if that is all right, Madam Chair.

This is good timing. Jamie has given us the big picture on a global scale, and we're going to focus in more tightly on details of what's happening in Canada.

Joan and I work together at a justice office for the Federation of Sisters of St. Joseph of Canada, and we're also members of a local anti-trafficking group in the London area. We're here today because members of our anti-trafficking group have accompanied trafficking survivors as they seek to free themselves from exploitation. In the process, we've learned a great deal about the strengths and weaknesses of the current temporary resident permit for trafficked persons.

I'll begin by speaking about some of the recommendations we have for the TRP, as well as the interview process that accompanies it.

One of the trafficking survivors whom we've accompanied is the only person in Canada to have received the TRP as a trafficked person. This permit is important in terms of its capacity to give quick status and recognition to trafficking survivors. However, when trafficking survivors take the risk to come forward, they need to know that the resources and supports are in place that will allow them to extricate themselves from the exploitation in which they've been living and working.

Currently these resources and supports are not in place. At an absolute minimum, this means that the initial TRP has to be for at least six months so that the survivor can get an open work permit. Without this open work permit, it's impossible to remove oneself from exploitation. Consider the experience of the woman who received the TRP. When she told the CIC officer that she needed to work, he told her that his only option was to renew her exotic dancing visa, an option that left her extremely vulnerable to continued exploitation.

Furthermore, without this minimal protection, most trafficking survivors who are still in trafficking situations are simply too afraid to apply for the TRP. It does not seem realistic to them that they will be able to remove themselves from the exploitation in which they live and work and to do so in a way that protects their well-being as well as their family in their country of origin.

We consider other TRP supports such as language and job training to be critical because we are assuming that most trafficking survivors will need to make a transition to mainstream Canadian life. Obviously, if a survivor wishes to return to her country of origin, that option needs to be supported. However, the reality is, given the strong social stigma that trafficking survivors experience in their country of origin if they return, it's often not possible for a survivor to make a successful transition back to the home country. Another problem with return is the ongoing debt with which they will likely be burdened. For most trafficking survivors, a return to the country of origin would mean ongoing persecution, danger, and exploitation.

I'd like to make one more point about the interview process. As we've accompanied trafficking survivors to their interviews, we've experienced firsthand how important it is for trafficking survivors to be accompanied by a support person who understands the issues connected with human trafficking and who is able to help them organize their story in preparation for their interview with CIC. If a CIC official simply asks a trafficking survivor if they were controlled in their work situation, the survivor may not even understand the nuances of the word as it relates to her situation of work. It's important to have someone who can deconstruct the nuanced language.

Let me give you an example. When a member of our anti-trafficking group initially talked to the person who received the TRP, she said she was not controlled by anyone in her original work situation. However, as the survivor went on to describe the conditions of her work, the aspect of control was very obvious. In her country of origin she was misinformed about the nature of the work in the exotic dancing bar as well as the amount of pay she would receive. In Canada, the local agent took her return plane ticket from her. She had to sign over her cheque to the bar owner. She had to live at the bar where she worked and pay her rent from tips she received from clients. Her rent cost more than that of other people who were staying in the building. She was plied with alcohol to get her to perform tasks that she found humiliating. And she was punished for trying to get a change in work shift; she was sent to another, rougher bar where there were a lot of drugs.

• (1125)

With these details, it became clear to the member of the anti-trafficking group that this woman had indeed been controlled by traffickers.

To us, this indicates the need for pre-submission assistance from a support person who can help the trafficking survivor organize her story and who can recognize the elements of her story that correspond with trafficking patterns. In our view, such support would best be achieved by developing strong paths of cooperation between CIC, the RCMP, and local anti-trafficking groups.

Now I'll ask Joan to identify some areas that we think are in need of further clarity.

Ms. Joan Atkinson (Co-director, Office for Systemic Justice, Federation of Sisters of St. Joseph of Canada): Thank you.

I'd like to focus my remarks first on the need for clear expectations in the application process for the temporary resident permit, and secondly, very briefly speak to some areas where Canada can help in the prevention of human trafficking.

When a woman comes forward to identify herself as trafficked, it needs to be made clear that she will not be criminalized in the interview process: for example, should she identify that she told a lie when she applied for the visa into Canada, that it be understood by CIC that this person was probably already under the control and manipulation of traffickers.

It also needs to be made clear in the process that the trafficking survivor will not be required to testify against the traffickers in a court of law if they do not feel able to do so. While it's certainly desirable to prosecute the traffickers, and we would continue to

encourage efforts around that, this must not be the condition of receiving a temporary resident permit, an extended temporary resident permit, or even permanent residency in the long run.

In addition, clarity is crucial in the existing definition of trafficking and its basis for the decision-making process, so that people can be properly advised to apply or not to apply for a temporary resident permit. In the case of one woman who was applying, the CIC officer suggested she would probably not receive the TRP because she had gone back to her country of origin only to renew the exotic dance visa. This seems to be moving off the existing definition to other issues, ignoring the original circumstances that brought her to Canada.

Finally, in order to ensure that the human rights of each possible survivor have been protected, it's necessary to have a vehicle to address any concerns about how the merits of a case have been assessed. Such an important process should not be dependent upon the luck of the draw in getting a CIC official who is well trained and sensitive to the problems encountered by trafficking survivors. Yet we know that CIC officials and many RCMP officers have had little or no training about how to deal with cases of human trafficking.

Also, if a judgment of the CIC official rules against granting a TRP, we have been told there is a provision for an appeal but no funding to accompany it. Therefore, we would recommend a fully funded appeal process that would help to ensure the original process does what it's intended to do, protect the human rights of trafficking survivors and to help the trafficking survivor make the transition to mainstream Canadian life, if that is what she wishes to do.

Around the area of prevention, we believe more can be done at Canadian embassies overseas during the interview process for exotic dancing visas. Currently, the interview includes a question: "Are you aware that you will have to do a strip act with nudity involved?"

We suggest some additional questions be added to this interview, such as: "Are you aware that the exotic dancers are paid very poorly in Canada, an amount that would not be sufficient to pay for rent or food?" and "Are you aware that in order to make enough money to meet expenses, you will be required to take customers to a back room—often called a VIP lounge—where you will likely be subject to intimate physical contact with the customer, and the more intimate the contact, the higher the financial return?"

Also, embassy officials should be alerted that many women applying for exotic dancing visas are already under the control of traffickers and that this should be taken into account in the interview process.

