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—
Chair

Ms. Yasmin Ratansi

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• (1530)

[English]

The Chair (Ms. Yasmin Ratansi (Don Valley East, Lib.)): Members of the committee, we are ready to commence.

We have with us Yvon Dandurand and Benjamin Perrin, and by video conference we have Kajsa Wahlberg and Gunilla Ekberg.

I'd like to thank all four witnesses. At very short notice you have accommodated us, and we would like to take advantage of your time and expertise.

Members of the committee, you have received a brief from The Future Group. In the papers you have been given there is a little blurb on what Yvon, Ms. Ekberg, etc., are doing, and suggested questions. Since we have such expert witnesses, I'd like to seek the committee's indulgence. We would like to ensure that there is as much interaction between the witnesses and the committee members.

I understand you have a formal presentation to make, Mr. Dandurand.

Do you have a formal presentation to make, Ms. Ekberg or Ms. Wahlberg?

Ms. Kajsa Wahlberg (Rapporteur, National Criminal Intelligence Service, Swedish National Police): Both of us have prepared presentations, but we can also take questions, whichever the committee prefers.

The Chair: Okay. I suggest you keep your remarks to five to seven minutes, after which we will go through a round of questions. If you can, keep your questions brief so we are able to interact with the witnesses.

I'd like to remind the witnesses that when you're responding, if the member feels that their question is not being answered or you are not in the right framework, they will interrupt.

Mr. Dandurand, please.

Mr. Yvon Dandurand (Senior Associate, International Centre for Criminal Law Reform & Criminal Justice Policy, University of British Columbia): Thank you, Madam Chair. Good afternoon.

I'd like to thank the committee for inviting me to come back and talk about some of these issues that we'll be discussing today. I was glad to learn that the committee had decided to spend some time reviewing some of the issues that are associated with the gathering of information and reporting on the national situation with respect to human trafficking.

One of the problems that we all have—not just in Canada, but everywhere in the world—is that in order to develop good policies and strategies to respond to human trafficking, we need good data. Every one of us needs good data, and very few of us, whether it's in Canada or elsewhere, have actually managed to develop systems that provide that kind of reliable information that we all seek.

I know that the committee has expressed an interest, in particular, in the mechanism of a national rapporteur or something equivalent, so some of my comments will be directed toward that question in particular. However, before I get there, I would like to remind the committee, although I am sure committee members already have fully grasped some of those difficulties, that to fully understand the merit of a national rapporteur system, one has to understand some of the difficulties that exist in collecting data and information on human trafficking—the patterns and *modi operandi* and so on—as well as information on our response and whether or not it is achieving results.

In order to understand the usefulness of a mechanism like this, one needs to perhaps spend a few minutes in considering some of the very specific difficulties that exist in collecting information on human trafficking. I have a list of 12 here, and I will go through them very quickly, because I'm sure that some of those have already become apparent to members of the committee.

Here is my top 12 list of difficulties in getting reliable information on human trafficking.

The first one is that human trafficking oftentimes occurs without the victim herself knowing that she is being victimized until much later in the process. So simply asking people whether they're being victimized or not is not always sufficient.

Second, as a crime, human trafficking is better understood as a process rather than as a single event. The picture you get depends on which part of the process you look at. Thus, there is difficulty in trying to measure and understand what is happening.

Third, the victims are often hesitant to come forward. I am absolutely certain that you've heard that many times. Victim identification is one major issue when it comes to responding to human trafficking. Of course, if victims are not identified, how are you going to try to count them or measure how we respond to those cases?

Fourth, this is, of course, a crime that oftentimes involves organized criminal groups. It typically involves intimidation and a fear of retaliation, so there is enormous pressure on the victims not to report the incident to authorities. When they do report it to helpful groups—to victim assistance groups and other NGOs—they oftentimes do so on the express condition that this will not be brought to the attention of the authorities.

Also, there are many cases of victims' or individuals' alleging to be victims in cases which later prove not to be genuine instances of human trafficking. That's not to say that these people are not necessarily in dire situations or do not need assistance, but they do not meet the criteria.

Another question that makes it difficult is that all of the people who are involved in responding to human trafficking issues are not necessarily using the same definition of it. So oftentimes when you gather information from those different agencies, you are in fact comparing apples and oranges.

There's also a great potential for duplication of data. It's not uncommon for victims of human trafficking to seek assistance from more than one organization, and also to seek assistance or protection from law enforcement. Given that that information is hard to track from one agency to another, if you simply add up all of the cases, you really have an exaggerated number at the end because you're possibly counting the same person two, three, four, or five times.

● (1535)

The police also have access to intelligence. But of course, as you might realize, that information is very sensitive, and it's not something that can be exchanged readily with others.

The investigations also go on for a long period of time, which clearly makes a difference to how we are going to protect that information: it makes it very difficult for anyone to get access to that information, because one would not want to interfere with ongoing investigations, and so on.

The concept of establishing a national rapporteur is not something that is very familiar to Canadians, although the concept has existed in Europe since at least 1995 or 1996. Later on, in 2004, an expert group for the European Union actually looked at the concept and recommended that it be adopted as a basis for collecting information at the national level. Then, for using that information to make comparisons between countries, there's even a notion or suggestion that there should be a rapporteur for the whole of the European Union, a person who would basically collect that information from everywhere.

Let me just conclude, if I may, Madam Chair, with something that came out of that expert group that I think would help you in your deliberations around this potential mechanism or something equivalent. That expert group has delineated six conditions that distinguish this mechanism from others, and six characteristics that are essential to ensure that the mechanism can collect the information we all need.

The first one is that it must be independent and at arm's length from operational agencies.

The second condition is that it must have a very clear mandate.

The third is that the mandate must focus exclusively on data collection; it should not be mixed with other mandates, such as operations, advocacy, executive responsibilities, and so on. I could explain later why this is so important.

It also has to have authority to access confidential information. That is tricky, particularly in a country such as Canada, where there are all kinds of different levels of regulations, and legislation regulating access to private information, and so on.

Finally, that mechanism must be one where the quality of the report is not compromised, and where the rapporteur or the equivalent mechanism must be authorized to report either directly to Parliament, or to a minister, or directly to government, in a way such that the integrity of the information is protected.

Thank you.

● (1540)

The Chair: Do you have a report to deliver, Mr. Perrin?

Mr. Benjamin Perrin (Advisor to the Board, The Future Group): Yes, I have. I've circulated a copy and I understand you'll have a copy of it. It's brief number two from The Future Group. We've tried to be true to the word "brief". It's only two to three pages and it very succinctly gives you a quick background on this proposal you've heard about.

I'm going to jump right to our recommendations, as the representative of The Future Group.

Most of you were here last time I appeared before the committee. I want to thank you for inviting us to return.

For those of you who were not present in the past, and for the other witnesses, our organization is a non-governmental organization based in Canada that does work principally overseas but has also been active here in Canada on a policy level with respect to victims of trafficking.

To be quite concise, The Future Group supports the creation of a national rapporteur on human trafficking for Canada, but—and there's always a but—strongly cautions that this will not address the principal concerns we have with Canada's failure to address human trafficking. In short, this is part, but certainly not all, of the solution.

To start, what can a national rapporteur do? You've heard already that they can gather information. You've heard some of the challenges that are involved, and I don't want to downplay any of those, but just add that many of those challenges have been overcome and have been dealt with.

They've been dealt with not just in the European Union; in the United States, the Department of Justice also files an annual report. It's not an independent report, but the U.S. government offers support and training to other countries on how it goes about gathering the data, so this should not hold the committee back in considering this recommendation.

It also brings the issue to national attention. It provides recommendations. These are all admirable contributions.

In creating an essentially data collection and intelligence gathering capability that's separate from government, I'd like to reiterate that there are a few other components necessary for it to work. By "work", I don't just mean to gather information that's actionable by government, but also to produce reports that don't just gather dust on a shelf.

The first component is that the national rapporteur has to be independent. That's been mentioned.

Second, they must have unlimited and direct access to relevant information. There will be requirements to amend privacy legislation to that effect.

Third, there has to be an appropriate level of support staff and funding.

Fourth, the report should be public. Not all countries make their reports public, but we think an essential component of a national rapporteur is to bring that national attention and pressure upon governments to act.

