



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Justice and Human Rights**

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JUST • NUMBER 071 • 1st SESSION • 41st PARLIAMENT

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**EVIDENCE**

**Wednesday, May 1, 2013**

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**Chair**

**Mr. Mike Wallace**



## Standing Committee on Justice and Human Rights

Wednesday, May 1, 2013

• (1530)

[English]

**The Chair (Mr. Mike Wallace (Burlington, CPC)):** Ladies and gentlemen, welcome to meeting number 71 of the Standing Committee on Justice and Human Rights. Pursuant to the order of reference of Wednesday, March 6, 2013, we are studying Bill C-452, An Act to amend the Criminal Code (exploitation and trafficking in persons).

In our first hour we have two witnesses and in our second hour we have another panel of two witnesses.

Today, we have Éliane Legault-Roy from the organization Concertation des luttes contre l'exploitation sexuelle.

Thank you for coming.

From Walk With Me Canada Victim Services, we have Mr. Robert Hooper, who is the chair.

You both have 10 minutes to give an opening statement.

Please begin.

[Translation]

**Ms. Éliane Legault-Roy (Responsible for communications, Concertation des luttes contre l'exploitation sexuelle):** Thank you, Mr. Chair.

I will follow my brief because I am not very comfortable.

Today Concertation des luttes contre l'exploitation sexuelle wishes to reiterate its support for Bill C-452, which was introduced by Maria Mourani, the member for Ahuntsic.

We believe that, by targeting procurers and the profits of an exploitation-based industry, this bill will guarantee better protection for women engaged in prostitution and the victims of trafficking for sexual purposes.

Ms. Mourani's bill promotes a better understanding of the essential connection between prostitution and trafficking, both of which are based to a large degree on inequality and, to paraphrase Gloria Steinem, are created by the same customers who seek unequal sexual relations. Bill C-452 emphasizes that connection by including a subsection on sexual exploitation in section 279.04 of the Criminal Code, which concerns trafficking, and by attacking procuring, a definite step toward achieving equality between men and women in Canada.

In Canada, where most human trafficking is carried on domestically, there is demand for sexual services in all communities,

in all provinces, but most of the time it requires that hundreds, even thousands of young girls be transported around the country to remove them from their families, friends and social networks and to erase all trace of them.

We also see that massive numbers of women are occasionally transported to specific regions of Canada to meet increased customer demand at sports and other events.

The clarification made before paragraph (a) of subsection 279.01 (1) of the Criminal Code is important in having domestic trafficking recognized as an organized system similar in all respects to international trafficking and as something that must be punished as such.

The inclusion of the presumption of exploitation of a person following subsection (2) of that same section is also a clear measure in favour of the protection of women, who are the main victims of trafficking in Canada. The reverse burden of proof removes an enormous weight from their shoulders, as they are often afraid of reprisals if they testify and prefer to remain silent to having to relive their ordeal by testifying.

In addition, since 80% to 90% of women victims of trafficking are being used to supply the sex industry, we think they should be treated the same way as the victims of procurers, who are already subject to the reverse onus of proof, as provided by subsection 212 (3) of the Criminal Code.

Lastly, by providing for exemplary and consecutive sentences and the forfeiture of the proceeds of procurers and traffickers, Bill C-452 clearly indicates that the commoditization of women, who are imported and exported, sold and resold for the benefit of men through trafficking, is a serious crime that deserves a clear sentence.

In conclusion, since the sex industry responds solely to profit and customer demand, it is imperative that we attack the sources of this market. That is why we at Concertation des luttes contre l'exploitation sexuelle believe that focusing on procuring and the forfeiture of proceeds generated by human trafficking, as Ms. Mourani's bill does, is the first appropriate, urgently needed step in addressing the problem of human trafficking for sexual exploitation purposes in Canada.

We also believe that, to affirm our solidarity with women who too often have no choice and to guarantee real protection for prostitutes, prostitution should be decriminalized. We hope that the Bloc Québécois and the other political parties will soon take action to that end and tackle the sex industry and the customers who support it head on.

In the meantime, we hail Ms. Mourani's initiative and hope that her bill is passed by all members of Parliament. This is a step in the right direction, one that gives us hope that one day we will move beyond the concept of individual choice and collectively assert the right of women, of all women, not to be prostitutes.

Thank you.

• (1535)

**The Chair:** Thank you very much.

[*English*]

The next presenter is Mr. Hooper from Walk With Me Canada Victim Services.

Mr. Hooper, you have 10 minutes.

**Mr. Robert Hooper (Chair, Walk With Me Canada Victim Services):** Thank you, Mr. Chair.

Walk With Me Canada was established by a survivor of human trafficking. Walk With Me was created with a commitment to ensuring that survivors have first response care and, secondly, with recognition that survivors should have a voice in developing a coordinated community response that can meet immediate crises and longer needs of trafficked victims.

Since its inception in 2009, Walk With Me has been working closely with various police services and has been able to provide unique services and support to many victims of human trafficking in Ontario and across this country.

Walk With Me Canada Victim Services' vision statement is transforming the lives of the victims of human trafficking while eradicating slavery in this country. The mission statement of Walk With Me Canada Victim Services is a survivor-led organization dedicated to raising awareness and providing education on issues of slavery, delivering and coordinating services, supporting victims to become survivors, and advocating action for change in our laws in this country.

In the last three years, Walk With Me has assisted over 200 men and women who have been rescued or left their position where they were trafficked for labour or, most often, for sex. Those we have helped thus far are both men and women, and their ages range from 14 to 45.

Several of these circumstances include multiple people being trafficked by the same person, which we think is very important in this bill. Often the word "stable" is used, and I apologize, but that's the word we often hear on the street. Some of the people, particularly in the sex industry, have a stable of young women, which makes the consecutive sentencing quite important to our organization.

Walk With Me operates a safe house and also provides first response assistance for trafficked persons. We are attempting to start and create second-stage housing for longer rehabilitation and reintegration into society for the people we help.

The bill itself, Bill C-452—the three amendments—is supported by Walk With Me Canada, with some modifications in the language, hopefully. It purports to make three amendments to the Criminal Code of Canada. They are to provide consecutive sentences for offences related to procuring and trafficking in persons; to create a

presumption regarding the exploitation of one person by another and add circumstances that are deemed to constitute exploitation; and finally, the amendment is to add the offences of procuring and trafficking of persons to the list of offences where forfeiture of proceeds of crime would apply.

Walk With Me Canada supports all three amendments. Our support is subject to a review of the legislation for wording and overlap with some of the previous amendments made in Bill C-310.

On consecutive sentences for offences related to procuring and trafficking in persons, Walk With Me Canada's somewhat recent arrival on the scene does not allow us to have any scientific data for the committee with respect to concurrent sentences as opposed to consecutive sentences. A review of sentences with respect to trafficking in drugs and trafficking in persons shows that harsher sentences are handed out by our courts for drug trafficking than for trafficking in persons, either for sex or for labour. Not to make light of drug trafficking, but certainly the sentences are more harsh than they are for trafficking in persons.

Furthermore, Walk With Me Canada was involved in the largest human trafficking case in Canada, known as the Roma Hungarian labour trafficking case in Hamilton, where concurrent sentences were given to most of the offenders. The kingpin, Ferenc Domotor, was handed a significant sentence, but one that was concurrent.

At a post-sentencing gathering, where several of the victims attended after the sentence was handed down, we were able to discuss the court proceedings with the labour traffic victims. One of the young Hungarian men indicated he was not sure that the hell he had gone through was worth the trauma and post-traumatic stress he suffered, given the fact that the sentence was to be one sentence no matter how many victims were involved. Although he did not understand, in my view, concurrent versus consecutive, his assessment of the court proceedings and the sentence handed down by the court was that the amount served by Mr. Domotor would not have changed whether there was one victim or ten victims.