• (1130)

Finally, we would like to see Canada do more, in a very active way, and take a leadership role to address poverty as the root cause. Trafficking exists because criminal groups see an opportunity to use people whose poverty puts them in often desperate situations. People would not take the risks they do if they had other options to provide for themselves, their children, or their families. Therefore, it's critical to understand poverty as the root cause of trafficking in persons. We also know that poverty is a women's issue and that most victims of trafficking are women. Canada, by signing on to the Palermo Protocol, understood this and must do more to address poverty.

In the brief we submitted—we're assuming you all received it—we have identified some areas where Canada can make a difference in poverty, beyond a committee like this, by negotiating fair trade agreements, increasing foreign aid to poorer countries, and cancelling the debt of the poorest countries, where often trafficking numbers are highest.

We appreciate this effort, and we welcome any questions we may engage afterwards. Thank you.

• (1135)

The Chair: Rest assured there will be many.

We'll go to Ms. Ekberg.

Ms. Gunilla Ekberg (Researcher on Trafficking in Human Beings, Canadian Feminist Alliance for International Action): I'm delighted to be here today. Hello to everybody.

I really welcome the opportunity to address the standing committee. I have been asked by the Canadian Feminist Alliance for International Action to be a resource to the committee on the international situation with respect to trafficking in persons, despite the fact that the organization, at this point, has yet to take a position on how to deal with these issues.

I have until recently been the special adviser to the Swedish government on human trafficking, and as such have acted internationally in the EU and in other regional organizations.

Today I will focus specifically on trafficking in persons for sexual purposes, but I'd be happy to take questions on other forms of trafficking should the members so wish. I can also answer questions in French,

[*Translation*]

if someone wishes to address me in French.

[*English*]

Every year, there are estimates of numbers of victims of trafficking going from somewhere between 700,000 individuals to 4 million. It is difficult to estimate, but what we do know is that the majority of the victims are women and girls, and the majority of those victims are recruited, transported, marketed, and purchased by individual buyers, procurers, traffickers, and members of organized crime networks, within countries and across national borders, for the specific purpose of sexual exploitation in the prostitution industry. Of course, trafficking takes place for other purposes as well. Women and girls are sold into domestic servitude and are trafficked as a result of forced marriages or for the purpose of forced marriages. We also know that in situations of armed conflict, national disasters, and social and economic crises, women are doubly victimized by traffickers and those who profit and derive pleasure from their sexual victimization.

We have to keep in mind that trafficking in persons for sexual purposes is a gender-specific crime and a serious barrier to gender equality. In order to succeed in our efforts to counter trafficking in human beings, we must recognize that full gender equality and equal participation of women and men in all fields of society cannot be brought about as long as some women and children, mostly girls, are victims of trafficking in human beings for sexual purposes.

Following the international human rights instruments of the past fifty years, including the CEDAW and the UN Convention on the Rights of the Child, we must discuss trafficking in human beings for sexual purposes in the context of sexual slavery and as incompatible with the dignity and worth of the human person. We must recognize it as a crime, and we have to see it as a serious impairment to women's rights to obtain full citizenship and live life without violence.

It is essential to understand that there is a link between prostitution locally and trafficking in persons for sexual purposes nationally and globally. One of the most important prerequisites for trafficking in human beings for sexual purposes is the existence of local prostitution markets, where men are able and willing to purchase women and children for sexual exploitation and the production of pornography. These markets are easily expandable, and there is always room for the traffickers and procurers to create new demands.

The demands of the buyers also constantly shift and change. Those who frequent the brothels, the strip clubs, the licensed massage parlours, and the licensed escort agencies, as well as street corners across Canada and elsewhere, want unlimited access to a varied supply of women and girls from different countries, cultures, and background. This constant demand for new merchandise dictates the trade in women and girls. We know from the experience in Sweden that good prevention measures, adequate protection for and assistance to victims, vigilant enforcement of procuring and trafficking in legislation, as well as a prohibition on the purchase of sexual services function as deterrents for the establishment of traffickers and are necessary factors to eliminate these crimes.

Other reasons why women are vulnerable are, of course, poverty, the modernization of and ideas about the subordination of women and girls, as well as inadequate protection of their human rights. Women and girls who live under unequal and oppressive economic, social, legal, and political conditions in Canada, as well as in countries of origin, are particularly vulnerable to trafficking in human beings domestically or internationally. Traffickers, procurers, and buyers exploit to their advantage the fact that many women and girls who are victims of trafficking in human beings come from the most oppressed and vulnerable groups in society, are economically marginalized, and are often victims of prior male sexual violence.

The perpetrators also benefit greatly from the fact that women of colour and indigenous women face additional levels of violence and oppression because of racism. These women and girls are recruited for trafficking in human beings for sexual purposes specifically because of an absence of real, reasonable alternatives.

I have a number of recommendations that I'm going to go through for the committee. First of all, it is important to say that all legislation, policies, and anti-trafficking measures must be based on an understanding of gender equality in human rights, as has been expressed in the international obligations that Canada has signed onto under the UN protocol on trafficking, article 6 of the women's convention, and articles 34 and 35 of the children's convention.

• (1140)

I would argue that the present legislation in Canada on trafficking in persons lacks full protection of the victims, because in the United Nations protocol there is a paragraph included that states that you also have to look at the abuse of a person's vulnerability as an element of the trafficking in persons legislation, and ensure that all legislation is consistent with this. We know—and I know from experience, having worked on this for 15 years—that most victims these days are not directly forced or kidnapped. Most victims are in fact, in the context of trafficking, being abused because they are already vulnerable, either economically, through family ties, or for other reasons. This is not in the legislation. You will find, as many countries in Europe have found, that there are very few cases that can be prosecuted under the legislation unless you put that in. We know that from experience in Sweden.

I must also say I am quite horrified about the fact that the exotic dancer visa still exists. In 2000, I testified to the intergovernmental working group on trafficking human beings here in Canada, and I was particularly clear on telling the group that traffickers are business people. They will look at legal options to traffic women into countries. The exotic dancer visas have been used in Iceland, in Luxembourg, and in other countries. As soon as they have been allowed, we have seen an enormous increase in trafficking in human beings. Luxembourg removed their visas and immediately the trafficking of Russian women into the night clubs in Luxembourg ceased. We also know from Iceland that women who have been trafficked on exotic dancer visas into Iceland have been re-trafficked to Canada and vice versa. I urge the government to immediately cut this off—never again.

I also want to point out that the United Nations trafficking protocol does not cover only international trafficking; it also covers domestic trafficking. We know in Canada that girls, especially aboriginal women and girls, are trafficked across the country from one city to another. The pimps want to maximize their profit. That's why they traffic. And we need to note that. They are trafficked from the local prostitution markets to others, where men purchase them.