Finally—this is termed a condition, but you'll see in a moment why it affects the effectiveness, and why this is not the whole answer—a national rapporteur has to be focused on gathering this information, not coordinating and implementing government policy.

That brings me to my next major point, which is why this is not the whole answer. Having a national rapporteur is like being given a road map to go on a trip. Unless you have a driver, someone who knows how to get into the car and drive it, you're not going anywhere.

You say, "I hear this place we're going to is really great." You tell your kids, "We're going on this great vacation." That's fine and dandy, until they say, "Well, when are we going there?" And each year you give them a new map with new things on it.

So you need a driver.

In our last appearance we proposed that there be an agency or office within the government—I'm not talking about something independent, but about something that's in the government—that is charged with the implementation and coordination of...and if you adopt a national rapporteur, then what they're implementing are the recommendations of that rapporteur that the government of the day has approved.

I want to very quickly talk about what the mandate of that office would be and how it relates to a national rapporteur.

First, the office would serve as the main interlocutor within the federal government for all human trafficking issues. This is different from the case in the countries you're hearing about that have a national rapporteur. They're not federations, generally speaking, although Germany is, and they don't have the complex federal relations Canada has. You need to have an office that coordinates this sort of thing.

Second, the office is designed to decide and determine what, out of the recommendations, will form the national action plan, and to do

so in consultation with government departments. The national rapporteur doesn't do that. They gather information, but they're not actively consulting with departments about budgetary restrictions or about operational concerns.

Third, there needs to be coordination across government departments. I didn't hold any punches last time in talking about the failure of the interdepartmental working group to produce an action plan. It had five years to do so; it has yet to do it. We're back here now talking about a stage that is even before a national action plan.

I am all in favour of getting it right, but this committee cannot wait any longer, Madam Chair. The time for this report is upon us now.

When The Future Group was founded, people said, why don't you just work with the government to do this? We said we couldn't wait. That was seven years ago.

• (1545)

I commend the members of the committee for focusing on this issue. I just want to emphasize the need to move forward on this issue, produce a report, and introduce recommendations that will genuinely help trafficking victims. I believe that is the conviction of all members of the committee.

The final point is that this office can play a very key function. Governments probably say, well, that's not our job; this is someone else's job; this is another department's position. We heard that before when we corresponded with various government departments on the victim assistance side. This office can say, the buck stops here; no department has the responsibility for creating a national hotline on human trafficking, so we'll do it; we'll coordinate with government departments, but we'll do it.

In closing, I would like to leave you with a very brief quote from the Dutch national rapporteur—since that's what we're here to talk about—which I think really poignantly states the issue. In July 2004 she said:

Pretty speeches, in the form of—repeatedly—giving priority to this objectionable form of crime, are no longer enough. A national plan of action is necessary as well in order to allow the professed good intentions to actually take shape.

I would replace that with this government, with this committee and its report.

Thank you very much, and again, our thanks for paying so much diligent attention to this issue.

The Chair: Thank you, Mr. Perrin.

We'll now go to Ms. Wahlberg.

Ms. Gunilla Ekberg (Expert on trafficking in human beings, As an Individual): We have decided that I will start. Because Ms. Wahlberg is the national rapporteur of Sweden, we think it's better that she talks last about how this mechanism actually works in Sweden.

Is that all right?

The Chair: That's fine with us.

Ms. Gunilla Ekberg: I'm going to speak a little about how I would perceive a national rapporteur in Canada. I also have to say that I am Canadian and have worked on these issues in Canada for many years.

I'm delighted to be back here to have the opportunity to address you again. In my latest appearance to the committee I proposed that a national rapporteur be appointed and adequately funded in Canada, using other countries' experiences to develop an appropriate mandate. I have worked with the Swedish national rapporteur for five years, and I also work continuously with the national rapporteur in Nepal, whose position I evaluated two years ago.

Why is it important to establish an independent office of a national rapporteur in Canada? The work to prevent income by trafficking in Canada and the protection of assistance to victims is carried out by many actors at both the federal and provincial levels. But there is very little national coordination of the work that is done, and there is not very much coordination and analysis of those initiatives that are put into place.

I'm also surprised that the knowledge and research about the situation of trafficking human beings in Canada, and the measures, are surprisingly limited compared to other countries in the world. I suggest that Canada needs an independent mechanism that is responsible for gathering, analyzing, and presenting comparative data about the scale and states of trafficking in human beings within and to Canada. It's important to remember that trafficking takes place both cross-border and within the country.

I also think that the national rapporteur should evaluate local and national policy, and legal measures and initiatives. Such a measure would be consistent with Canada's national, legal, and charter obligations and the legislative approach so far.

We should remember that in 2003 the CEDAW committee—the UN committee that looks at the state of the elimination of discrimination of women in the country—expressed its severe concerns as to how Canada lacked an organized approach to measures on trafficking in human beings, especially when it came to protection and support of victims of trafficking.

If Canada implemented a national rapporteur, and especially if it were done through a cross-party initiative—meaning that all parties agreed to this, which was the fact in Sweden—we would show a commitment to working against trafficking.

What should the tasks be? First of all, I think it's important that the national rapporteur operates as an independent and autonomous entity, with a general mandate to investigate, monitor, and analyze the character, state, and scale of trafficking to and within Canada. It should also study the effectiveness of already-implemented policy, legal and practical measures, or as the case may be, the lack of measures.

All actions and initiatives of such a national rapporteur should, as in Sweden and Nepal, have a firm gender equality perspective and be based on internationally recognized principles of non-discrimination. It should also take account, of course, of the human rights and the fundamental freedoms of the victims.

The national rapporteur should be given a mandate to present annual reports to governments on the extent and development of the situation. It should focus initially on trafficking in human beings for sexual purposes, considering that today this kind of trafficking has the largest number of victims in Canada. It should later extend its investigations to all other forms of trafficking.

In the report, the national rapporteur should pay particular attention to the adequacy of legal and other measures for the protection and assistance of victims, as well as look at investigations and prosecutions of the perpetrators to see if they're adequate and there is collaboration with the countries of origin. It should also look at and publicize information on emerging issues—new forms of trafficking, new methods for the traffickers in and to Canada.

It is important that the national rapporteur issues recommendations on how to develop and ameliorate the work to prevent income by trafficking.

• (1550)

To be able to carry out this work, funding is of course essential. You need a staff, you need research staff, and you need adequate funding so that the rapporteur can travel and bring in the information that's needed.

The Chair: Ms. Ekberg, please, could you wrap up.

Thank you.

Ms. Gunilla Ekberg: Yes. I have two more things.

As the previous speaker said, it's absolutely necessary that the national rapporteur is given full access to all documentary material, including confidential information on victims, on prosecution, victims' statements, and organized crime networks, in order to be able to make a good report.

I think also that it could be useful to have a national database that's sitting with the national rapporteur, looking at the extent of the trafficking. And I think, just as the previous speaker said, it's absolutely necessary that the report is taken seriously and the recommendations are implemented, preferably by an interdepartmental working group in the government, both federally and provincially.

Thank you.

The Chair: Thank you.

Ms. Wahlberg, would you keep your remarks to five minutes, please. We have only one hour, then, for questions and answers, so I would appreciate it if you kept it to four or five minutes, please.

Thank you.

Ms. Kajsa Wahlberg: Thank you very much.

Good afternoon. I'm Kajsa Wahlberg. I'm a detective inspector and the national rapporteur to the Swedish government regarding trafficking in human beings.

This assignment was handed to the national police board in 1997 from the government because of a joint declaration within the EU. The Swedish government wanted reports on the trafficking situation in Sweden, the extent of the problem, and what could be done to combat trafficking more efficiently. Therefore we report annually to the government about the trafficking situation, and we also process and analyze intelligence information. To help us, we also have a special unit dealing specifically with crimes on the Internet.

I think one of the advantages of having the national rapporteur assignment within the police is that police have access to international networks like Interpol, Europol, and the Baltic Sea Task Force. But of course it depends on much reporting from a law enforcement angle.

For 2004 to 2006 the Swedish government earmarked 30 million Swedish kronor for the police to combat trafficking more efficiently. I think also that we appointed the national rapporteur at the right time, because in 1997 and 1998 a visa requirement was abolished for nationals from the Baltic countries, and we suddenly noticed that we had foreign women in street prostitution in Sweden. From that time, we have been working intensively with mapping out the situation in Sweden, and I think to date we have a very good picture regarding who the criminals are and who the victims are. We have been rather successful in investigating these types of crimes.