When this is coupled with the fact that multiple victims mean larger profits for the trafficker, consecutive sentences are a necessity for this heinous crime. Presently, a relatively low risk of having a more significant sentence for having two, three, or more victims of sex slavery or labour slavery is worth the financial gain. In other words, when you are able to garner upwards of \$200,000 to \$300,000 per trafficked victim in one year, and the only real risk in sentencing is a concurrent sentence for each additional victim, the trafficker is almost compelled to expand his business empire with little risk of significant ramifications to him in the criminal justice system here in Canada.

• (1540)

For those reasons, Walk With Me Canada supports this amendment.

Walk With Me Canada supports the amendment with respect to the "presumption regarding the exploitation of one person by another and adds circumstances that are deemed to constitute exploitation."

Although the wording at first blush appears to provide some risk that innocent bystanders may be captured, the presumption is a necessary one for victims who are scared for their life. Some of the classic traits of trafficking in persons include threats to people's family, their own lives, and the lives of their friends. A lot of the time, the person has been transplanted from their roots to a foreign city, or even another country. As a result, being asked to testify is one of the scariest propositions of being rescued from trafficking.

In our experience, a lot of the women need to be removed from the city, or the province, for their own safety. The severe post-traumatic stress, anxiety, and depression that come with being victimized by their traffickers make testifying a deterrent, and it makes one reluctant to come forward. A reversal of the burden of proof, once a prima facie case has been put forward by the crown, is a welcome addition to the Criminal Code. Having the victim not testify, or not feel that her testimony is the only reason a police force will have to lay charges, will assist in the recovery process of victims.

Often, waiting for the Criminal Court proceedings to take place brings the recovery to a standstill, as they are singularly focused on their day in court, where they will have to face their trafficker again, and have the burden on their shoulders that the case will only be successful if they come and testify and put their life at risk.

For those reasons, Walk With Me Canada supports this amendment.

The amendment "adds the offences of procuring and trafficking in persons to the list of offences to which the forfeiture of proceeds of crime apply." There are many statistics with respect to the profits made by human traffickers. Some of these statistics include trafficking one young woman for a profit of \$280,000 to the trafficker in one year. Other statistics show that a sex-trafficked woman between the ages of 12 and 25 years can generate illicit tax-free income for the trafficker in the range of \$300 to \$1,500 per day. A government table, which was attached to our submission, shows that the average daily profit for one trafficked woman is in the range of \$900, and an annual profit in the range of \$280,000. A trafficker with 10 young women in his stable could have an annual profit in excess of \$3 million. Backpage.com, an example of which we attached, is a unique way to find women in this country. Our example shows that five women were advertised from 11 a.m. to 4 a.m. in one hotel room. Also, if you look at it, the ranges were from \$60 to \$80 per half hour and \$120 to \$180 per hour. I looked at the attachment, and in fact the young lady in that attachment is actually being advertised at \$200 per hour. You can appreciate the amount of profit you can make if you have four or five people doing that for you on any given day. It should be recognized that this is illicit income, and it's not subject to taxation. This is clear profit.

We're also aware, from our victims, that initially they see some proceeds of their being trafficked, and they are given nice things. Very quickly, once they are brainwashed by the trafficker, they receive less and less of the profit or material items, and the money goes into the coffers of the trafficker.

Anecdotally, we're aware that in the labour trafficking in Hamilton, one of the people who pleaded guilty owned a house in Ancaster, Ontario, that was listed at \$750,000. This amendment would've allowed the crown attorney to have that family forfeit the

home as proceeds of crime. RCMP surveillance and the evidence given at the trial, which I attended, show that many of the traffickers also had several bank accounts with significant funds in them, including welfare funds. They also could have been forfeited if this amendment had been made previously. As a result, the labour trafficker received a concurrent jail sentence, and in all likelihood a deportation, but he was able to keep all of his assets, including his bank account and his house.

The profit made by organized crime, street gangs, and entrepreneurial men who prey on young women and men in this country, as well as immigrant people who come to this country, needs to be stopped. Along with consecutive sentences, the risk of forfeiting all of the profits and their assets will be a deterrent to this heinous crime.

For the foregoing reasons, Walk With Me supports the three amendments. We hope they will assist in securing convictions that make the punishment proportional to the severity of the crime and that cause the traffickers to be deprived of the profits from their illicit activities.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Hooper. Thank you for that presentation.

We'll go now to our rounds of questions. Our first questioner is from the New Democratic Party.

Madame Morin.

• (1545)

[Translation]

**Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP):** Thank you very much for your testimony. It is important for us to know what you think about this issue.

To date, the NDP has been in favour of the bill. I consider your testimony important because you are part of a team of people working extensively in the field.

My first question is for Mr. Hooper.

You said you have assisted 200 male and female human trafficking victims to date. Can you give us more details on those people? For example, what are the percentages of men and women? Are all the victims Canadian and are there also aboriginal people? I would like to have a more comprehensive picture of those 200 people.

[English]

**Mr. Robert Hooper:** Yes, Mr. Chair, I can answer the question.

I'll start with an overview, because I don't have the statistical analysis in front of me. It would be significantly heavy, women to men. In fact, I think it's a bit disproportionate that there were 18 labour-trafficked victims in Hamilton alone. There were two other male victims that I'm aware of, that I can think of off the top of my head, which, if my math is correct, makes it probably a 90%-10% split female to male.

The other component would be, surprisingly to me, that most of the women are domestics. They are Canadians. Most of the population thinks there are people coming here to be nannies who become trafficked. It's not true. The majority of trafficked people are Canadian citizens.

There is a large pull from rural to urban. In the book written by Ms. Nagy—a guide written for police officers—places like Tim Hortons at 10 o'clock in northern Ontario are classic places to find an aboriginal young woman who, if somebody shows her attention, will apparently go to lovely Toronto, Halifax, Edmonton, or Vancouver with the promise of great wealth.

[Translation]

**Ms. Isabelle Morin:** How do you find trafficking victims? Do you work with local police officers, or do the victims come to you because you are an organization?

[English]

**Mr. Robert Hooper:** Yes. There are three main ways. We proactively look, for example, in the regions of Peel and Niagara, which have the most exotic dancing places per capita I think in North America, or at least Canada. We actively look in those places.

Ms. Nagy, who is our main front-line worker, has a very good network with police officers and has done a lot of training. If there's a suspicion that a woman has been trafficked, she's often called in to do a subsequent interview to determine that.

I don't know how else to say it, but the word on the street is that you may also phone our 24-hour hotline, where you may get help immediately. Those are the three main ways.

[Translation]

**Ms. Isabelle Morin:** I have met with a lot of organizations working in the human trafficking field. Last summer, I went to Thailand and Cambodia with a parliamentary delegation to learn more about human trafficking. Ms. Mourani will say that we must focus on Canada, and I agree with her, but that was the first time I had encountered this field. Since then, I have met a lot of organizations that have indicated that the major difficulty lies in getting victims to testify. I think the bill is useful in that respect, as you both emphasized.

However, we are told that it is very difficult to gather data and to prevent human trafficking. I was wondering whether you had any recommendations to make to us so that this bill can help us in that regard. Could we have more tools to help us prevent trafficking? Could you also advise us on data that might be necessary in the case of human trafficking in Canada?