I think it's absolutely necessary, if you want to succeed in combatting prostitution and trafficking in human beings, that you decriminalize those who are the victims of these crimes, and that goes for women locally in prostitution or women who are trafficked into Canada and who are used in local prostitution. In this day and age, my friends, you are one of the few countries in which women are still criminalized in prostitution, and I think it's time to remove that measure.

Of course, it's important to implement prevention measures. I won't talk too much about that, other than to say that you need to do it from a gender equality point of departure, and you need to focus on the demand and discourage it. Otherwise you will not succeed. I'd

be happy to tell you more about what we have done in Sweden and in Scandinavia.

I think it's absolutely necessary to include in the Criminal Code the specific offence that criminalizes the demand for trafficking and prostitution, as we have done in Sweden. We know, because we have this legislation, that we have the fewest cases of trafficking human beings in the whole of Europe. It is functioning as a deterrent for traffickers, because traffickers want to make profits, and the profit is in the money bags of the buyers. If you make it difficult for the buyers, the traffickers will go elsewhere. I can tell you more about that later.

I think it's absolutely necessary to ensure effective implementation of legislation on trafficking and issues around it. So the procuring legislation and the bawdy house legislation need to be implemented. You also need to look much more closely at your legalized prostitution industry in Canada. I'm Canadian myself, but I'll pretend I'm Swedish today. Then I can be—I'm Canadian and Swedish. I have dual nationality.

We have seen, very clearly, that if you don't educate the law enforcement, the police, the judges, the prosecutors, and the immigration officials, not only on the legislation but to give them an understanding of the victims and where the victims come from, you won't succeed. And these women are going to be used.

• (1145)

I think it's necessary to conduct a Canada-wide investigation into the legal prostitution industry, and I mean the licensed escort agencies and massage parlours. Look in the yellow pages in Ottawa, and who will you see there? We know that escort services are the main place where women are trafficked. When you license them, you are in fact acting as a sort of pimp. We have seen that in other countries, where they have removed these licences, the trafficking of women, internally and externally, has diminished.

This is a suggestion I will give to you that I think is very good. It's also important to appoint and adequately fund an independent national rapporteur on trafficking in human beings, with the mandate to investigate the situation of trafficking in persons in and to Canada and to give recommendations to federal and provincial governments, to public authorities, and to civil societies in annual reports.

We have that. Holland has it, Belgium has it, and Nepal, where I worked with this national repertory...has it. It is absolutely essential, if you want to understand the situation, that you have somebody who is monitoring it.

I want to say something about the visas, as the sisters here did. We have a long experience with visas. In all of Europe, the temporary visas are only given if the victims testify, except in Italy and Belgium, where they have a visa system of giving so-called social permits, which means that women do not have to testify. They just have to be in contact with social organizations, with NGOs that work on this, in order for them to get better physically and psychologically, and then they can, if they want to, consider testifying later. We don't have that in Sweden, and it's a problem.

Finally, we need, of course, to fund those equality-seeking organizations that are going to work with the victims; otherwise this is never going to work. In Sweden, over five years, we have given lots of money to different women's organizations, human rights organizations, and victim protection agencies—battered women's shelters and so forth—to work on this.

Thank you.

The Chair: Ms. Ekberg, we didn't receive a copy of your brief.

Ms. Gunilla Ekberg: No. I was stuck in Frankfurt airport for 48 hours because of the snow here, so I didn't have access to a computer. I'm sorry. You will have my notes.

The Chair: You can leave them with the clerk.

Ms. Gunilla Ekberg: Yes, I will.

The Chair: Then we can get them translated and distributed. It was invaluable.

To all of you, your information has been invaluable to us this morning.

We will now start our question period. You have seven minutes each, and we will start with Ms. Minna.

Hon. Maria Minna (Beaches—East York, Lib.): Thank you very much, Madam Chair.

Thank you to all of you for your input. It is quite enlightening. Some of the information is now being repeated, which is good, because it means that certain things are being reinforced as we go through this.

Mr. McIntosh, earlier you mentioned a comprehensive national strategy. You're talking about a national action that would include international and domestic measures as well. This committee decided at the outset that because the scope is so broad, we would focus initially on issues within Canada and things that we would be able to impact within the country, and then at a later date look at the broader...

Are you saying that by doing this it wouldn't work without having the two sides...?

• (1150)

Mr. Jamie McIntosh: I think there's a vulnerability in taking that approach. It would almost be like trying to gather up after a dandelion has gone to seed and has blown across our country. You'd be picking up the fragments of the aftermath, rather than rooting out these networks of trafficking and disrupting those organized crime elements.

If you look at the facts, the sheer statistical reality is that it's somewhere between 600 to 800, and we know the statistics aren't

easy to come by. If there is that level of individuals trafficked into Canada, contrasted with some 700,000 trafficked internationally around the world, you're really not even scratching the surface.

Hon. Maria Minna: Thank you.

One of the things we discussed here quite openly was the issue of the criminalization of the user or the buyer, and the decriminalization of the women, obviously in this case, as one of the things we want to do. I'm glad you're reinforcing that kind of concept.

The other is the issue, which I and other colleagues raised, that poverty is at the root of it, both within Canada and abroad. I think that's clearly understood by us, and it requires a broader study, which we intend to do in the new year, to deal with women's economic security. Of course, this would be within Canada, but with respect to development and international agreements and international work, that would certainly be part of it.

I want to go to the TRPs. One of the things I have been saying for some time is that the three months, the 120 days, isn't going to do it. I was looking at a one-year permit that would allow the women to get a work permit in addition to the proper social and support services they would require. I think the agreement, which one of you said was six months...so you and I are on the same wavelength of six months to a year.

The other thing I wanted to clarify with Ms. Ekberg was the additional social aspect that you said Italy has and Sweden doesn't. What does that mean exactly, in terms of how it's implemented? Is that in the legislation? Do they have a permit?

Ms. Gunilla Ekberg: In Italy, it's article 18 of their immigration law. In the legislation, it says that women who are victims or identified as victims of trafficking, if they contact specially identified NGOs working with victims of trafficking, they can be given a six-month permit to recuperate, and then they can testify.

In Sweden we don't have that. You have to testify, but we have no upper limits. Women can stay as long as the case is going through the justice system, which can take up to two or three years if it goes on appeal. They can also apply for asylum under the gender-based violence clause, or they can go through on humanitarian and compassionate grounds.

There are many who favour this permit in Italy, and I suggest that the committee investigate how this works. It's been going on for quite a few years, and most of the NGOs in Italy are satisfied with it.