• (1555)

Ms. Gunilla Ekberg: I think it might be better if the committee asks Kajsa questions, because you are in a hurry. She has almost ten years' experience in being the rapporteur. I will help if more English is needed.

The Chair: Her English is better than my Swedish.

Thank you so much.

Because we have a vote today and the bells will ring at 5:30, I would like to remind the committee members that we probably will have only two rounds of questions. So keep your questions brief so you can have an interaction with the four witnesses. We'll keep the first round to five minutes instead of the normal seven minutes so we can get through the questions.

We'll go to Ms. Minna.

Hon. Maria Minna (Beaches—East York, Lib.): Thank you, Madam Chair. I will be quite quick, actually.

On the independence issue, which I think Mr. Perrin but also Ms. Wahlberg mentioned, can you explain to me very quickly what you mean by "independent"? Does the rapporteur in Sweden report to Parliament or to the government?

Ms. Gunilla Ekberg: I can answer that question. The rapporteur in Sweden reports to the government directly, once a year. And it's also made public. The independence here is that she can give any recommendation and do any investigations. She has access to all the material, including confidential material, and she also has the possibility of questioning all public authorities that deal with the issues, including, if they're willing, non-governmental organizations.

Hon. Maria Minna: Next is the question of powers. You just said that she is independent and she reports to government, and the report is made public.

I have two questions. First, does the government have the ability to change the report if they think there is some stuff there that they don't want made public? Can they edit the report, for public purposes, that she has prepared?

And in collecting the information for the report, does she have the power to basically talk to—I don't know—the police? We have a federation here with federal–provincial jurisdictions and different police forces and so on. What powers does she actually have, or does the position have, in terms of being able to collect that kind of information?

So I ask both those questions.

• (1600)

Ms. Gunilla Ekberg: No, the government cannot change the reports. In fact, the report is given publicly before it's given to the government.

Second, she can talk to any police forces, or the prosecution services or the judiciary or the NGOs or whatever, and they have to give the information she requests.

Hon. Maria Minna: Then her office has some powers to that effect, because as I said, we have a federal–provincial situation, so it's a bit more difficult.

With respect to the other departments in the government, at the national level, she has access to all the departments and the ability to coordinate. Is she seen as the lead on this issue by the departments of the government?

Ms. Gunilla Ekberg: She is independent. So the government, which I used to work for, had their own working group on trafficking that could ask questions of the rapporteur, or the rapporteur could present to the working group. But the rapporteur cannot tell us what to do. She can give recommendations. And the government cannot tell her what to do, other than by changing the mandate.

Hon. Maria Minna: The commissioner reports and makes recommendations, or an Auditor General, but then it's up to the government and various....

How many staff does the office have at this point? How big is the office?

Ms. Gunilla Ekberg: It has three police officers and one secretary.

Hon. Maria Minna: Why is it all law enforcement on the staff side? I'm just curious.

Ms. Gunilla Ekberg: This is particular to Sweden. It is different from, for example, the Nepalese rapporteur. The Swedish government wants the national rapporteur to be situated at the national police for the particular reason that she would have insight into operational and intelligence work. Personally—and I think we both think this—it could have been better, in hindsight, to leave the rapporteur more independently outside the police force but with access, as she has, to confidential material and with the right to talk to whoever would be working in the office.

Hon. Maria Minna: Are you saying that if the office were not tied to the police, it would not be as effective, but at the same time, it would lose some of its independence? Is that what you're saying? I'm just trying to see where it is situated.

Ms. Gunilla Ekberg: No, what I'm saying is that in hindsight, it probably would have been better to place the national rapporteur outside the police. Then you would be able to have research staff and you could have a more independent way of looking at things. But there are also benefits of being with the police, because she has direct access to the investigating police officers in the whole country and direct access to the investigation leaders, which are, in Sweden, the prosecutors.

Hon. Maria Minna: Thank you.

Thank you, Madam Chair.

The Chair: Thank you.

Mr. Dandurand, did you want to say something briefly?

Mr. Yvon Dandurand: Thank you, Madam Chair.

We already have a national coordination centre as part of the RCMP. If the task at hand was simply to collect police data, certainly they would be able to do that, but one must remember that in all countries, particularly in Canada, very few cases come to the attention of the police. In order to get a good understanding of what the situation is out there, the cooperation of non-governmental and provincial agencies is absolutely crucial. For that purpose, I would say it is essential that this rapporteur function be outside of government and also outside of law enforcement.

I will not confuse the issue. Most countries that have made a commitment to fight human trafficking have a reporting mechanism of one sort or another. Whether it's a statistics organization or a police organization, they all produce reports. What is specific about the national rapporteur is the fact that it is an arm's-length agency that is able to work both with non-governmental organizations to take care of all those sensitivities as well as with law enforcement. That's not to say it is a small challenge, but that is what is unique about having the national rapporteur.

•(1605)

The Chair: Thank you.

We now go on to Madame Deschamps.

[*Translation*]

Ms. Deschamps, for five minutes.

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Thank you, Madam Chair.

My question is more for those tuning in by videoconference. First of all, I'd like to welcome you, along with Mr. Perrin and Mr. Dandurand.

The establishment of a national rapporteur office has enabled you to acquire a certain amount of expertise and to compile a data bank. What impact has this initiative had on your country's mandate in this area? What impact has a national rapporteur had in terms of putting in place policies, mechanisms and resources? Has this helped to alleviate the problem?

[*English*]

Ms. Gunilla Ekberg: Kajsa and I have discussed it, and because my English may be a bit better, I will respond.

The national rapporteur has been in place for nine years. That means nine annual reports. Those reports are very central to how, first of all, the issues are perceived by the public and by the public authorities. So that's one. There's an increased awareness of the problem, which I can vouch for. It has gone quite quickly and has been quite educational for many who didn't know much about the issue.

Secondly, as to developed policies, the reports of the rapporteur are in fact central to many of the measures we have developed in Sweden when it comes to prevention and the prosecution of individual traffickers, the buyers of sexual services, and to a whole new understanding of the organized crime networks that are involved in this issue. We also, of course, now have numbers, statistics, and an understanding of who everyone is who is involved.

Mr. Benjamin Perrin: I have looked into the Dutch national rapporteur as well, and from what I've been able to tell, it seems that the first couple of reports really are about getting the government used to this sort of process. It didn't appear until the third or fourth report that a true national action plan had developed there.

There is a risk to creating a national rapporteur or any other independent commission. It allows the government of the day to say, "We're waiting for the national rapporteur", and to throw its hands up saying, "We're waiting for the data and we can't decide unless we have the data." One of the points I made last appearance was that we need to be making measurable steps now on areas we know are already quite a serious problem.

That said, as part of a longer-term strategy, this is a very good idea. I want to emphasize that the calibre of these reports that I've seen are quite good. They don't just give statistics. They try to reflect the modus operandi of the trafficker and try to explain the needs of victims. A lot of it is qualitative as opposed to quantitative data. It actually has proven to be quite valuable.

Very briefly, while our organization was working in Cambodia, we tried to do some of the data collection that we needed to target our efforts, and even in that situation we found it was invaluable. You can have far more effective programs if you have this kind of data coming in, but those programs don't need to wait for the third or fourth report before the government can act.

The Chair: There are 40 seconds left. You can make a comment.

[*Translation*]

Ms. Johanne Deschamps: I have one quick comment. I'd like to know what advantage there might be to appointing a rapporteur on human trafficking, as opposed to setting up a national office.

[*English*]

Mr. Benjamin Perrin: Would you like me to address that, raise the office issue?

•(1610)

Ms. Gunilla Ekberg: Is this a question for us?

The Chair: You will get an opportunity to give your wrap-up comments, but I have 15 seconds for Mr. Perrin.

Mr. Benjamin Perrin: When we first proposed the office, part of its function was intelligence gathering. This being before the committee, we think it would be a good complement. It allows you to reach out, as you've heard, to non-governmental organizations more effectively, and it would be more activist in its outlook because it is independent. It is able to push the envelope, putting out recommendations that may take a few years to gather steam, but at least they're getting out in the public domain. This is a function that could be either within an office...but you lose certain advantages to that.

The Chair: Thank you.