[English]

**Ms. Éliane Legault-Roy:** I will let Mr. Hooper answer.

● (1550)

**Mr. Robert Hooper:** Yes. One of the main things that is done by several organizations is more education in rural areas for aboriginal people and northern communities. In the Canadian population, in general, it could be the girl next door, and it's not always somebody from Cambodia, Thailand, or Hungary. I think education is probably one of the key things, which maybe won't help this bill a lot in the

Criminal Code, but I think that would be a great first preventative step.

The second thing is more money spent perhaps from the action plan, or otherwise, that would go toward training people at sites where this often happens—for example, doughnut shops or immigration lineups crossing the border. Often, these women are taken across the border, because of course New York is not very far from Niagara.

So money should be spent on education and training people, not just police officers, but others, such as welfare or social assistance workers, who have people coming in with some telltale signs. I guess, bluntly, education is the key.

**The Chair:** Merci. Thank you very much for those questions and answers.

Our next questioner, from the Conservative Party, is Ms. Smith.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Thank you, Mr. Chair.

Welcome, Mr. Hooper and Ms. Legault-Roy. Thank you for coming today.

Mr. Hooper, you and I know each other very well. Timea Nagy is an amazing victim who has risen above and is now helping police officers and is doing a lot of very good work. Mr. Hooper, as a lawyer for her organization, I have to thank you for all your volunteerism and for the work you have done as well.

Taking a look at this issue, you have described very well what we're looking at. It can be the girl next door. It can be people from abroad. I remember when Timea Nagy first came into Canada. She was trafficked from Hungary, as you know, and she was in a much different place from where she is right now, as one of the leaders in Canada, in my opinion, for helping victims of human trafficking.

In regard to the case you referred to in terms of the forced labour, I know between Timea, Toni Skarica, and a few of us, we did a lot of work on that one.

Looking at this whole bill from Maria Mourani, as you know, Bill C-268 and Bill C-310 did certain things to help with this issue of human trafficking. I would like you to talk a little bit more about how Bill C-452 will help the victims of human trafficking, because that is the issue here, where the victims go to court and they won't talk. I know for the men in the forced labour case it was a horrendous experience, and they actually had organized crime from Hungary after them as well, trying to come into Canada. In Bill C-310 we authorized the assumption of extraterritorial jurisdiction so that Canadian prosecution could happen if Canadian citizens or permanent residents who commit human trafficking went abroad. Then we had an interpretive provision, which expanded the definition of human trafficking to enable the courts to bring justice to these perpetrators. Bill C-452 will help the victims as well.

Mr. Hooper, I would like you to expand on your explanation of how this bill would apply to help these victims. Could you do that for us?

**Mr. Robert Hooper:** I think what I have called the reverse onus or the presumption clause will assist. From my limited experience with victims and in my discussions with our three front-line workers, when particularly a trafficked woman is removed from the circumstances and has three months, six months, nine months of normal life, if that's what it's called, sometimes in a different city or a different province, particularly Vancouver often, they come back to be revictimized, and there's the pressure...the quote we often hear, if I can paraphrase it, is that if they don't perform, which is kind of an ironic way to say it, this case goes down the tubes. It's all on their shoulders.

So again, with this presumption it will assist that there will be other evidence gathered, and if a case can be built on top of that testimony, so that it's not the only testimony available, even from a psychological or subconscious view, it will make women in particular feel better in coming forward, because it feels like the system is on their side as opposed to on the traffickers' side.

● (1555)

**Mrs. Joy Smith:** Do I have time?

**The Chair:** You have two minutes.

**Mrs. Joy Smith:** Thank you, Mr. Hooper. I'm going to ask you another question.

You hit on something that is so critical, which is that the victim is very reluctant to testify, because what do they get out of it? They can go to court and their very lives are on the line if things don't go well in the court. Often they back down. I know of a case in Montreal where there was a mistrial and the victim has to come back again a year from now; they sort of dragged that out. They have a lot of thinking time during that time, and a lot of memories come back.

Is there something in the bill that you think could reassure the victims? I'm not sure, even when bills are passed, victims get the message that it's okay for them to testify, that they will be protected and the perpetrators will come to justice. That seems to be a huge issue, and it would be for anybody, especially these poor little girls and boys who get caught up in this kind of web of deception.

Can you comment on that at all, Mr. Hooper?

**The Chair:** Thirty seconds, Mr. Hooper.

**Mr. Robert Hooper:** Something in the system that gives support.... I know our courts presently have victim services inside the court, but the quick example is a woman who had to go back to Halifax. Our system doesn't provide a social worker or somebody to go with her. She now gets on an airplane by herself to go to Halifax, to take a taxi, or whatever the system provides, to a courthouse by herself, where her trafficker is. I can't imagine that.

**The Chair:** Thank you very much. Thank you for those questions and for those answers.

From the Liberal Party, Ms. Murray is with us today.

Thank you very much for coming. You have five minutes.

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** I appreciate that. Thank you for providing testimony here. It's great to be sitting in as a guest committee member.

I want to congratulate the member from St. Paul for the work that you've done over the years.

Ms. Legault-Roy, you mentioned sporting events. I actually tabled a motion a year before the Vancouver 2010 Winter Olympics that I was hoping to have unanimous consent for, to have an action plan to counter human trafficking, consistent with our obligations under the Palermo Protocol. We had the member from St. Paul's support that; unfortunately, I didn't get unanimous consent.

But it's great to see forward movement on this issue. I understand the Liberal Party is very supportive of Madame Mourani's bill—extending the jurisdiction to crimes outside of Canada; there are a number of different factors in it.

We have some concerns about two aspects in particular. One of them is the issue of consecutive sentence as opposed to concurrent sentence. My understanding is that the judges already have the power to impose a consecutive sentence. To take away flexibility from judges, to use their judgment, is always something to be done with a great deal of care. I'd like you to respond as to why you feel it's important, given that there's already the opportunity for judges to do consecutive sentencing.

Secondly, we have some concerns about the presumption of guilt and the potential situations where minors might be implicated and may not have the capacity or the resources, or even the situation, the support, in their lives to be able to defend themselves in a presumption of guilt situation.

I'd like to hear both of your comments on those two issues.

Thank you.

● (1600)

[*Translation*]

**Ms. Éliane Legault-Roy:** Mr. Chair, with respect to the presumption of guilt, this is already the case for procuring, and it generally works quite well. Police officers and agents normally lay charges only if the individual living with the prostitute encourages her to engage in prostitution for the purpose of exploiting her. However, the act is enforced with a degree of flexibility if the individual is a co-tenant, husband or the child of the person living on the avails of prostitution.

I am in favour of the presumption of innocence being applied in exploitation cases. I think that we have proven to date that we are capable of applying it judiciously. As for consecutive sentences, I am not a lawyer; this is not my specialty. However, I believe that the idea is to prevent certain things. We see that drug traffickers receive different sentences from those of human traffickers, who are punished only once for their crime, even though several girls work for them. I believe the idea here is to avoid this kind of pitfall.

[English]

**Mr. Robert Hooper:** With respect to consecutive sentences, I gave an anecdotal story of what one of the labour slave's position was on that. I think you deter victims from coming away once those stories hit the street or when they're in the newspaper that one or ten.... Unfortunately, or fortunately, the way our criminal justice system presently works, concurrent sentences are the norm. So if we're going to give human dignity to victim two, three, four, and five, I see no other way but to pull back on that discretion and send a very clear message to these people who are not paying taxes, who are ruining young women in our society. A clear message has to be sent that this is a serious crime that this country takes seriously. I have no qualms in our organization. We've debated at our board that it's a good thing.

**Ms. Joyce Murray:** I'd like to ask a question on that specifically.

Is there any evidence? Anecdotal is not sufficient to change a law in a way that can have such far-reaching implications. Given the kind of money that can be made in that situation, is there any evidence that heavier sentencing is a deterrent?