Hon. Maria Minna: Thank you. That's good to know. Maybe our researcher might be able to dig something up.

Ms. Gunilla Ekberg: I would be happy to give you contacts if necessary.

Hon. Maria Minna: If you have some contacts, that would be helpful, and maybe we can find out exactly how this works, because it sounds quite promising.

The other thing I wanted to come to—and I think it was Ms. Ekberg who was talking about it, or maybe all of you—was with respect to addressing the broader issue. One of the things I've always found and said, as I think Mr. McIntosh said earlier, is that if the buyers can find it, then everybody should.... Sometimes it's clouded under the modelling agency, which somebody here was talking about, and the need to regulate this more, because you have underage girls who get into that business and are being abused and sidelined. There are also all of the other escort and generic things that you see advertised in the papers.

I think it was Ms. Ekberg who said that in Sweden they've actually disallowed all of that. How did they do this? What kind of legislation do they have in place?

That's fairly broad. I'm not saying no, because I don't understand why we do it at all. To me, it's sexual bias to start with, but anyway, I want to understand how they did that and what kind of legislation would be required.

• (1155)

Ms. Gunilla Ekberg: Since January 1, 1999, we have legislation that prohibits the purchase of sexual services, meaning that anyone who tries to purchase a sexual service anywhere, if it's on the Internet, in an escort service, or on the streets.... We have very little

Hon. Maria Minna: [*Inaudible—Editor*]...service, because we're talking about—

The Chair: Ms. Minna, there's very little time left.

Hon. Maria Minna: Sorry, go ahead.

Ms. Gunilla Ekberg: Where was I?

Sexual service, if you want a definition, is not defined in the legislation. It gets defined in the courts, and it's a wide definition. Anyone who gives something for a sexual service—who pays for it or gives food or somewhere to stay or something like that—can purchase it. We also have prohibited ads in the papers, as you have, miles and miles, up and down, in all of the papers. That is not allowed, because we know that those ads are of course not from the women; it is the pimps who put those in and make money. Also, the newspapers make an enormous amount of money from them.

We know that this work has been in place for eight years now. We hear both from pimps and from the women who are victims that the pimps discuss whether Sweden is a good market. In the phone tapping evidence we have, usually the pimps are recommended to go to other countries where the prostitution industry has been normalized or legalized, like Germany, Holland, Denmark, and Spain.

I have written an article specifically on this legislation that I can also give to the committee.

The Chair: If you could give it to the clerk, Ms. Ekberg, we would appreciate it.

Ms. Mourani.

[*Translation*]

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

Hello everyone. Thank you for your testimonies. I would like to ask Ms. Ekberg some questions.

I have become very interested in the issue of peace among women in Sweden. I've looked all of it over a little, but there are still some things I am unable to visualize and understand, especially when it comes to the decriminalization of women. If I understand things correctly, soliciting has been removed from the law.

Ms. Gunilla Ekberg: This was never affected by the law.

Mrs. Maria Mourani: Here, soliciting is a crime. Does removing soliciting from the Criminal Code help decriminalize women?

Ms. Gunilla Ekberg: I think there needs to be a law whose first objective is not to ensure law and public order. In Canada, the law against soliciting is designed to protect law and public order. The purpose of our law is to prove that prostitution is violence and that it is unacceptable to be a client.

I think it is a very good idea to remove soliciting from the law and to decriminalize women, modify legal principles and to adopt a law that criminalizes clients.

Mrs. Maria Mourani: The provision on soliciting only dealt with street prostitution. If we were to remove soliciting and solicitation and criminalize the client and maintain the provisions on procuring and bawdy houses, could it possibly have negative effects and solicitation be considered as public disorder? Could we have infractions related to the public order, such as disturbing the peace, for example?

• (1200)

Ms. Gunilla Ekberg: In our system, women are considered as victims of a crime. This means that they are entitled to leave prostitution, to receive aid and protection, have access to another form of employment, to an education, etc. This represents an entirely different way of thinking. These women are not criminals. They are in this situation because they were victims of violence and poverty before sinking into prostitution. We must look at this from another angle. These women are really victims of abuse.

Mrs. Maria Mourani: I have no doubt about this, but we are dealing with a Canadian law. We are trying to amend the Criminal Code. I am trying to think along these lines and am unable to make a link with the public-order issue. Let me give you an example.

Every year, during the Canadian Grand Prix in Montreal, celebrations take place in downtown Montreal. I don't know if you've seen this. There are half-naked girls on cars, topless bars are exposing their merchandise on the streets, all of this in front of families, children, tourists, etc.

If we were to eliminate solicitation in Canada, what would happen? Will some 50 or 100 street prostitutes end up in these areas and "freak" people out who have children, etc.?

Ms. Gunilla Ekberg: Before this law was adopted, solicitation existed in Sweden. Ever since the police enforced this law, street prostitution no longer exists. If demand is addressed, there is nothing we can do for these women, who need to have access to support services to leave this environment. Unfortunately, this is not how things work, but it is important for the police to enforce the law with the clients.

It is also very important to examine all the agencies that are operated in full conformity with the law, such as escort services...

Mrs. Maria Mourani: ... and massage parlours.

Ms. Gunilla Ekberg: Exactly, because these places don't simply offer massages: they are brothels. Escort agencies are nothing but prostitution.

Mrs. Maria Mourani: I am glad that you have raised this issue, because this was my other question.

Should these legal establishments be totally abolished and their owners considered as pimps? These establishments could be included in the section of the Criminal Code that deals with procuring and bawdy houses. In the definition, we need to include topless bars, etc.

Ms. Gunilla Ekberg: Absolutely. Canada is breaching its international obligations to this effect. For example, Article 6 of the Convention on the elimination of all forms of discrimination against women clearly mentions that prostitution and female trafficking must be abolished. In all European Union countries, except where bawdy houses are legal, all these agencies are illegal. We know they are brothels.

Mrs. Maria Mourani: So the law clearly states that these places are illegal.

[*English*]

The Chair: Ms. Smith.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): I would like to thank every one of the presenters today. Your coming here has meant a lot. I want to commend you for your work in human trafficking. In committee, it's easy to tell the people who know what they're talking about. And every one of you do, so I want to thank you for that.

My first question will be directed to Mr. McIntosh. Could you please explain to this committee, if you were a trafficked person, what things you would tell this committee to help them with?

• (1205)

Mr. Jamie McIntosh: It's a very good question. Obviously, it could be somewhat presumptive for me to do this, lacking the interaction I've had with some of these individuals.