We will now go to Ms. Smith for five minutes.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Thank you. I know I have only five minutes, so I'm going to be very brief, because I'd like to share my time with my colleague Ms. Grewal. She has a question as well.

First of all, I want to thank everybody for coming. I really like the fact that you're so experienced and so involved.

I do have one question, and anyone can answer it. Maybe I'll start with the rapporteur first, Ms. Wahlberg.

Do you find that legalizing prostitution helps or hinders the human trafficking in countries across the globe?

Ms. Gunilla Ekberg: I have discussed it with my colleague here, and I will answer.

It's clear to us—specifically because the Swedish national rapporteur is in contact with police forces in most countries, including Germany, Holland, and in some cases Australia—that by legalizing the prostitution industry, you are creating a market for the traffickers, and the traffickers will go to where there is a market.

In Sweden, the prostitution industry is not legalized. In fact, we have criminalized the buyers of sexual services. We know that legislation acts as a barrier against the traffickers because it's more difficult to establish a market here. If you look at the reports that we have sent that the rapporteur has presented, she does in the two latest rapporteurs talk about what effects the legalization would have on it. We think that's a really big problem to do.

Mrs. Joy Smith: I'd like to pass my time to Ms. Grewal, because she has a question as well.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Madam Chair.

Mr. Perrin, your organization, The Future Group, in its March 2006 report, has been critical of Canada's dreadful past record on human trafficking. Other countries, including the U.S., Australia, Norway, Germany, and Italy, fared much better, receiving a grade of B+ or more, yet none of those countries, to my knowledge, have national rapporteurs.

In your opinion, how would appointing a national rapporteur here in Canada have an impact on our current failing grade; and would the establishment of this office give the best use of our resources?

Mr. Benjamin Perrin: You're right to frame it as a limited resources question. It would be far more effective to create an office within the government charged with both intelligence gathering and the implementation of programs that will directly help trafficking victims and apprehend offenders. That would be a better use of the time.

In the ideal world, you would also have a national rapporteur, but as you point out, those countries don't have that. Their intelligence-gathering functions, though, are extremely high and effective.

The one that I can mention—

The Chair: Order. I would ask that we not have counter-discussions here, please.

Sorry, Mr. Perrin.

Mr. Benjamin Perrin: No problem. Thank you, Madam Chair.

Other countries, such as the United States, produce a very thorough assessment of the lay of the land, essentially, and they do so quite effectively. Organizations in Canada, as long as they are treated with respect, to be quite frank, and are reassured of confidences, could be able to work with an office within the government. So we don't totally lose the non-governmental sector's approach.

I just want to mention, too, that right now we're seeing some good cooperation with governmental agencies such as the CBSA and the RCMP, with front-line organizations in London and Windsor, for example, that are starting to work on these trafficking victims' cases in Canada. So it can work. From my understanding, the guidelines specify and really emphasize how important that is.

So I don't think the national rapporteur is the only answer at all. In fact, it's one alternative. But it would have to be with this office if it was going to work.

•(1615)

The Chair: You have one and a half minutes, if you wish to comment.

Ms. Gunilla Ekberg: Having worked in the Swedish government for five years, I think the disadvantage of only having an office in the government is that when the political majority of the government changes, the policies change quite radically and very quickly. If you have an independent function outside of the government, you create some stability in the work and in the investigation of how to continue to do the work.

As we have here in Sweden, it is preferable to have both an office or people responsible within the government, and an independent national rapporteur.

The Chair: You have 40 seconds left.

Mrs. Joy Smith: Mr. Perrin, what do you think would help the investigations in these cases in Windsor and London? I know of the activity there. What do you feel would help the government right now the most to make sure that the situation of these trafficked people is corrected?

The Chair: You have 20 seconds.

Mr. Benjamin Perrin: The most significant thing that can be done is to demonstrate a real commitment to address this issue. It would not only align the front-line governmental workers who meet these trafficking victims and let them know that the government is committed to this and that it's a priority, but it would also put traffickers on notice. They read the newspapers, and they don't want to operate in countries that are starting to crack down. So that's the most important thing, as well as backing up that talk with action.

The Chair: Thank you.

We'll now go to Ms. Mathysen.

Mrs. Irene Mathysen (London—Fanshawe, NDP): Thank you, Madam Chair.

Thank you to the witnesses. I've appreciated hearing from all of you.

I have a number of questions. I'd like to start with Ms. Wahlberg.

The office of the rapporteur was created in 1997. What difference has this office made to the ability of the Swedish government to deal with human trafficking, both nationally and internationally? How have things changed?

Ms. Gunilla Ekberg: As we mentioned before, first of all there's an awareness of the issues generally in society—within the public authorities, the government, and the public. There is an understanding of who is coming here, why they come here, who is organizing this, and where the victims come from. In our case, most of the victims come from Russia, the Baltic countries, and Eastern Europe.

It has also led to an emphasis on cross-border cooperation, not only with the police but also between governments. This has been based very much on the results of the findings of the national rapporteur, which have been very useful. We have had police cooperation, but we've also had a lot of prevention campaigns and initiatives, which have been bilateral and multilateral, with the nine countries that surround Sweden, where most of the victims come from. We've also had police cooperation and government cooperation, because the issue is visible.

Mrs. Irene Mathysen: Does Ms. Wahlberg interact with the rapporteurs from Nepal, the Netherlands, Belgium, and the UN? If so, what form does this interaction take? Are there any advantages to having this dialogue between and among rapporteurs?

Ms. Gunilla Ekberg: Kajsa and I have had quite a lot of interaction with the Dutch rapporteur especially, but we have to remember that their system for dealing with trafficking, especially trafficking for sexual purposes, is very different from the Swedish one. There have been some disagreements, I should point out—not between rapporteurs but between the different systems. But they generally keep in contact and still exchange information.

The special rapporteur on trafficking has been to Sweden several times, and visited not too long ago to meet and discuss issues. The special rapporteur on violence against women, Yakin Ertürk, has also been here, because in Sweden we see trafficking in human beings for sexual purposes as a form of violence against women. So it's been part of her investigation as well. She's been visiting the offices here.

● (1620)

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

Mr. Perrin, I was quite interested in what you said about anti-trafficking activities in London and Windsor. Could you describe what goes on in both those places? I'm from London, and I'm naturally quite interested.

Mr. Benjamin Perrin: From what's been publicly released, my understanding is there are several front-line organizations that work directly with victims. These are organizations that have typically done work with people who are here illegally in Canada and who have come to their attention. There appears to be a bit of a liaising role going on among those organizations, the CBSA, and CIC officials, i.e. the Border Services Agency and the immigration officials.

It's what's contemplated in the new guidelines for May. Time will tell. It's a very early case, and I really can't say more than that at this point. But it's promising in that it's demonstrating that the kind of cooperation that's supposed to be happening is starting to occur.

In the long term, the cooperation among these non-governmental organizations, including, I might add, a lot of the faith-based organizations, has proven to be a winning recipe, so to speak, at least in the United States. Other countries have also recognized the value of it.

The whole answer here is not government. It's not to create trafficking centres in every city. It's to take advantage of what exists there already in terms of helping people and linking that with government officials. It's really brought home to them how important it is to cooperate with these organizations.

The Chair: Thank you.

Time is up. We'll go to the second round.

Ms. Minna, for five minutes.

Hon. Maria Minna: Thank you very much.

I wanted to ask something while we have the opportunity to have both of you here. Was the rapporteur position established before the new policy for criminalizing the user and decriminalizing the prostitution, or was it after that?

Ms. Gunilla Ekberg: The rapporteur was established in 1997. On the criminalizing of the buyer, the legislation came into place on January 1, 1999, about two years later.

Hon. Maria Minna: On the reports and the work of the rapporteur, obviously there was some link that led to that kind of legislation and the kind of information that was being gathered. Do you see it having helped in that direction?

Ms. Gunilla Ekberg: Yes, absolutely, although the initiative originally about the criminalizing of the buyer came from the Swedish women's movement. But the first reports of the national rapporteur were definitely one of the bases for putting the legislation into play.

Hon. Maria Minna: While I have you here, I want to ask a question.

The issue of criminalizing the buyer is something that we have been discussing, and I think we have to some degree come to a conclusion. There have been some members who have said it doesn't really work in Sweden as well as everyone says. I'm not accusing; I'm only saying it's the perception that by criminalizing the buyer, women have in essence gone underground, and we've actually created a larger underground problem than was the case before. Is that true?