**Mr. Robert Hooper:** I'll attempt an answer, Mr. Chair.

I don't have with me statistics on whether the criminal justice system, using general deterrence, specific deterrence, retribution, and rehabilitation, the four pillars of the Canadian sentencing principles, works or doesn't work. But at the end of the day, with human trafficking in its infancy in this country, there isn't going to be scientific data. This might be out on a limb, or anecdotal isn't good enough, but at this point, when our organization adds up the math, the way our system currently sits with concurrent sentences being the norm, it encourages stables of labour slavery and sex slavery. These sentences have all been concurrent. That means, whether it be one or ten, you get essentially the same sentence.

**The Chair:** Thank you very much.

Thank you for those questions and those answers.

Our next questioner, from the Conservative Party, is Mr. Seeback.

**Mr. Kyle Seeback (Brampton West, CPC):** Thanks, Mr. Chair.

I want to pick up on this discussion on concurrent sentences. I know that the Liberal Party is expressing some concern, in talking about how you'd be taking away a judge's discretion. I think that's where they're going. We talk about this a lot on this committee in different ways with respect to different Criminal Code sanctions.

Mr. Hooper, maybe you can comment on this.

My view is that when you have established case law, the norm is concurrent sentencing, which is what we have now. Judges have the option, but they haven't exercised it. If we, as Parliament, want to show our condemnation of this type of behaviour, we have to move the goalposts. The way you move the goalposts and the way you get judges out of that sentencing rut, where they continue to put forward a concurrent sentence, is to change the legislation. You've sent that signal, and then the goalposts actually get moved.

That's my belief on why this is so important with respect to this particular issue, and certainly some others, but I would like to have your comment on that.

• (1605)

**Mr. Robert Hooper:** I couldn't agree more.

By way of analogy, approximately nine years ago in this country, in a civil litigation context, the Supreme Court of Canada set what they said to be the normal rule of thumb for punitive damages at \$1 million in a case called *Whiten v. Pilot*. Recently, a judge in the prairies who did not get complacent said, "I don't think the insurance industry got the message, so I am going to step outside", and went with a \$4.2 million punitive damage award, which I'm sure will weave its way back to the Supreme Court of Canada at some point.

But I think that is exactly it. The way our system is built in the judiciary, if the Court of Appeal has sort of rubber-stamped concurrent sentences, judges of the Superior Court or Queen's Bench across this country are bound by that. The only way this is going to change is with a consecutive sentence in legislation from Parliament, as opposed to judge-made law. I agree.

**Mr. Kyle Seeback:** That's certainly my view, and I think it's a necessary step we have to take, to show that sort of condemnation.

Ms. Legault-Roy, do you agree with that?

[Translation]

**Ms. Éliane Legault-Roy:** Yes. The law as it relates to human trafficking is not exactly our specialty, but we have discussed it within our organization. We all agreed that the act should be amended.

[English]

**Mr. Kyle Seeback:** I think the other issue that sometimes comes up when we talk about deterrence is that we often hear, "Give me an example of where deterrence has worked. Show me a study where deterrence works."

My view, quite frankly, is that there are two types of deterrence. One is general deterrence; you make the sentence so strong that people say, "Oh, gee, maybe I don't want to do that." The other aspect of it, and this is the one that I believe in, is specific deterrence, which means the person who committed this very serious offence... for example, under subsection 279.011(1), which is the most serious one for trafficking under the age of 18, there can be imprisonment. There's a minimum punishment of imprisonment for six years. So if this person committed this offence against six or eight or ten girls under the age of 18, they're going to be put away for a minimum sentence of 48 or so years. My view is that that person has been deterred because they're now in jail; they're not going to commit that offence.

I thought maybe you could comment on that. That's a different version of deterrence.

**The Chair:** Would you like to answer that, Mr. Hooper?

**Mr. Robert Hooper:** Yes, Mr. Chair.



I listed the four sentencing principles, and they have to be balanced. I think that is specific deterrence and general deterrence, because if that is in the *Globe and Mail* or the *Ottawa Sun*, or whatever paper the next potential trafficker reads, it sends a message. But if it says there were ten victims and you got nine concurrent sentences of six years, then I start doing an entrepreneurial math equation of whether it is worth it to take the chance. So I agree.

**Mr. Kyle Seeback:** How am I for time?

**The Chair:** No. Thank you, Mr. Seeback. Thank you for those questions, and thanks for those answers.

Our next questioner is Mr. Mai.

[Translation]

**Mr. Hoang Mai (Brossard—La Prairie, NDP):** Thank you, Mr. Chair.

Thanks once again to the witnesses for being with us here today.

During the study in committee on Monday, police officers testified before us and noted how good a tool the bill was for them. They told us about the victims.

Ms. Legault-Roy, I believe you deal with them directly. At the last meeting, we raised one concern about aboriginal women, and we want to raise it again today. I do not know whether you deal directly with a lot of them, but this is a scourge for them.

Can you tell us whether you deal with aboriginal victims and aboriginal women?

• (1610)

**Ms. Éliane Legault-Roy:** Canadian aboriginal women are indeed extremely overrepresented in prostitution, as are all “racialized” women. There is an overrepresentation in that regard.

We at CLES do not work specifically with aboriginal women. It is true, however, that this is definitely a problem for them. I think aboriginal women in particular are greater victims of trafficking. People go far to get them, to the north, before moving them within Canada. Since they remain in Canada, sometimes they can go unnoticed. It is also possible that they are not involved in human trafficking and that they move for work.

I believe we could protect them more if we specifically stated that there is human trafficking in Canada and internationally.

**Mr. Hoang Mai:** The police officers we met also talked about confrontation at the hearing. Can you tell us a little more about that?

**Ms. Éliane Legault-Roy:** About confrontation?

**Mr. Hoang Mai:** Since the victims have to appear. The waiting times are often very long, and sometimes they are supposed to testify on a given date, but their appearance is delayed. Can you tell us a little about what the victims who have to go through this process experience?

**Ms. Éliane Legault-Roy:** Mr. Chair, I will answer the question by saying that it is extremely difficult for these women.

As in rape cases, only a very small minority file a complaint and institute legal proceedings. Of that very small minority, some give up along the way because the process is too difficult.

Women often suffer from post-traumatic stress and various other health problems. As a result, appearing at a number of hearings and taking part in a process that is very long can be extremely difficult.

We are currently working with one woman on a pardon application. That is another matter, but it involves approximately two years of work. That woman has been in the sex industry. It is very difficult.

In my view, not compelling these women to testify will help them a great deal. It will also help police officers since it will be easier for them to encourage women to report abuses and file complaints. They will be less afraid.

**Mr. Hoang Mai:** Thank you very much.

Mr. Hooper, police officers and the member who sponsored the bill have told us a lot about the women who work in the sex industry. However, we would also like to ensure that the bill covers domestic workers, for example.

I know your organization deals a lot with slavery. Do you think that will be more widespread? Can this help exploited people who have experienced trafficking? Could you tell us a little more about that?

[English]

**Mr. Robert Hooper:** In the language there's often no differentiation between sex and labour, so I certainly think the bill would affect both equally.

What I don't have any information on is whether there is also domestic trafficking in labour of Canadians or permanent residents, for example, from northern communities or “reserves”, as we call them. But certainly that's a potential problem.

From a female point of view, the Canadian Women's Foundation has struck a national task force to look specifically at the issue as it relates to aboriginal women being taken from their culture for sex. But from a domestic labour perspective, I can't help.