Through interaction with individuals who have been trafficked, specifically the ones we have rescued from some very horrific situations, I can say, first of all, that they are so grateful. I would imagine that they would be incredibly grateful that this committee is even focusing on this issue, because they're held against their will in places where they are crying out for any means of deliverance whatsoever.

I think the clearest thing is that they would simply say: "Help. Please help. Please, either empower us to be able to get out of this situation or to be able to in some way avoid being trafficked into these situations. Help us go after those who are preying upon our vulnerable sisters who are also being exploited and sometimes abducted, sometimes duped, into these situations. Go after those who are preying upon our vulnerabilities."

They prey upon the vulnerabilities, both on the hopes and dreams side, where individuals, like all of us around the world, hope for a better life for ourselves, for our children. I have mothers who look at me and wonder about their daughters and wonder what will become

of them if they allow them to go for that job in the city or across the border. They don't know what would happen.

It is a situation where these individuals are being violently preyed upon. It's not an issue of choice. They don't have the opportunity to actually require that the men would even wear condoms, so they're having diseases pumped into their systems. Many of these girls I've met are languishing. Now they're in their mid-twenties and they're dying. They're dying of HIV. They're dying of other diseases, and they have been just completely abused, and those hopes and dreams they once had have died.

The other side of it is that those who are in incredible economic desperation, who are, again, vulnerable, by running away from some forms of slavery they're trafficked into others.

So I think they would say, "Please help."

I think a fundamental understanding has to be that it's not just poverty that is the root of this; there's a twin root. The other root I think is greed. As you look at it through the lens of the perpetrators, they are preying upon the vulnerable so that they can increase their revenue stream. It doesn't matter if it's legal or illegal, they will go after anyone they can exploit in whatever context whatsoever. We have to go after those who would violate the rights and the dignity of these women and girls.

Mrs. Joy Smith: Thank you so much for your answer, because it's very consistent with what we've heard through witnesses on this committee up to this time.

I would also like to ask Sister Wilson and Sister Atkinson a question. I was very moved by your presentation, because I have worked with trafficked women, and you know exactly what's going on there.

I was very interested in what you said about the TRPs, because I totally agree with you, six months has to be... The condition that these women are in mentally and physically, and the fear that's there...it really takes time. I think one of the things that has always baffled me is that police forces, as generous as they are, and they're trying their best.... You can't capture somebody or rescue somebody and then have them testify; it just doesn't work that way. I think there needs to be a better understanding of what it's like to be intimidated very violently. It has a lasting effect.

Right now, on this committee, could either of you answer what the most immediate concern would be, what we could do or recommend most immediately to help the women trafficked in Canada? You and I know they're there. I know some in Toronto. I know some in Sarnia. I know some even here in Ontario. There are very few places where they can go unless you have...and I really thank the NGOs and the churches, because those are places where people open their arms and allow them to come in.

Could you tell this committee what the most important thing is right now to help these people immediately, rather than waiting a year or studying it for the next five years? What can we do to help?

•(1210)

Ms. Sue Wilson: In our experience, there are a lot of trafficked people in Canada who are simply too afraid to come forward and ask for anything. The reason they're so afraid is because they're aware that there are no supports in place for them if they do so.

First of all, they need the assurance that if they come forward, they will not be forced to testify. Hopefully, they will come to the point—and everybody wants that—where they're ready to testify. But if people are forced to testify, they're just leaving one situation of control for another. It's not something they see a whole lot of hope in doing.

They need to know they will not be criminalized anywhere in the process. Obviously if they've been under the control of traffickers for varying lengths of time, they may have done many things that are technically criminal. They need to know they're not going to be criminalized.

They need to know there is support for making a transition. There are migrant workers who are clearly trafficked and yet far too afraid to come forward. If they come forward, they need to know there is a shelter available where they can get away. Yes, there are lots of shelters in Canada, but most operate at over-capacity, so for an influx of people, that's just not going to work. There need to be shelters where they know they can get away. That has to be a minimum.

The reason I said six months for the open work permit is because that's the minimum for being able to work. That needs to be an option. Obviously they may need some social assistance for the short term. People are ready, willing, and able to work. They want to make that transition, but they may need the supports to be able to do that.

Again, as I said, most people we have talked to simply can't imagine being able to recreate a life in their home country. There's the social stigma alone. In fact, in the refugee process, this has been identified as an element of persecution. It's very real for them. They can't imagine going back.

The presumption needs to be on being able to make the transition to life here. So job training, language training, and some short-term social assistance needs to be in place. With those kinds of supports, I think many more people will come forward, especially migrant workers.

The Chair: Thank you, Ms. Wilson.

Ms. Mathysen.

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

I have a number of questions.

I would like to begin by saying thank you so much to Sue Wilson and Joan Atkinson. I know the work you do. I've seen it firsthand with refugees, migrant workers, and those people in our community who so very often are overlooked.

You mentioned that Canada is a wealthy country and that unfortunately we put up a lot of barriers for economic refugees who come here and consequently get caught up in trafficking.

I'm wondering what changes need to be made to our current immigration and refugee policies. I know I'm asking you a huge question, because I sense that many changes need to be made.

Ms. Joan Atkinson: Certainly for these women who are coming into the country through exotic dance visas...I think we have to provide other opportunities that would allow people from poorer economic situations to find employment when they come here. Also, I think the reassurance that there is hope that they could bring their families with them, either immediately or in the short term, is important.

I think there is the perception and the experience of many immigrants that the means to provide a good living for their family is not an adequate reason for coming to the country. We need to change that perception.

Canada needs a lot of employees in many, many areas. I think there are people who are willing to work hard and contribute to this country. That would help the situation they find themselves in, in their countries of origin. They have many skills that they can bring as well.

•(1215)

Mrs. Irene Mathysen: Thank you.

I'm going to direct my second question to Ms. Ekberg. You talked about women who live in unequal political, economic, and social situations in Canada, and it's something that we probably don't like to hear. You also made mention of the fact that aboriginal women seem to be particularly vulnerable to trafficking because they're marginalized, and there is a recognition that we've seen many victims, many of our sisters, victimized in this way.

I'm wondering if there are other groups. Are you aware of other groups who are particularly vulnerable to this kind of victimization within Canada, this place where we think we've achieved equality and clearly have not?

Ms. Gunilla Ekberg: I think anyone who is marginalized, specifically women who live in poverty, are extremely vulnerable to pimps recruiting them—because we have to remember the other end of it; it's the pimps who go to the communities.