Ms. Gunilla Ekberg: Again, I have asked Kajsa what to say.

As the county police of Stockholm always say when that issue comes up, there is no such thing as prostitution going underground, because the necessity for the prostitution industry is to reach out to the buyers. The buyers will find the pimps, and they will find the women. The police, as well the national police, always say it's their job to find the buyers, and if the buyers can find the pimps, they can too.

Adding to that, if I may, the work to assist women or young men, for that matter, get out of prostitution or trafficking prostitution is done by social workers. The social workers in all the large cities have now changed their methods on how they approach women. They are working very much on the Internet, trying to get in contact with women. They have all kinds of new measures in order to find them.

But again, when we find the buyers, we find the women, because the buyers know where they are.

• (1625)

The Chair: Ms. Neville, please.

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

I'm directing my comments to our international presenters. I did not hear the original presentation; I came in late. But I have a couple of questions, based on what I've heard.

You talked about the importance of the rapporteur being able to provide stability if a government changes in a way that an office doesn't. I wonder if you could expand on that and tell us a little bit about your experience that way.

My original question was on the problems that you're facing, but let me ask you what improvements you think could be made in how you operate, whether it's funding, resources of any sort—I don't know what they are—buy-in by government. What do you need to make your job better?

Ms. Gunilla Ekberg: Kajsa will note what she thinks should be improvements. I will answer what happens in a change of government.

We've had, as you know, social democratic governments for a very long time here that highly prioritized the work on trafficking in human beings by giving money to the rapporteur, to the police force, giving a lot of money to NGOs to work on different issues—prevention, protection of victims—and also, money to fund organizations in the countries of origin of the victims.

We now have a new government that has totally changed the priorities and has done almost nothing on the issue so far. They've

also decided that they're not going to do a national action plan in the close future, which means that of course, while the work on trafficking for sexual purposes is not changing because they have not changed the mandate of any of those who work on it, the enthusiasm and the focus on this issue is put aside.

If you have an independent national rapporteur, that office keeps the issue alive, both practically and by pushing the government to do things. For example, the next report of the rapporteur will have recommendations as to what the new government is supposed to do.

The Chair: Could you wrap up, please, because time is up.

Ms. Gunilla Ekberg: We're just discussing improvement.

What Kajsa says would be really useful for her office—and as you remember, they have three police officers and a secretariat—is to have researchers attached to her office, researchers who have good experience and knowledge of this who can assist in investigating things. Now she has to reach out to researchers outside of her office.

The Chair: Thank you.

We'll go to Mr. Stanton.

Mr. Bruce Stanton (Simcoe North, CPC): Thank you, Chair. Thank you to our panel for taking the time to join us this afternoon and, I guess, this evening as well.

My question speaks to the point of the difference between—we haven't formulated this yet, but theoretically—an office for human trafficking and that of a rapporteur. Throughout the discussion, we've heard what the different roles might be and the importance of independence. I'm still not convinced, though, that there really couldn't be....

Let me just back up for a moment. Not having to create two separate bureaucracies would be an advantage from the standpoint of public expenditure, public resources, if there was a way to accommodate the role of the rapporteur within an office that was, to some extent, at arm's length from the government. I think one of our committee members mentioned that we have offices that report to Parliament as opposed to the government. For example, the Auditor General and various commissioners have these types of roles.

To our witnesses, could you answer briefly whether that type of format could in fact work—in other words, whether the rapporteur role could be accommodated within such a commission that would be independent and still have the responsibility to report to Parliament in this case, not the government?

Mr. Dandurand.

• (1630)

Mr. Yvon Dandurand: Thank you for that question.

I agree that it would be possible. What is most important is not whether it's an independent structure but whether the function is independent. In fact, in the Netherlands the rapporteur is located in the Ministry of Justice, and it is supported by a bureau. Of course it makes a lot of sense, given that extraordinary precautions need to be taken to protect the information, to ensure its integrity and to protect the victims, because the rapporteur might have information about them. For me, it's a red herring to talk about structure. It's not so much about the structure but about the independence of the function.

I disagree with some of the previous comments. I really believe it is absolutely essential for that function to be kept totally separate from operations, victim assistance, advocacy, and all of those other functions—not that they are not important, but they need to be different.

In preparing for this meeting, we were in touch, again, with the office of the rapporteur in the Netherlands. That was one comment they basically re-emphasized, that the function has to be absolutely separate from all of the others. Of course, as Mr. Perrin has said, those other functions of advocacy, coordination, and all this are important, and having a rapporteur is only one element of the solution.

I would conclude by saying that we have to be very careful about the expectations of the rapporteur. Notwithstanding what was said, the difficulty of collecting that information in Canada is huge. We're not talking about the Netherlands, a country that you can cross in half a day. We also have a federal system. We have different police forces. The task here is huge. It is very difficult. Therefore, if the committee decides to recommend the establishment of a national rapporteur, one would have to have fairly modest expectations of what could be produced in the first two or three years as all the actors begin to trust each other, to develop relationships, and to exchange data that is of value.

Mr. Bruce Stanton: Mr. Perrin...if there's time, Madam Chair.

The Chair: Yes, you have one and a half minutes.

Mr. Benjamin Perrin: I am quite concerned with the additional layer, and that's not just for public expenditure purposes, although that is important. From our perspective, it adds a level of distance between the political accountability.... It is admirable to say we have these reports coming out—even when governments are ignoring them—because that adds pressure. Fair enough. But it also allows any government to simply say, well, we're waiting for the rapporteur.

The experience, again, as I've heard from looking at the Dutch example, and for which you've just now heard confirmation, is that it's going to take at least two or three years. The government is not going to act, because it will say we have this rapporteur and now we have to wait. That's two or three years, and then you're going to need another year to get an action plan. We're talking about 2015 before any victim program or assistance or legal change is going to take place. That is a very troubling prospect.

The reason you have a distinction between information intelligence gathering and policy implementation is a very good one. It's because you don't want people who are supposed to be researching a problem to be solving it at the same time. That doesn't mean those can't be within the same office. It means that office is charged with a mandate. There is the research division and the policy division. I do

think you keep those roles separate, but that does not mean creating another level of bureaucracy.

Ideally, a non-governmental group should be the one raising this to the national attention. I can tell you that if the government decided to do nothing on this, tomorrow our organization would be out there talking about it. You don't have to be run on government funding to do that.

The Chair: Thank you.

We will now go to Madame Demers.

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Thank you, Madam Chair.

Thank you for joining us. This topic is of particular interest to us. Women and men recognize that human trafficking has increased in recent years.

Costs would be incurred in order to set up a national rapporteur office and the government would have to allocate rather substantial sums of money to this initiative in its budget. Ms. Wahlberg, you quoted the sum of 13 million Deutschmarks in connection with your position of rapporteur and your office.

You have served as national rapporteur for a decade now. Can you tell us how many people have been arrested, charged, imprisoned or helped as a result of your work? Do you have any figures that you can share with us? We have to do something, but we need to know how the money is spent. Setting up an office to implement the recommendations of a rapporteur is a costly proposition.

• (1635)

[*English*]

Ms. Gunilla Ekberg: The 30 million kronor that Ms. Wahlberg mentioned was earmarked by the government to work on operational measures against trafficking in human beings, not to the office per se. In Sweden, the cost of the office is included in the large budgets of the national police. Because the government has given the task to the national police, they will have to fund her office from that budget.

As for numbers, we'd be happy to go through the numbers, although I did in fact send the reports of the national rapporteur, where it has all been listed. We can just say that last year, in 2006, 25 traffickers were prosecuted and sentenced to long prison terms. As for victims, 56 victims were rescued. Several of those obtained permits to stay in Sweden, either temporarily or permanently, as was the case.

Most of the victims we have, because it's close to the Baltic countries, prefer to go back. And this is me speaking, not Kajsa. We have a project going on now, a multilateral project, with the Baltic countries and the five Nordic countries to establish good repatriation services in the countries of origin, with shelters, education of those who work in the shelters, and access to employment, education, and so forth.

When it comes to the buyers of sexual services, all in all, about 1,500 men have been charged and from two-thirds up to three-fourths have been convicted under that legislation.

If you care to have more numbers, we would be happy to provide that.