**Mr. Hoang Mai:** Are you dealing with women coming here to Canada from other countries as domestic labour? Is your organization dealing with that a little, or more, or less?

**Mr. Robert Hooper:** We have not been asked.... Let me restate that.

There are two cases that I can think of involving people of eastern European descent who were here and who were forced into labour work—one male and one female—in the restaurant business. They were held in the basement of a woman's home in Oakville, Ontario. These cases are rare. Most of the international influx is sex-based.

• (1615)

**The Chair:** Thank you for those questions and answers.

Our next questioner, from the Conservative Party, is Mr. Wilks.

**Mr. David Wilks (Kootenay—Columbia, CPC):** Thank you, Mr. Chair, and I thank the witnesses for being here today.

It's funny that I was following my line of questioning here, and then you got on to the point about "concurrent" and "consecutive". Being a retired member of the RCMP, I have seen many times in the court system cases in which, in my opinion, the concurrent/consecutive opportunity that's available to the judge will always lead to "concurrent" rather than to "consecutive", because the fact of the matter is that they don't want to be too harsh. When you start relying on that concurrent option, you will always rely on it. Nine times out of ten, I've seen that happen. So I'm glad to see this coming forward.

Ms. Murray asked for an example of deterrence of an offence. I'll give you one from British Columbia, although it's minor, and then I'll get to my question, if I may, Mr. Chair.

British Columbia brought in a deterrent for impaired driving whereby they took determination away from the judges and put it into a provincial ticket, under which you lost your licence automatically for 90 days, you lost your vehicle automatically for 30 days, and the cost of the fines was upwards of \$5,000.

People went through the roof; they were mad. But was it effective? You're darn right it was effective. People stopped drinking and driving; they questioned whether they should have even one glass of wine, let alone more, at any bar. The liquor industry was starting to get upset because people weren't buying liquor the way they used to. It worked.

So there's an example wherein, if you make it tough enough, they will be deterred.

Here is my question to you. Our Conservative government has, since 2012, created a national action plan that has directed \$25 million over four years to implement certain programs that would assist in this. Through the victims fund, we created, under Public Safety, Canada's contribution program to combat child exploitation and human trafficking. Could you talk to us about those initiatives?

Furthermore, I'm curious as to whether there are other initiatives that you believe the federal government could undertake, from the perspective of programs that would assist the victims of crime.

One that I can think of off the top of my head is that victims, and not just under your circumstances but certainly under most sex-related crimes, are scared blankless to give testimony, because they have to face the accused. I'm wondering whether there is some way of creating programs that would coach victims with their testimony so that they feel more comfortable.

Secondly, I wonder whether there is an opportunity—if not for the federal government, then in some form for the court system—in the case of a sex-related offence in which there is violence or a perception of violence that was going to be undertaken, for the victim to be mandatorily allowed by the judge to give evidence through a video link.

**Mr. Robert Hooper:** Concerning the coaching or video testimony, there are tools in place presently to testify from behind a screen, etc. The problem is that these tools are turned upside down. The presumption is that you will face your accuser and that you must get into the witness box, and the onus falls on the victim to ask the crown attorney to apply. So you are revictimized, by virtue of feeling embarrassed or shy that you are—

**Mr. David Wilks:** If I may interject, the question I have is whether you see the opportunity for the federal government to change that legislation so that the application doesn't have to be made, so that it can be a presumption under circumstances.

**Mr. Robert Hooper:** That would be my recommendation, if I were going to add something: that the presumption be the opposite—so I say it's upside down—and that if you are testifying on this list of offences, you can testify by video link or.... It's by a screen, rather than an application.

The people we serve would be ecstatic to have that change, I would think.

• (1620)

**The Chair:** Thank you for your questions and thank you for your answer. Mr. Wilks likes to ask quality questions—not a lot of questions, but quality ones.

Madame Boivin.

**Ms. Françoise Boivin (Gatineau, NDP):** I'll try to do so as well.

Those are always interesting avenues, I think, if I can add a comment, because....

[*Translation*]

It is important for the accused to be able to confront the person who accuses them, but this must be made a little easier in certain types of cases. I have had enough of people not testifying because they are terrorized.

I initially had a few questions about the bill. My questions were similar to what Ms. Murray was saying earlier about the presumption. You answered the questions about the presumption at the hearings on Monday and in your two appearances.

I do not think the argument is valid. Surely this involves a reverse burden of proof, but, in the circumstances, and since this is already provided for in the code, it is not as though we were inventing something. So I am comfortable on this point.

As for the issue of consecutive sentences, I do not know whether you read the evidence of the police officers who appeared before us on Monday. Mr. Mai said this earlier, and that is one of the things that Detective Sergeant Monchamp said.

I am a practical woman. I very much like legislation. As a lawyer, I have spent my entire career working with legislation. There is the practical side of the matter.

Detective Sergeant Monchamp said that, regardless of the number of consecutive sentences, and despite the best of intentions, one fact remains, and that is that we will see a lot of plea bargaining. I made a joke on this point while he made that comment.

He said that an accused facing eight counts could receive a minimum sentence of six years in prison and consecutive sentences. I would be very surprised if he received a sentence of 48 years in prison upon a review of his file.

As he said, there are so many ways to counter all that. So are we really achieving our goals? Some are concerned about the imposition of consecutive sentences. That is the danger we face because the courts will be handing down shorter sentences that will nevertheless yield virtually the same result as previously.

To my mind, the elephant in the room is the very concept of prostitution. I have not yet formed an idea on the subject, and I am still open in that regard. On the one hand, people are advocating for the rights of sex workers, and, on the other hand, we are trying to pass this act. How far can we go with this kind of bill in a society where certain types of behaviour are not necessarily deemed unacceptable? I wonder about that, and I am curious to hear what you have to say on the subject.

**Ms. Éliane Legault-Roy:** Thank you, Mr. Chair.

I would need a few minutes to answer that excellent question. People often talk about women's right to security, whereas that is out of the question when we talk about the prostitution of others. Based on that fact, it would be better to enact legislation to protect the women involved in prostitution and all those it affects, perhaps at the risk of interfering with a right that does not exist, the right to prostitute oneself or to incite someone else to do so.

The bill does not all run counter to our position which is that the women involved should be decriminalized and the customers and procurers criminalized. Thus, if we attack supply and demand, we let the women do what they have to do and we help them improve their situation.

**Ms. Françoise Boivin:** That is obvious. Thank you.  
[English]

That's good.

**The Chair:** Thank you very much.

Our final questioner for this hour is Mr. Armstrong, from the Conservative Party.

**Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):** Thank you, Mr. Chair.

I want to thank our witnesses for being here. I believe this has been a tremendous session, and I know this committee has learned a lot.

Our committee recently studied Bill C-394, criminal organization recruitment. It was introduced by Parm Gill, one of our colleagues. The bill proposes to create a new indictable offence that would prohibit the recruitment, solicitation, encouragement, or initiation of another person to join a criminal organization. We're talking about street gangs, for the most part.

The offence would be punishable by a maximum of five years' imprisonment, with a mandatory minimum penalty of imprisonment for six months if the individual who is recruited is under the age of 18.

In my opinion, from my experience as an educator, a link can be made between harmful actions of street gangs and the trafficking of women. Unfortunately, street gangs are more and more using the trafficking of women to help their repulsive trade prosper.

Would you agree with that statement? Are you seeing a lot of action by street gangs that are recruiting women into the sex trade?

• (1625)

**Mr. Robert Hooper:** Yes.

There are certainly independent operators, but there's a fairly organized model out there. You can go on the Internet and actually learn how to do it, if you choose. There's actually a book on the Internet on how to get into the business.