I was just in Alberta, and we know that pimps go to the communities, the rural communities especially, where there are young women who can't find jobs, suggesting that they should come and be striptease dancers. Of course, that's a way to get them into prostitution.

Young girls who run away from their homes because their fathers, brothers, or other male relatives have sexually abused them always, I would say, if they're not very lucky, end up in prostitution, because buyers will pick them up and suggest that they should get somewhere to sleep and some food.

There are racialized women, women who come here, and of course then women who are trafficked here.

Another group of women who I worked with when I lived in Vancouver were Philippine women who came here on domestic worker visas. We were just starting a project then, because we had noticed that quite a few of those women ended up in prostitution. They were brought here for forced marriages, and then they were thrust into the massage parlours and escort services of Vancouver.

Poverty is not a cause, but poverty is a condition that makes women vulnerable. The cause is that men buy them, and the condition is what women live in.

Mrs. Irene Mathysen: I'd like to come back, if I could, to the Sisters of St. Joseph. In your brief you made mention of the lack of proper facilities, specifically housing. We know we have a national housing crisis in Canada, and it goes right across. Finding temporary appropriate housing for victims is a great difficulty. We know that some NGOs and religious groups have taken that upon themselves, but that would seem to be something quite extraordinary in terms of the cost and the ability.

Do you have any recommendations with respect to how housing could and should be secured for the victims of trafficking? What should we be doing as a larger community instead of depending on the religious community and NGOs?

Ms. Sue Wilson: I think there are different levels of being able to respond. For a very quick kind of response, and short term, something that could change tomorrow, if someone is coming to CIC to make an application for a TRP, there should be immediately something like a Red Cross voucher for shelter, so that if the person needs to get out of the situation they're in and get away to someplace where they're not going to be known, that can happen right away. Unless that's in place, people simply won't come forward and ask for it. So it's not that people are going to ask for it first and then you recognize the need; they simply won't come forward unless they know that security is in place.

Then I would say, in cities and centres where we know especially that there is trafficking happening—for example, with the migrant workers in southwestern Ontario—there should be shelter options in place. And yes, they do need to be funded by government. Religious communities can step in, in pockets, in certain places, but really that leaves all kinds of gaps all over. So that net kind of funding is crucial in order for there to be some kind of equitable access.

• (1220)

The Chair: Thank you very much. Time is up again.

Ms. Stronach, and then Mr. Stanton.

Hon. Belinda Stronach (Newmarket—Aurora, Lib.): Thank you, Madam Chair.

Ms. Ekberg, you mentioned an international rapporteur. This is probably the first time we've heard this, in all of our testimony, unless I missed it somewhere along the way. You said it was very effective and essential. Can you talk to us a bit about that?

Ms. Gunilla Ekberg: In 1996 the EU suggested, in a declaration to all the member states, that they should have national rapporteurs to monitor the situation of trafficking in the countries. Sweden and Holland decided to do that in 1998, Belgium a little bit later.

I'm not suggesting this to Canada, but the Swedish rapporteur position is situated with the national criminal police. The rapporteur is a detective inspector. She's been doing this for nine years now. She writes regular reports on the extent of trafficking—who the victims are, what services they have accessed—and also on operational tactics, since she's with the police.

The national rapporteur position in Nepal has a different angle. It's an independent entity, also monitoring the situation, doing research, and writing reports. Both of these rapporteurs do recommendations, but the Dutch one does more research. I don't prefer that model. I prefer the model of an independent entity that has the mandate to go around the country and talk to police, talk to NGOs, talk to public authorities who are working on it—or who are not working on it and should—and give the recommendations once a year that should be implemented.

In all of these places, it's funded by the government but it's independent. It's a very useful tool.

Seven of the Swedish rapporteur's reports have been translated into English. The eighth is on its way. We could send that, if you like.

Hon. Belinda Stronach: In my opinion, Madam Chair, it would be really worthwhile to look further into this.

I would assume that those reports and recommendations are made public on an annual basis as well.

Ms. Gunilla Ekberg: Yes, and they're made public through a press conference in order to give a lot of attention to what the rapporteur says. The intention is also to make governments react and do things.

Hon. Belinda Stronach: I like the fact, and I would agree with you, that if the role is independent and can make recommendations, that strengthens it.

It's my opinion that we should study that further and have the opportunity to include that in our series of recommendations.

Ms. Gunilla Ekberg: If I may, I think it's important that it's not only a law and order person. It has to be based on gender equality and on an understanding of the principles behind why we're doing things. That's what the one in Sweden is, which makes a big difference in terms of the recommendations.

Hon. Belinda Stronach: A consistent challenge we hear throughout is with regard to awareness and education. I think if it's done as you suggested, with a communications aspect to it as well, with a press conference, that could become an annual focus and a tool for measurement as well in terms of progress.

Ms. Gunilla Ekberg: It should be somebody who's ultimately the best at it, somebody who knows what everybody else is doing.

Hon. Belinda Stronach: Yes.

My next focus will be the TRP. We're obviously going to recommend restructuring the TRP. What are the essential things we need to look at, the hit list, in terms of the TRP? Actually, the social permit is another thing that we really haven't heard much about, the connection made with the NGO, or the social community, and the assistance, the linkage to the CIC.

What are the essential things we need to include in the revamping of the TRP?

• (1225)

Ms. Gunilla Ekberg: As I said, social permits would be the ideal. If you do connect it with testifying, it's important that the women are protected and secure and have access to all the services they need, both psychological and physical—money and assistance to live, and to live in a protected area.

I want to add that in Sweden we have started to collaborate, in collaborative chains, with all of the public authorities and the NGOs that are responsible to protect and give assistance to victims. If a victim is identified, the police should be able to call one of those individuals in that group and then the whole process starts. We have that in the three largest cities now.

You can't have a permit if you don't have the services connected to it. The pimps are after the women. Some young women are very attached to the traffickers in the sense that they have lived with these men and have been tortured for years. They're going to try to escape. And some women want to go back home. Not everyone wants to stay in the country where they end up, at least not in Sweden, because that's the place where they've been terribly violated; they have children, and they may have something at home.

So there must be a safe return process that is actually safe.

The Chair: Thank you very much.

Mr. Stanton is next.

Mr. Bruce Stanton (Simcoe North, CPC): Thank you, Madam Chair, and thank you to our witnesses for taking the time to join us here today.

I'll ask this of the Sisters. Madam Wilson and Madam Atkinson, in your report you made some compelling points around two things as issues that need to be addressed. One addressed poverty as a root cause and the other was about the issue of demand, demand particularly for prostitution services.