[*Translation*]

Ms. Nicole Demers: I simply wanted to get an idea of what kind of money is involved versus results. The following is noted in the brief:

[...] in the Netherlands, in addition to the National Rapporteur, victim assistance is coordinated through the government-funded Foundation against Trafficking in Women which has created 10 "relief networks" in the country (protection), while prosecutions of traffickers are coordinated through a national public prosecutor specializing in human trafficking (prosecution), and efforts to address the situation in source countries is coordinated by government-funded La Strada (prevention).

Is this indicative of a more global approach, one that better meets the needs of victims of human trafficking and that allows for much more tangible results in terms of research, data collection, arrests, and so forth?

Mr. Dandurand.

Mr. Yvon Dandurand: Thank you, Ms. Demers.

Madam Chair, in the case of the Netherlands, the annual budget is in the order of...

[*English*]

Ms. Gunilla Ekberg: Should I answer that?

The Chair: No, Mr. Dandurand is answering, and he has about 20 seconds to answer.

Ms. Gunilla Ekberg: Who is to answer this one?

The Chair: Mr. Dandurand is answering the question. I will have to give you another...

[*Translation*]

Mr. Yvon Dandurand: In the case of the Netherlands, the annual budget totals 450,000 euros. One has to remember that this is a small country with a unique police force. The budget for a similar operation in Canada would be much higher.

You've raised a very important point, Ms. Demers. A national rapporteur is only one of the components of a national strategy. You alluded to Holland's national strategy, which includes a host of measures. Here in Canada, we are eagerly awaiting the implementation of a national strategy that encompasses these factors and addresses this problem.

• (1640)

[*English*]

The Chair: *Merci.*

We will now go over to Ms. Mathysen, for five minutes.

Mrs. Irene Mathysen: Madam Chair, I have been looking over the recommendations in regard to the mandate of the rapporteur. You've identified five specific pieces or parts to that mandate. Some of them are very, very challenging. I wonder if you've given any thought to how to overcome some of those challenges—for example, the issue around access to information and the problems that are associated with that, in view of our privacy laws in Canada.

Mr. Benjamin Perrin: I think there needs to be an assumption that amendments to the Privacy Act would be required to allow for this degree of information sharing. That's why, it being outside of

government and independent, that link is very key. So unless that link were going to comply with measures to permit the exchange of that sort of data, you would instead say that if we couldn't enact them in the Privacy Act—we obviously wouldn't be in that realm—we would comply with it; we would do what was needed now under the current act. What degree of data will satisfy the act? You end up with more generalized, more redacted forms of information. A decision would need to be made.

We haven't done an analysis of the privacy legislation with respect to the national rapporteur to see if that would give you meaningful enough data to comply with it. That's an analysis that the committee would need to have its researchers or counsel take a look at. You are absolutely right; unless you get data that is going to give you the information you need, you're not going to be able to go anywhere.

You don't need the name of a victim, for example, or their age, to develop policy. Basic things like where they are from, how they were trafficked, how they were apprehended or brought to police or came to police or social service agencies—that's the sort of data that you generally need, and those data can likely be collected in a way that would comply with the law. That would need to be one of the things the committee would work at.

It is an additional complexity, though. If this were in an office within the RCMP, for example, or the Criminal Intelligence Service, then you would be able to do it, because you essentially would not be sharing information outside the department. It's the same department, and they are analyzing their own data, and that's where most of the data is. That's an argument, to actually do this through law enforcement, but obviously also to bring in staff members and researchers in a team that includes the other stakeholders and groups that would have something really valuable to add. We heard that from the rapporteur who was on the conference call today.

The Chair: You have two and a half minutes.

Mrs. Irene Mathysen: We've heard a number of different perspectives in regard to this mandate. Who else should we consult if we do decide to go? Who should in fact be involved in defining the mandate, besides those we've heard from?

Mr. Yvon Dandurand: I cannot give you names of people you should consult, but I think it would be very wise to try a pilot study in one municipality, one region, or one province of the country, and to try to address some of those issues you talked about earlier, issues of privacy. It's not just federal privacy laws; it's provincial privacy laws, child protection laws, and a whole bunch of other things.

Once more, I disagree slightly with Mr. Perrin, although I agree generally with his overall position. Yes, if you want to do a good job of it, you do need personalized data. Why? Because if you can't track those cases, you don't know what you are counting. That is the opinion of the expert group assembled by the European Union, which basically said that you do need personalized data that you can track and relate to. Otherwise you have a bunch of people counting the same thing several times. That creates huge difficulties.

I would say it's not so much that you need to talk to one person or another. I think by now you have a fairly good sense of what the challenges would be. You really need or the government needs to try to experiment with one serious study in one province or one part of the country. There are parts of the country where that would be possible. Mr. Perrin mentioned a couple. Certainly in British Columbia there has been very intense collaboration between NGOs and the police for three or four years now, and there are all kinds of other parts.

I would not agree that this is an RCMP issue. This is not about the national police. It's a Criminal Code offence. In the Criminal Code, the administration of justice and policing is a provincial responsibility. When you get to this, you have to engage the provinces, municipal police forces, and provincial police forces, because the idea that you are going to stop those traffickers at the border is really a non-starter. That's not where you catch them; it's afterwards, when they start exploiting women and children.

• (1645)

The Chair: Thank you.

We will now go to Ms. Davidson.

Are you sharing your question with Ms. Grewal? Okay.

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

Thanks very much for your presentation. I certainly have found it quite interesting.

Mr. Dandurand, if I heard you correctly, you described the function quite succinctly: an arm's-length operation with a clear mandate to focus on data collection, exclusively able to access privacy information, and the authority to report directly to protect the integrity of that information.

Do you see that this rapporteur would report to Parliament or government, however that is set up? Then do you see a trafficking office to deal with all the data and the findings coming out of that, similar to what Mr. Perrin said?

Mr. Yvon Dandurand: The rapporteur is not the full solution; it is one element. Definitely you need a coordinating mechanism, and you probably need two. You need a coordinating mechanism at the operational level within the federal government, because several agencies are involved; and you also need federal-provincial coordinating mechanisms when it comes to dealing with these issues, particularly when child victims are involved, because a lot of the issues, or services and so on, are dealt with or provided by the provinces or are their responsibility. So yes, I see both as being required.

Actually, it would be quite silly to simply have a national rapporteur and have no one responsible for doing anything about the problem. What we would then have is what Mr. Perrin described as one of the worst-case scenarios; you'd get more reports on the shelves and no one doing anything. So you need the full strategy.

And if you want to keep that strategy current, perfected, and in line with what is basically a moving target, a changing problem, you have to keep in mind that human trafficking presents different forms all the time. So if you want to keep your strategies current, you need

to have this constant monitoring, not just based on the perception of a few police officers or police forces, but basically you must also have all of the actors involved, including major league women's organizations, victim assistance people working with refugees and illegal immigrants, and so on and so forth. All of these people need to be part of this, and it's why an arm's-length rapporteur is so important. These people will not come forward otherwise. We know through consultations with them here in Canada and elsewhere that they will not come forward and not encourage victims to come forward unless they think it's safe to do so. Therefore, you need a rapporteur who creates a space where it is safe for these agencies to share data and information without any fear the information is going to be misused.

Ms. Gunilla Ekberg: May I comment on that too?

The Chair: Sure.

Ms. Gunilla Ekberg: I think it's important to separate the tasks of a national rapporteur, which are actually to uncover and present the reality of trafficking in Canada. From those presented recommendations, it is then up to the government to make political decisions on whether or not to implement the recommendations and to fund whatever actors need to implement those decisions. So you cannot only have a national rapporteur, but you also need to have an office or individuals within the government who are responsible, like the interdepartmental working group—which is not working very well in Canada at this moment, but something like that—that has the ability and right to develop the measures.

The Chair: Thank you.

Ms. Davidson, do you want to share another question? You have one minute and ten seconds.

Mrs. Patricia Davidson: I just want to ask Ms. Wahlberg about the couple of different figures I heard. I think one was maybe in Swedish money, and I think Ms. Ekberg gave another in dollars. Can you tell me again what money is being spent in Sweden? This is not money for your position, but money for the implementation of your report, is that correct?

Ms. Gunilla Ekberg: Let me say that the former government did a lot on this, but the present government hasn't presented any budget. If I look at everything that was spent during the five years I worked within the government, including the 30 million Swedish kronor that went to the national rapporteur—

Mrs. Patricia Davidson: How much is that in Canadian dollars?