**Mr. Scott Armstrong:** Wow. I wonder if we could track down the publisher of that book.

**Voices:** Oh, oh!

**Mr. Scott Armstrong:** That's a different private member's bill.

Can you explain a bit about the link between the trafficking of women and street gangs? I know there are different levels of street gangs; there are different operatives within street gangs.

From your background, are you aware of how they do this? What's the structure they use to try to attract women into street gangs to practise in the sex trades?

**Mr. Robert Hooper:** Mr. Chair, as we have experienced in the last century of organization of crime, there are levels. There are people doing the recruiting at the lower end of the echelon, who are shaking the bushes in northern Ontario and in Inuit communities and telling people to come and prosper in the urban areas.

The second part is that with the places where this is more apt to happen, and I want to be fair—massage parlours, exotic dancing places, not that it's exclusive—we experience that they have a network. If there are women who are being trafficked in the Mississauga–Peel area, a month later you will find they have been traded to Niagara. Then they sometimes have a stint to a colleague in the U.S. They're moved around.

If Ms. Nagy were here, she would argue much more strenuously than I that it is very systematic.

**Mr. Scott Armstrong:** With the systemic nature of street gangs and their activities and how organized they are, do you think that would surprise most Canadians?

**Mr. Robert Hooper:** It surprised me.

**Mr. Scott Armstrong:** I would think it would.

I'm going to give the rest of my time to my colleague, Mrs. Smith.

**Mrs. Joy Smith:** How much time do I have?

**The Chair:** You have two minutes.

**Mrs. Joy Smith:** I'll address this to Mr. Hooper.

The question keeps coming up as to why don't we have the statistics. We all know that in 2005, Mr. Cotler, one of the members from the Liberal Party, passed Bill C-49, and that Imani Nakpangi, the first offender, was convicted in Canada. Then my bills came in—Bill C-268, in June 2010, and Bill C-310, in June 2012—so there was very little time....

People sometimes get human trafficking mixed up with human smuggling. Can you define the difference between human trafficking and human smuggling?

Mr. Hooper, could you perhaps answer the question?

**Mr. Robert Hooper:** I think one sometimes leads to the other, but the smuggling, in my specific experience of seeing it, may be a payment to get somebody to what is purported to be a better life. Sometimes that better life does end up being human trafficking—not always—in labour or sex. The trafficking in humans for sex and labour quite bluntly is exactly that: it's slavery of people who are working in trades and not being paid.

**The Chair:** Thank you very much.

I want to thank our panellists for coming today.

First, on behalf of the committee, I want to thank you individually and the groups you're representing here today for all the work you're doing for victims of this crime in this country, and the work you're doing to make sure that we're aware and we're making laws to curtail this activity.

We are going to go to our next panel, but before we do, a reminder to committee members that we would like your amendments, if you have any, by Friday afternoon, if possible.

For your information, there has been some discussion, and on Monday we will be dealing, for the first hour and 15 minutes, with witnesses, because we have three witnesses. We'll do a half-hour of clause-by-clause, and then we'll do 15 minutes regarding agenda and procedure. We'll set the agenda for the next little while.

This means that next Wednesday there will be no meeting. I know you're all shocked and shamed, but if we can make that happen, that's what will happen.

With that, I will suspend for about three to four minutes.

• (1625) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1630)

**The Chair:** I'm going to call this meeting back to order for our second panel.

I want to welcome, from Maison de Marthe, Madame Dufour. We also have, from Association féminine d'éducation et d'action sociale, Madame Duval and Madame Bourget. We welcome you here as witnesses.

Both of your organizations have 10 minutes.

Madame Dufour, the 10 minutes are yours.

• (1635)

[*Translation*]

**Mrs. Rose Dufour (Director, Maison de Marthe):** Good afternoon.

I am the director of a very small non-profit organization, the Maison de Marthe, in Quebec City. I have been working in the field every day for 12 years with women who are engaged in prostitution.

I am a trained nurse and anthropologist with a specialty in public health. First I worked with those women for five years, helping them restore a balance in their lives so that I could then intervene appropriately. I am in the capital, in Quebec City.

I discovered a tragedy so terrible that I decided to conduct the first ever investigation of male prostitution customers in an attempt to understand why they used prostitution. I subsequently conducted an investigation of two procurers to identify the three principal players involved in prostitution. A book has been published on the subject and I have brought a copy of it here to leave it for reference purposes.

After that, I thought I would retire, but I ultimately got caught up in the work I had done. The following thought came to me: the most important thing is not how you enter prostitution, but how you leave it.

There is no social policy designed simply to assist women when they are involved in prostitution. We have all kinds of programs for women suffering from violence, sexual and other types of abuse, but there is no social policy to assist women or simply to work with them or even offer them the opportunity to leave prostitution.

In view of that situation, I decided to continue the work I had started. I opened a small office in 2006, and volunteers and funding automatically appeared. The Maison de Marthe has been in existence for seven years. Its anniversary is today. It is simply a reception centre to assist women in every possible way in all the stages of the process of leaving prostitution.

Today I would like to offer my expertise to your committee. Rather than start in immediately on the matter of amendments to the bill, I would like to speak to you about the central character in prostitution, who, contrary to what one might generally think, is not the prostitute, since she is its victim.

The central character of prostitution is the customer, for whom this fabulous market of human sexual merchandise is created. Who are these people who look for female prostitutes? They are customers, sexual buyers, men, but not all men. These are certain men. Who are they?

I would like to tell you about them because, if we want to understand prostitution, we cannot do so unless we examine the demand for prostitution, men's motivation in this regard, and consider what is being bought and what kind of relationship they have with these women.

It is constantly stated in the literature that male users of prostitution are ordinary people. However, I want to tell you that they are not ordinary people because ordinary people do not pay for sex. They get up in the morning and they conquer women. After all, we make enough of an effort to please men that it is normal for them to do their share in trying to conquer us.

Real men do not pay for prostitution. Not all men are prostitution users. Studies have produced estimates in an effort to determine how this is done in various countries.

Professor Månsson, a Swedish researcher, has estimated that only 7% of men in Great Britain use prostitutes, whereas the figure rises to 19% in Switzerland, where prostitution is legalized, and to 39% in Spain. The reference is cited in my brief.

What is the difference between all these men? It is not their libido or sexual desire, but their culture and upbringing. It is relations between men and women and the manner in which they have been brought up and constituted culturally.

• (1640)

I can tell you, based on the investigation I conducted, that the first and most important motivation for male prostitution users is non-commitment. They want sex, but they do not want the responsibilities that entails. They say they want a woman in their arms, but not on their hands. I will refrain from commenting on that terrible expression.

They want prostitution because it is easy and it is not a commitment. They do not even want a mistress because they find that burdensome and embarrassing and feel that it raises a host of problems. I could quote you their comments, but I do not have the time. I also think that sex is an irrepressible physiological need for men. In their minds, prostitution is a necessity and a right. Some even feel that the purpose of women is to serve them sexually. You would think we were in the Middle Ages.

They show a distinct preference for a form of sexuality that does not involve a relationship. It must be clearly understood that, in prostitution, there is no preparation for the act. Lubricants and all kinds of tricks are used. They do not want to build a relationship. That moreover is characteristic of prostitution. Nothing could be further from love than prostitution. I feel it is not even sexuality, since sexuality is the giving of what we have that is most precious and intimate. There is no gift in prostitution, and the female prostitute does not give herself. She plays a role, just as the customer plays a role. Prostitution is a sham the sole purpose of which is the man's ejaculation or pleasure, as quickly as possible. As the women say, it is not like marriage. It is urgent and it has to finish quickly.