Throughout the course of our testimony on this issue we've often gone between those two apparent causes. I wonder if you could expand a little on what appears to be a cause-and-effect situation, because we've heard both sides of it. The troubling part for me and perhaps for other committee members is that trying to bring redress to this issue, particularly poverty in the third world, is a massive global issue. Of course, we're dealing with what we can do at the Canadian level. On the other hand, criminal law is something we can change. Could you talk a little bit about which it is? Is it poverty? Is it demand? Which should we really focus on to address this issue?

Ms. Joan Atkinson: Well, I think I can say it's both, which is probably not the answer you wanted to hear. If we go to why people are willing to put themselves in such vulnerable and risky situations, it's because they don't have options in their country of origin if

they're being trafficked internationally. Even within Canada, if they're coming from a rural community into a city and get caught up in the trafficking network, it's because they don't have options where they are, so poverty is probably the deepest cause.

On the prostitution piece, I think we can do something and do something fairly quickly around going after the pimps and the controllers of these women and taking away the criminalization of the prostitutes themselves, because most of those women we know would not put themselves in those situations willingly, consciously, and deliberately. They're there because in their minds there are no other options for them.

Once you've been dehumanized in the process of prostitution, it's very difficult to move out of it unless you have a lot of supports in place to help you do it, so at the international community, action on poverty is absolutely necessary, and within Canada some of the goals that make poverty history both internationally and nationally need to be addressed.

• (1230)

Ms. Sue Wilson: One of the things we can do as well from a policy level within Canada is to recognize the reality of economic refugees. If we don't give people legal means to enter the country, they will take much riskier routes, and that's a big piece of what makes people vulnerable to being trafficked. It is a reality, and we need to acknowledge the reality in our policies and make room for that.

Mr. Bruce Stanton: Since I've run out of time on this issue, why don't we finish up with a minute from our other two witnesses on the same topic? Do you have anything to add to this obvious divide that we need to deal with in some context in our report?

Mr. Jamie McIntosh: Yes, if I might. Certainly sex trafficking is exacerbated by poverty and economic desperation, but we do not find, in our experience, epidemic levels of sex trafficking whenever we find poverty in the world. You'll see endemic levels of poverty in different countries and different locations, but there are not the same levels of human trafficking, especially sex trafficking.

In fact, what we find is that sex trafficking flourishes on a large scale only in those countries or communities in which it is tolerated by local or national law enforcement, so it is simply not good enough to say that providing more international development assistance will in some way alleviate the problem.

I worked for four years with an international development organization and understand the critical need to provide that sort of assistance, but unless it's married up with a respect for the rule of law and respect for the rights of those individuals in those situations, they will have all that's given to them cherry-picked away from them. They will be deprived of their rights, and their freedom and their liberty will be circumscribed by others who have more economic, physical, legal, social, or political power than they to prey upon them; unless, through respect for the rule of law and through enforcement of the rights of these individuals, you restrain the hand of those who are oppressing these individuals, assistance that goes to them—just like graft and greed and corruption—can be diverted into the pockets of the traffickers and the pimps.

The Chair: We're out of time. Maybe we could get another bit of that answer through some other people's questions. We're trying to give everybody a chance here today.

Madame Deschamps, it's your five minutes.

[*Translation*]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Thank you very much for being here today.

Ms. Ekberg, I would like you to tell us more about the Swedish model. Apparently you have taken part in the drafting of a bill on human trafficking.

I would like to know how this came about in Sweden. Was it the result of a joint action between the civil society and the law enforcement community and of a political will? How did the implementation of an act on human trafficking come about? Where did this come from? How was this put into motion?

You mentioned culture. All the witnesses we heard in this Committee have a hard time defining human trafficking. We have difficulty agreeing on the subject. I would like to know how to channel this definition in this Committee.

Ms. Gunilla Ekberg: First, Canada would need to use the definition of the Protocol, which is very clear. In my opinion, the law we have here in Canada is inaccurate. The interpretation of the Protocol in the law is incorrect. Therefore, this law needs to be changed so that it may be compatible with what is available on the international level.

In Sweden, we have been working for a very long time against prostitution and trafficking. During the 1970s, we began asking ourselves how we could do something, especially for the victims. This is when we decided to develop a law that would criminalize the buyers of sexual services. We also enacted a very stringent legislation on procuring. In 2002, we decided to establish a legislation on human trafficking because we had ratified the Protocol.

As is always the case for laws in Sweden, the government begins by working on a draft. Next, this draft is sent to all the agencies working on this issue. They discuss it, and the rough draft is amended following this consultation in writing.

Nevertheless, we notice that the law on trafficking, which is now available, is not stringent enough. Indeed, when women over the age of 18 are involved in trafficking, it is very difficult at this stage to lay

charges against traffickers, especially because judges do not understand the situation of these victims. They think that these women are working voluntarily in the brothels and that this is something they want to do.

Furthermore, not only will we reinforce the law, but at the same time, we have decided to better educate judges and prosecutors. We can't simply make a law. It's very important to really educate judges.

In Sweden, all traffickers are convicted according to the law on procuring; they are not free. However, prison sentences are shorter for procuring than for trafficking. I could provide you with all the details later on, because it's a bit complicated.

The Canadian law is not stringent enough. According to statistics, there are between 600 and 800 victims of trafficking in Canada. This is impossible because this is a big country. In the smaller countries of the European Union, there are many more.

This is the situation in Canada because of the distinction between women who come here voluntarily, and who are considered as such because they have exotic dance visas, for example, and those who are forced to come here. This way of defining the word "force" doesn't work. This is why I said that we needed to insert in the law, for example,

• (1235)

[*English*]

abuse of a person's vulnerability

The Chair: Thank you very much.

Ms. Mathysen, and then Ms. Davidson.

Mrs. Irene Mathysen: Thank you. You caught me unawares.

Mr. McIntosh, you were talking about the fact that poverty isn't necessarily always the cause. Sometimes it has to do with the fact that governments are not particularly interested in preventing trafficking. They don't have that dedication to support the women in the community.

Canada has a lot of leverage. We conduct trade agreements around the world, and we have a certain reputation as a country that respects human rights. Do we need to connect human rights and a clear prohibition against trafficking with any trade agreements we make? Is that a way to convince these foreign entities we mean business and trafficking is something we take seriously?

Mr. Jamie McIntosh: What you have to assess is the power structure that allows the perpetrators to prevail over the vulnerable. Generally speaking, as the root cause, somebody's pockets are being lined; somebody is profiting from the exploitation of these vulnerable women and children. It would certainly be worthwhile to explore those types of connections, where trade agreements....