• (1650)

Ms. Gunilla Ekberg: I will translate that in a moment.

The total, you could say, was about 350 million Swedish kronor, which is about \$50 million, if one dollar is seven kronor. It includes all of the multilateral projects we have done, the prevention measures within Sweden and outside, and the 30 million kronor—about \$4.5 million—that went to the police. So it includes everything.

The Chair: Thank you.

What I'd like to do, members of the committee, is give two to three minutes now for closing statements—and please stick to your time.

What I have heard is that human trafficking in women and children is a human rights disaster and requires a comprehensive strategy. What I haven't heard is the experience of countries like India, which has legalized prostitution—and you mentioned criminalizing the user—and China, where we have a huge trafficking problem. If you have an opportunity and you can address that, do it. If you don't, just give me two to three minutes of closing remarks.

Thank you.

Mr. Dandurand.

Mr. Yvon Dandurand: I don't think I can give you a comprehensive answer to your question, Madam Chair, but we've talked about the Dutch rapporteur, so one has to remember that in Holland, for instance, human trafficking is defined exclusively in terms of sexual exploitation and does not include other forms of exploitation, as the Canadian law does.

Also, the problem tends to have been reduced to a question of sexual exploitation. There is much more to human trafficking. There's also much more to human trafficking than simply the crossing of borders or the international dimension. So when we look at the experience of other countries that have adopted a focus on sexual exploitation, we have to remember this is not our definition of human trafficking, neither is it the definition of the United Nations protocol against the trafficking in persons.

In terms of the policy, my own personal view, based on the experience that I have, is that, really, the jury is still out. There is no conclusive evidence either way. Both policies, with regard to prostitution, bring advantages and disadvantages, and yes, there are issues of sometimes creating more problems by our response than by driving some of those social problems into dark corners so we don't see them.

So I do not believe there is conclusive evidence either way, and that is why it is such a hotly debated issue, not only here but everywhere.

The Chair: Mr. Perrin.

Mr. Benjamin Perrin: Thank you.

I want to, first of all, address that international question, since our organization does a great deal of work in countries that either have legalized prostitution or they might as well have, because they sure as heck are not implementing their own laws.

I've never met a trafficking victim in a developing country who has chosen to enter that profession. I don't think any young woman wakes up and decides one day that's what she's going to do, when the

other option is to go to school and have a job and learn a vocation or trade. That false dichotomy about these choices doesn't exist. So that's really the starting point.

You'll find studies on both sides that say that it helps, that it hurts. This is a bit of a side debate, and I want to encourage the committee to focus, at least in this study, on the issue of human trafficking as it currently exists in Canada. There's another committee, there have been other committees that have looked at the legalization of prostitution. It's an issue that will be controversial and one for which there's no consensus among the members here, that I'm aware of. So I would encourage the committee to focus on the human trafficking issue.

The second thing is that we do have a definition that over 100 countries have agreed to. It's in the UN trafficking protocol, and it's in the report that we provided in our first brief. That's the definition; that's what we have to work with. We need to study it more. These are all, if not excuses, reasons to delay more. They're not going to help these people who are today in Calgary, Toronto, Vancouver, and Windsor. In every one of your ridings, whether you know it or not, they're there, and that really needs to be driven home.

So where can the committee go from here? There are other witnesses. If you're serious about a national rapporteur or a national office, you need to talk again to the RCMP, with their trafficking task force. We don't have one super police agency in Canada that does it all, so they're the one to talk to on a national level. They liaise very closely with the local police organizations.

As I've mentioned before, Vancouver is an excellent area, both because of the risk it's facing, but also because the work that's being done there is a real microcosm for action and things that are being done. So I would encourage that as a place to start.

Additionally, I don't think the options between whether we have a rapporteur or an office is really all that constructive. I think what we need to do is, first of all, agree we need to have better intelligence information on human trafficking in Canada. That's the first step. Then we have to have a coordinated approach within the government to address it, and realize that the current system is fulfilling neither of those two.

That's a significant enough recommendation. I would encourage some unity in the report that comes out. More is likely to happen that's good for victims. Rather than going to the minutia of what exactly the mandate is...it's good to propose it, but if you're seeing disagreement as your deliberations continue, I encourage you to go broad or get a bit more general.

We're not going to have any action until this gets higher on the political agenda. The fact that it's in a parliamentary committee is fantastic. It needs to go to the next step. It needs to be in the House of Commons and at the cabinet table.

Thank you very much.

• (1655)

The Chair: Ms. Ekberg, would you like to make some closing remarks?

Ms. Gunilla Ekberg: Yes, and because I will do them, I get a bit longer.

As for the international aspects, I want to point out that recently the Dutch police closed down half of the red light district in Amsterdam, due to the involvement of organized crime. That tells us exactly what legalization does, as to attracting organized networks.

When we started to work in Russia, the Baltic countries, and in Nepal, there were propositions to legalize the prostitution industry in all these five countries. They have all now chosen to go the other way and focus on preventative measures: on the social, economic, and legal position of women, and so on; on criminalizing the buyers; and on putting a lot of emphasis into working against the organized networks.

Nepal is a case in point. I spent a lot of time in Nepal, a country with armed conflicts that just ended, where women were sold over the border to India, and where local prostitution and the trafficking of women internally was quite developed because of the armed conflict. Yet the new government made the decision to put into place a national rapporteur. They will criminalize the buyers in the new legal proposal, and they will expand the possibilities of a national action plan.

So in Canada, it's necessary to have an independent national rapporteur to dig into and get more information about the situation here, because now the information is so scattered and has not been gathered, and nobody has a clue about what's going on in different provinces.

The Chair: Does Ms. Wahlberg have anything to add?

Ms. Gunilla Ekberg: No, we discussed it beforehand. For her, having had this position for so long, and having seen the development of the work that she and her colleagues have been able to do, of course she can only encourage you to establish a national rapporteur.

As we discussed beforehand, you're welcome to come here and see for yourself how this work is developed.

The Chair: Committee members, I'd like to thank the witnesses for their time, the efforts that they have spent, and the expert opinions they have given us.

I thank you for the turnaround time that you gave us. We gave you information at the last minute, and you were able to accommodate us. So thank you very much. It was a very worthy interaction, and I hope you found it the same way.

Committee members, what I'd like to do is suspend the public part of this to go in camera.

The meeting is suspended for one minute.

[*Proceedings continue in camera*]

- _____ (Pause) _____
-

[*Public proceedings resume*]

- (1705)

The Chair: You have before you a motion by Ms. Smith.

Could you read your motion, please.

Mrs. Joy Smith: Thank you.

My motion reads as follows:

That the Standing House of Commons Committee on the Status of Women consider prostitution as the sexual exploitation of human beings, mainly women, that results from, and promotes, relationships of inequality and violence between men and women in our society;

That the Committee therefore recommend to the government and to the House that they take this opinion of the Committee's into consideration in all approaches to amending the provisions of the Criminal Code regarding prostitution-related activities;

That the Committee therefore recommend to the government that it take this opinion of the Committee's into consideration in orienting the work of Status of Women Canada and the various other Canadian government agencies;

That the adoption of this motion be reported to the House.

Madam Chair, I would just say that this motion, after very strong consultation, private and public, listens to what members and witnesses are saying about the legalizing of prostitution. Without a doubt, one thing we have said on this committee very strongly—and we have heard it from our witnesses—is that prostitution is sexual exploitation of human beings. Our whole study has been on the exploitation of human beings, and that is the thing we are working to stop.

The Chair: Before I open up the floor to discussion, I just want to bring it to the attention of members that a similar motion was proposed by Ms. Mourani, and the committee had expressed concern that it was pre-empting the report. However, I think the committee then adopted the motion.

So keep that in mind in your discussion. I will entertain speakers for the motion and against the motion, for a minute each, please.

Ms. Minna.

Hon. Maria Minna: Madam Chair, first of all, I would want to see Ms. Mourani's motion—I don't remember the exact wording—in order to see exactly what the difference is, for starters.

Secondly, I'm having some difficulty with motions that are so generic. In this one, the first phrase seems fair enough. All of us agree that it's exploitation of women. We know that. But I'm not entirely sure what we want to do with the second paragraph, where it says "approaches to amending the provisions of the Criminal Code". What does that mean, and in what context? Are we making some suggestions? Are we just saying to the government to amend the Criminal Code in whatever way, however they can?