What male users of prostitution like is sex for the sake of sex, genital contact. I would say it is the McSex of sex. Pardon the terrible expression, but they order up a woman as they would order up a pizza. They call, say what they want and take delivery at home. They have a choice. That is where we stand. They justify their actions by saying that all men use prostitution because their wives do not like sex and they are sexually unsatisfied. However, I determined in my investigation, based on the information they gave me, that that statement is entirely false. From the 84 customers with whom I spoke, I selected 64 for the purposes of the investigation, and only 15.6% of them said they were unsatisfied by sexual intercourse with their wives.

I asked those men whether they had spoken with their wives about everything they told me about their sex lives. They all answered in the negative. I told them that that was the problem, that they should talk about the subject with their wives and win them back. I told them to do something, to take a course, for example, because prostitutes could not be a good substitute.

The analysis also shows that they have a disturbed sexuality. These men suffer from sexual dependence or sexual disorders that involve all kinds of other problems, such as financial and professional problems. They also have problems in their relationships with their wives. In some cases, their deeply disturbed state causes them to transfer or project their psychological problems onto

their wives and to resort to violence in order to humiliate and degrade them. They maintain a number of beliefs and prejudices about themselves, about women in general and about female prostitutes in particular.

I have already used up all my speaking time. Do I have one minute left?

• (1645)

**The Chair:** You do have one minute left.

**Mrs. Rose Dufour:** The first thing they will say about themselves is that they have a much stronger libido than average and that they are absolutely certain they perform very well sexually. They also have fantasies about female prostitutes.

I will stop there because I want to conclude on the subject of this bill. After all, I am here to talk about that.

Lastly, of all the clauses in the bill, I want to point out one aspect that particularly drew my attention since I work with these women every day and am very familiar with their life histories. I was particularly interested in the presumption issue—you have elaborated on all the other questions at length—not only because of the reverse onus, but even more because I think the amendment introduced here is very important.

Despite all the types of exploitation and violence that these women suffer—and I can tell you what we hear is absolutely pathetic: their procurer is very often their spouse—and despite all the suffering they endure, they do not want to report them. The bill is interesting because its purpose is, in a way, to protect them, in some instances almost in spite of themselves.

I will stop here since my allotted time is up.

**The Chair:** Thank you, madam.

[*English*]

Our next presenter is Madame Duval.

The floor is yours.

[*Translation*]

**Ms. Céline Duval (President, Association féminine d'éducation et d'action sociale (Afeas)):** Thank you for agreeing to hear us, Mr. Chair.

I represent the Association féminine d'éducation et d'action sociale, or Afeas, an organization that was founded in 1966 and represents 10,000 Quebec women who work as volunteer members of 250 local groups in 11 regions of Quebec.

Afeas's mission is to advocate women's rights and to work to improve society as a whole, and we do so through education and concerted social action. Our values are peace, equality, equity, justice, respect and solidarity.

Afeas is a field organization. Its democratic structure encourages its members to express their views on social issues and their organization's strategic direction. A large percentage of our members are over 45 years of age and live outside the major centres.

Afeas has been working in all sectors of Quebec and Canadian society for 45 years. By its presence and realistic actions, it has established its credibility as a partner with the community's decision-making bodies and organizations.

I will now hand the floor over to Ms. Madeleine Bourget, our provincial vice-president, who is responsible for this file. She will present the brief she has prepared.

**Ms. Madeleine Bourget (Vice-President, Association féminine d'éducation et d'action sociale (Afeas)):** Good afternoon.

There is a close connection between prostitution and slavery. Slave women are the first ones exploited in brothels, followed by women from the poorer classes. According to the UN, more people are bought, sold and transported for sexual exploitation or other purposes today than during the 300 years of slavery. Slavery, although abolished 150 years ago, is still practised in our modern societies. There were 11.5 million victims of the African slave trade, whereas there have been 33 million victims of trafficking for prostitution in Southeast Asia alone.

Trafficking has been carried on differently in recent years, in recruitment, transportation and accommodation, in order to exploit women and children, who constitute the majority of its victims. There were nearly 5 million victims of sexual exploitation between 2002 and 2011. Annual profits generated by the exploitation of trafficking victims are estimated at more than \$30 billion. In many places, trafficking governs the "economic health" of the sex industries, which includes pornography, prostitution, sexual tourism and, as mentioned earlier, erotic massage.

There are far more human victims of trafficking for prostitution purposes than there are of trafficking for domestic exploitation purposes or to provide cheap labour. Between 70% and 80% of prostitutes in Canada started working as prostitutes when they were children. There were an estimated 10,000 child prostitutes in Canada in 1997. The mortality rate of women and young girls involved in prostitution in Canada is 40 times higher than the national average. Women prostitutes represent 15% of suicides reported by American hospitals, and the figures are similar for France.

Prostitution is a form of violence in itself. The first act of violence is to subject prostitutes to the sexual pleasure of their customers. The second violent fact is that 90% of individuals become prostitutes as a result of sexual, physical and psychological violence. Kidnapping, rape, slaughter—there are slaughter camps in several European countries where human beings are sold—terror and murder are part of the process of "manufacturing the goods". These are ways used to render prostituted individuals "functional".

In the 10 years from 1990 to 2000, 77,500 young foreign women were the victims of traffickers. From 1999 to 2010, 200,000 young foreign women suffered the same treatment. It is often minors who are sold. They have tens and tens of contacts per day. Trafficking and prostitution have risen sharply over the past decade.

The procurers, or pimps, make an enormous amount of money at their victims' expense. They come in various forms: a spouse, someone who places newspaper ads or travel advertisements, a person who says he is your friend, but who is not, or someone in whom you have placed all your trust. Prostitution is not an

occupation one chooses freely: it is a system of sexual exploitation. Prostituting oneself means losing one's personality, one's identity, but especially one's dignity.

Legalizing prostitution does not protect women any more than it does children. On the contrary, creating brothels makes them prisoners of the violence of their procurers and customers. Customers are convinced that they can do anything, that they have every right because they pay. In prostitution, the exchange of money does not reduce the level of violence and does not prove that the victims are consenting. On the contrary, it is proof of the rapists' premeditation and of the procurers' profit.

There are no customers, but rather male prostitution users who buy impunity from rape. There are no women, men or children leasing or selling sexual services: there are only victims of sexual violence who, at some point, are forced or compelled to be raped by strangers.

● (1650)

For many, prostitution is a necessary evil, an evil for the woman, but necessary for many men in satisfying their sexual needs. Some people even believe that prostitution can help prevent rape. The Conseil du statut de la femme believes that it is not the best way to calm men's sexual impulses.

Abolishing all forms of prostitution means attacking the rapists' impunity and starting to acknowledge that women and children are full-fledged human beings whose physical integrity may not be violated.

Abolishing the prostitution system is the only solution for living in a humane society. Prostitution has been regulated in the Netherlands since October 1, 2000. That legislation is simply a failure since only 4% of prostitutes are registered. This was supposed to put an end to the prostitution of minors. The Organization for Children's Rights estimates that the number of child prostitutes in the Netherlands rose from 4,000 in 1996 to 15,000 in 2001, including at least 5,000 of foreign origin.

As the Dutch, Greek and Austrian experience has shown, the number of legal prostitutes originally from those countries is gradually declining and the number of prostitutes who are clandestine, illegal or victims of trafficking is on the rise. Legalizing prostitution thus has not improved the lot of prostitutes.

The prostitution of children has risen significantly since legalization. The number of illegal brothels now exceeds the number of legal ones. The illegal industry is now out of control, and trafficking in women and children from other countries has risen sharply. The consequence of legalizing prostitution in certain regions of Australia has been clear growth in the industry.