The U.S., for example, has something called the Office to Monitor and Combat Trafficking in Persons, with their *Trafficking in Persons Report*, as I'm sure you're aware. They monitor and rank certain countries on how well they are doing in taking concrete steps to obliterate human trafficking, not just to talk about it, not just to research it, not just to study it, but to shut down and secure criminal prosecutions and convictions against the perpetrators.

We have only been able to effectively leverage the situations on the ground—as in Cambodia, for example—when we have been able to bring effective political pressure on those countries by jeopardizing their trade relationships. For example, Cambodia was placed on a tier 3 by the U.S., which is the worst form of abuse—they're not doing anything about it. Once they recognized some serious revenue streams could be interrupted, individuals did the cost-benefit analysis, and the government decided to begin to take specific action that allowed us to rescue 37 girls in that situation. This is certainly a worthwhile place to explore, if we want to ensure rhetoric is not the only means of protecting these individuals.

• (1240)

Mrs. Irene Mathysen: When you began, you referred to a young woman who began as a slave labourer in a sweatshop. Clearly, we have connections to countries where there are sweatshops. We receive a great many goods from places like Vietnam and Cambodia, where sweatshops are in play. Do we need to educate Canadians better about the products we buy and the contribution we make through our buying power to these kinds of organizations that, as you say, have power and control and can victimize people?

Mr. Jamie McIntosh: Excellent question.

The issue goes beyond actual awareness, because as I travel and speak across the country, I think many Canadians, especially the younger generation, are quite aware of some of the international situations relating to slave labour or cocoa or coffee or these sorts of things. The challenge is...the NGO community, including World Vision, has done certain studies that talk about how boycotting a certain industry, for example, or a specific entity sometimes has a law of unintended consequences, where it jeopardizes the welfare of those individuals who are being taken advantage of, where they're jettisoned into an even worse economic environment.

We have to go beyond...while awareness is a component, we have to involve ourselves in sort of surgical strikes against the perpetrators we can identify, who are performing the most egregious violations of individual human rights. This is why our model is not broad-based, but is taking the individual stories from the religious community and the relief and development workers deployed abroad, who witness the individual abuses. We find the most egregious ones and gather enough evidence to be able to build a case that can shut down that particular sweatshop or rice mill or brick kiln. We've seen those individuals who were released start cooperative environments afterwards, where they're profiting and enjoying the fruit of their own labour. We need to provide that protection.

The Chair: Thank you.

Ms. Davidson.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thank you.

First of all, I would like to say thank you very much to each of the witnesses. It's been a fantastic morning of hearing what you've had to say. I was extremely impressed, because I think each one of you brought solutions to us. You didn't just identify problems, but you gave us a lot to think about and solutions that we may be able to enact. I would like to be able to ask all of you questions, but time doesn't permit that.

Jamie McIntosh, I would like to ask you a couple of things. You referred to the Bakker case—the man from Vancouver who was the only Canadian to be charged to this point—and the sex tourism. You referred several times to Cambodia. Are there laws in place, or are there ways that we can enact stricter laws that would enable the sex tourist to be hindered, or charged, or eliminated in some way?

The other question I had for you was about the four things you listed. You talked about enforcement, awareness and training—and then I missed the next two. So maybe you could just briefly touch on those again.

• (1245)

Mr. Jamie McIntosh: Certainly. I'll speak to sex tourism, and if I may, I'd like to defer the other questions to Hiroko.

Particularly relating to sex tourism, I think one of the great things that this House has done is to enact laws that allow for the criminal prosecution of Canadian pedophiles who go abroad to exploit children. There was the Prober Amendment that came in 2002, which removed the provision under which you needed to formally obtain the consent of the foreign attorney general before there could be a prosecution. That loophole has been pulled out, and now the law as it stands I think is quite good. Perhaps the penalties could be looked at and stiffened, but in terms of the laws, resources are being deployed to enforce those laws.

If the Vancouver police hadn't actually tuned in to our *Dateline NBC* feature that was talking about how we rescued these individuals, and weren't sharp enough on their feet to put two and two together and say, "Oh my goodness. These are the victims that Bakker was violating", and then cooperated with us and provided the stills—we had this information, but we wouldn't have been able to secure a conviction against him. It was only because we had deployed in these countries that we were able to make that law effective. It's kind of like an emancipation proclamation. It exists, but you have to go out and find those individuals and bring application to be able to set them free. So again, it's not so much a question of the legislation at this point in time; it's a question of deploying the resources to ensure that effective enforcement of those laws that exist can be set up.

Mrs. Hiroko Sawai (Research Associate, International Justice Mission Canada): Our foremost recommendation was on enforcement. The second one followed from that: we need education and training for all those involved in the law enforcement process, which means police, judges, immigration officials, prosecutors, and the diplomatic community. They need to know and be sensitive to the issue of trafficking, and they need to know how to identify trafficking, know the methods, the key indicators, the trafficking routes, and the laws. This training would be critical for people deployed overseas as well, because they're in the front lines and will have the ability to spot trafficking at the source.

Canada's education and training efforts should also focus on building capacity in those countries where trafficking is prevalent. That's something that we can do given our influence with a lot of countries. We should be giving financial and technical assistance, for instance to support special anti-trafficking police units and prosecutorial teams with training, operational support, hands-on assistance, and maybe even helping countries write legislation on anti-trafficking—all those things that focus on actually having laws in place, enforcing them, and sending offenders to jail.

Also, I think we've touched on the need for domestic awareness, and we can work in partnership with NGOs and other stakeholders. For instance, since November 2005, Air Canada has been showing inflight videos on the issue of child sexual exploitation. We can work with those national forums. We can use schools, faith communities, groups such as scouts, and those sorts of organizations.

We would also urge members of Parliament to become more aware of the issues of human trafficking. We would recommend that a group of parliamentarians actually travel to countries such as Cambodia and Thailand to see trafficking for yourself.

I think other people have mentioned that we need a national action plan. That action plan should encompass both what we're doing in Canada and what is being done internationally. We really can't combat trafficking just by looking at Canadian issues. We need to be looking at international issues.

The Chair: That brings us to the end of our time. May I say, on behalf of the committee, a sincere thank you for not only coming today but for the work that you are all doing and the fact that you care about many of the most vulnerable in our society, not only in Canada but around the world.

You have been a wonderful group of people with which to close our presentations from witnesses, because you've really helped us capitalize on a lot of issues we need to move forward into our report, which we are hoping to complete before the House rises.

Thank you very much.

I will suspend for one minute to enable everyone to leave so we can resume our meeting in camera. Thank you.

[Proceedings continue in camera]

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