Meanwhile, a whole committee has been studying specifically prostitution and presumably will have a major report, yet here we are saying to go and do something. I don't like motions that say we think this is really bad, so go fix it and change the Criminal Code. What exactly do we want them to do? I would rather that we'd done some study and come up with some suggestions. This is so broadly based and so....

And I'm not quite sure about the second-last paragraph altogether. I'm not quite sure what we're trying to accomplish. My problem with it is not so much—

- (1710)

The Chair: Ms. Minna—

Hon. Maria Minna: I'm sorry, but I can't support it.

The Chair: —I will ask Ms. Smith to explain what she means. If there are any amendments that anybody wants to suggest, Ms. Smith can entertain them.

Ms. Smith, if you could, please respond to Ms. Minna's questions.

Mrs. Joy Smith: I worked on this motion hand in hand with Ms. Mourani when she was on committee. As you know, Ms. Mourani wrote a book on organized crime and prostitution, and she felt very strongly about this issue. I don't know whether it was tabled, but she did present her motion and there was quite a bit of kerfuffle around the table about her motion when it was here. I can't really remember if it was adopted or not. It seems to me that it actually wasn't, because we continued to talk about it and we continued to work together.

I think what we're doing, as the status of women committee, is recognizing that this relationship really is sexual exploitation. Prostitution is the sexual exploitation of human beings, mainly women. We are on the status of women committee, and prostitution does promote relationships of inequality.

So the motion is on the table. I believe that all of those around the table can vote against it or for it, whatever they please, but my motion is on the table and I would like a vote today. That's why I brought it.

The Chair: Thank you.

According to the minutes of the meeting held on Tuesday, November 21, 2006, Ms. Mourani's motion was agreed to by unanimous consent. Her motion reads as follows:

That the House of Commons Standing Committee on the Status of Women recommend to the government that it develop, in collaboration with the provinces, a comprehensive strategy to combat human trafficking in Canada, and that the adoption of this motion be reported to the House.

Yes, Ms. Neville.

Hon. Anita Neville: Thank you.

Madam Chair, I would have a lot of difficulty supporting this motion right now. I don't know what it means, nor do I understand its implications.

I mean, I understand the first clause clearly enough, but I'm looking at this part:

That the Committee therefore recommend to the government that it take this opinion of the Committee's into consideration in orienting the work of Status of Women Canada and the various other Canadian government agencies;

Does that mean we determine what research funding goes out? Does it mean we determine what programs are funded?

I just don't understand how this is worked into the criteria of other programs. It's far too vague, it's far too open, it has no specificity to it, and it's not a motion that I would be willing to support.

The Chair: Ms. Smith.

Mrs. Joy Smith: I would like to speak to that.

As a matter of fact, I took this very motion to seven different focus groups made up of women. They understood its intent, and felt very good about the fact that at status of women we were saying that

prostitution was really sexual exploitation of human beings. They really liked the idea, and in fact helped me out with this. This business of inequality...if you want to talk about inequality for women.

So you know, we can debate all we like, but today I'm asking for a recorded vote on this motion.

The Chair: Fair enough, Ms. Smith.

Ms. Minna.

Hon. Maria Minna: Madam Smith, I don't think anybody is saying that we disagree with the first statement. I think the first paragraph is standing on its own, and it's quite fine if we want to vote for it. On that I have no problem.

The difficulty, though, is what is meant when you suggest that the government should take all of that into consideration as it develops its laws. Because that's how I interpret the second paragraph. I suppose that part is okay, but then the third paragraph says that this should orient, somehow, Status of Women Canada in its funding or various programs.

Well, I'm sorry, but that's dealing with the mandate of Status of Women Canada, which is a whole other thing too. Again, as Ms. Neville says, what does that mean?

I don't like vague recommendations on things that have major impacts like that. If we want to make a bald statement about the fact that prostitution is exploitation of women, as the first paragraph states, I have no problem. If we want to say, in the second paragraph, that as the government develops its legislation and reviews the Criminal Code or what have you, it should take that into consideration, that's fine too, I suppose. It's the last one I have some difficulties with, because I'm not quite sure what it does.

Also, I thought we had a recommendation in the report to this effect. Did we not also address this in the report? If so, why are we doing it as a separate motion, which is out of context now, and has other meanings? That's my problem.

•(1715)

The Chair: I'll ask the analyst to see if we have a recommendation in the report to that effect.

First, Ms. Mathysen.

Mrs. Irene Mathysen: Thank you, Madam Chair.

I'd like to add my voice to this. I certainly understand why women's groups would in fact agree with the first paragraph. It's clear. But I have some concerns about the lack of clarity in terms of the direction that the third paragraph seems to be suggesting.

The word "orienting" strikes me as perhaps being rather restrictive in terms of the freedom of the committee, and I wouldn't want that. This committee must act independently, and must pursue issues and concerns of women without there being any fetters, and I see this as problematic.

The Chair: I've just received feedback from the analyst that there are recommendations and comments in the body of the report that address the intent of your motion. They do address the intent of the motion, and they are more clear than....

What the committee is having problems with, Ms. Smith, as I hear it—otherwise this is just going to go in a circular motion—is that there is no clarity on what you mean in number three. And if we are overlapping or trying to recreate the mandate of the Status of Women, it won't be accepted. Are we overlapping with justice issues, etc.?

I will let you speak for a minute. If you wish to make any amendments to your own motion, or if you want to clarify things, that option would be open to you.

Mrs. Joy Smith: Thank you.

On Status of Women, certainly it's in the report, and this does mirror the report, which strengthens the report.

I brought this motion forward because as the status of women committee, we are saying that there is a new way of looking at things here on Parliament Hill. We are looking at human trafficking. We, as a committee across all party lines, together are saying that we do not support sexual exploitation and we would like this to be taken into consideration.

As you know, Madam Chair, if members around the table don't like it, they can vote against it, but I think this does strengthen what we're doing.

I will not amend the motion. There is no need to do that.

I would like a recorded vote on it.

The Chair: Madame Demers next.

[*Translation*]

Ms. Nicole Demers: Madam Chair, I'm new to this committee. Therefore, I'm not familiar with what has gone on in the past. I've read the testimony in connection with the report. It's important to assimilate all of this information in order to gain a better understanding of the situation.

I deeply regret our having to debate this motion today. While I believe the aim of the motion is positive, I think we're being forced into voting on something that isn't clear to us. I find that most regrettable.

I have come here in good faith and I support the first part of the motion. The only amendment that is needed is the addition of the word “notably” in the English version, to correspond with the word “notamment” in the French version.

I wouldn't want the actions of committee members to be restricted because a motion was introduced saying that the government could direct out work. That isn't right.

Thank you very much, Madam Chair.

● (1720)

[*English*]

The Chair: If you have anything that will add to the value of the motion, then please speak. But we have a time constraint, so if you don't have anything that will add value, I'll take the vote.

(Motion negated: nays 6; yeas 5)

Mr. Bruce Stanton: Madam Chair, just before you get to adjournment, in the course of our discussion on this motion—and I understand that this is a public meeting—there were references made to what is in the report. I understand those types of discussions should in fact be in camera. It didn't occur to me until several comments had been made.

I agree that these comments were made in a general sense, but I would think it is something we should watch in the future.

The Chair: Agreed, Mr. Stanton.

I'd like to bring it to the attention of the committee that on February 8 we will be discussing the economic security of women. I was advised by the analyst that we had started with the economic security of seniors. If you go to the economic security of women, it becomes a very large base. As well, if you want that report to be done by June, we have to work backwards, because we need to know what date the analyst and the research clerk have to have before the report is finished.

On the economic security of women, especially senior women, I guess the analysts have some draft papers ready that they could distribute to jolt everyone's memory as to what was discussed. February 8 is when you're going to discuss it, but if you want to keep the pool wide open, remember that you have time constraints. You will have 20 meetings in total, which you will have to cut off at least at the twelfth meeting to let the draft reports, and so on, come through. So please think through that one when you are discussing....

The clerk advises me that you will get the report by e-mail tomorrow so that you will be prepared for the February 8 discussions. I just wanted to bring that to the attention of members.

Is there any other business?

The meeting is adjourned.

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