In 1984, Afeas wanted all prostitution rings to be dismantled and called for severe penalties be imposed on individuals living from the avails of prostitution. At their most recent annual provincial conference last August, Afeas members adopted several positions on prostitution. For example, the association called for the passage of legislation prohibiting prostitution, the criminalization of prostitution customers, social policies to assist individuals wishing to leave the industry and sex education programs in the schools promoting healthy, equal sexuality.

Afeas, which represents 10,000 Quebec women, supports Bill C-452. That bill is entirely consistent with the positions the association adopted at its last conference. It was drafted based on numerous consultations, particularly with officers of the Montreal Police Service's morality section and sexual exploitation of children unit, the Barreau du Québec and women's and victims' rights advocacy groups.

Measures must be taken to facilitate the arrest of procurers and customers. Human trafficking generates more money than drugs. As Ms. Dufour said earlier, there are no resources to assist victims, to accommodate them or to help improve their situation.

Thank you.

• (1655)

[English]

**The Chair:** Thank you very much.

Our first questioner is from the New Democratic Party, Monsieur Jacob.

[Translation]

**Mr. Pierre Jacob (Brome—Missisquoi, NDP):** Thank you, Mr. Chair.

Thanks to our witnesses for being here.

I will confirm right off the bat that trafficking in persons is an odious crime and that we need to have political and legislative means to combat it. Bill C-452 is therefore a step in the right direction, but more must be done. In your opinion, what other measures could be taken to try to prevent trafficking in persons?

Who wants to start?

**Mrs. Rose Dufour:** That is a big question.

Every day, I try to find ways to assist women. The Maison de Marthe is engaged in a lot of political action so that one day prostitution will be abolished in Canada. How can we stop all that?

The person who is leaving the room spoke earlier about one way that I thought was excellent, and that is introducing severe penalties and sentences.

I cannot offer a ready answer to that kind of question. The entire world is currently considering the matter. There is international momentum in which all peoples, all countries are wondering what status prostitution should be given.

As you know, there are two opposing camps: those in favour of sex work and those in favour of abolishing prostitution.

**Mr. Pierre Jacob:** Then I will clarify my question.

In your view, do victims receive the assistance and services they need?

**Mrs. Rose Dufour:** There are absolutely no resources to provide assistance to prostitutes. The very poor little organization where I have been a volunteer for 12 years survives on donations and volunteer work. It does not receive grants or government assistance. There is nothing. No one will ever give a woman the means to leave prostitution. There are not even any measures to assist her. At the Quebec City Detention Centre, where I went every week, the officers

told me that the percentage of female inmates who had prostituted themselves once and were still doing so was probably around 75%.

Poverty is the backdrop to prostitution. Having documented the social systems that lead women to prostitute themselves, I can show you, based on my research, that, in 90% of cases, these women have been victims of sexual abuse or incest within the family. The second factor is the model of the prostitute mother. This is a factor in approximately 20% of cases. According to my research, the number of cases in which the mother was a prostitute is not very high, but the system is self-replicating. The mother herself was a victim of abuse, she is extremely poor, and so on.

The third factor is a spouse or a husband who is a pimp and who asks his wife to prostitute herself. She does so because she has already been a victim of abuse. There is thus an entire mechanism and structure. She is also emotionally dependent on the man. She does not choose to prostitute herself; she consents to do so.

The fourth factor is a combination of running away, youth and poverty. Of the women I met, 40% started prostituting themselves as minors, in other words before they had attained the age of majority, which is 18 in Canada. If it were 21, as in the United States, the percentage of women prostituting themselves as minors would be 75%.

That last factor is obviously the fact that these women live in an environment—

• (1700)

[English]

**The Chair:** We should also let the other witnesses answer the same questions.

Madame Duval.

[Translation]

**Ms. Céline Duval:** We are an education and social action organization, and we work in the field. We believe it is a priority to teach children, within the family, in the community, at school and in all other places where they grow up, self-respect and respect for others as well as egalitarian values.

Men have a value and women do as well. Men and women all have a right to be respected. They have a right to express their point of view and to say no when the answer is no. We want to convince young girls of this fact, but that is somewhat difficult. The media, advertising, hypersexualization and other related factors do not contrive to make a child's life easy.

**Mr. Pierre Jacob:** Thank you.

[English]

**The Chair:** Thank you very much for those questions and answers.

Our next questioner, from the Conservative Party, is Mr. Goguen.

**Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC):** Thank you, Mr. Chair.

My question will be short, and I'll share my time with Mrs. Smith, if there is any time left.

[*Translation*]

Thank you for coming to testify here today.

I believe you will agree that this bill contains very important proposals for combating the criminal activity concerned, including the reverse burden of proof and consecutive sentences. I noticed that Ms. Dufour was particularly interested in stiff sentences.

I would like to draw your attention to the fact that, in November 2012, Bill C-10, the Safe Streets and Communities Act, was introduced—and has in fact come into force—to completely eliminate any possibility that individuals convicted of trafficking in persons might receive a conditional sentence. A conditional sentence is a sentence imposed by a judge permitting the accused to serve a sentence at home.

Do you agree that ruling out that possibility is important in combating this kind of criminal activity?

**Mrs. Rose Dufour:** Having visited women in prison and having worked with them for a long time, I am astounded to see the number of years they spend incarcerated for shoplifting, violence in a public place and so on.

**Mr. Robert Goguen:** If my understanding is correct, you feel these individuals should not be able to serve their sentences at home.

**Mrs. Rose Dufour:** That is correct.

**Mr. Robert Goguen:** You are unanimous on that.

**Ms. Céline Duval:** Yes, that is correct.

**Mr. Robert Goguen:** Bravo.

I hand the floor over to Ms. Smith.

[*English*]

**Mrs. Joy Smith:** Thank you very much.

Thank you very much for coming to committee today. We appreciate it.

As you know, we're talking about human trafficking. Research is showing us that it's primarily underage youths who are duped and deceived into servicing men, and if they don't do it, they get beaten, raped, shot up with drugs. I've worked with victims for 14 years now, so that's the way it happens.

As you know, in this country, Bill C-49 was the first bill, in 2005, that addressed human trafficking. They got one conviction, Imani Nakpangi. He trafficked a 15-and-a-half-year-old girl. You know about that one. Then Bill C-268 and Bill C-310 came in, in 2010 and 2012. Now we have this bill before us today.

I ran out of time on the other session, but this is why we don't have all the hard statistics, because the bills are so new. They are brand new in Canada.

You mentioned something that I thought was so relevant. I want to talk to Ms. Duval. You talked about human dignity. You talked about the right for people to be free, the right for them to make their own choices. Can you tell me, in terms of this bill of Maria Mourani's, why this is so important to help the victims of human trafficking?

● (1705)

[*Translation*]

**Ms. Céline Duval:** For us, prostitution is not a choice and it is not an occupation. It is a situation that someone experiences at some point. When a person "decides" to engage in prostitution, that is because it is the last solution the individual has found in order to survive. I said in order to survive, not in order to live. This is not an occupation; it is not a job, and no mother dreams that her daughter will become a prostitute. That is not part of a beautiful plan for anyone's future. It is an unfortunate, violent and difficult situation that destroys the person's integrity and the person herself.

[*English*]

**Mrs. Joy Smith:** Can I just interrupt you, Ms. Duval? What we're finding now is that this can happen to any girl, whether they are from middle-class Canada, whether they come in from another country, or whether they're aboriginal—this can happen to any vulnerable girl. It is a misconception that it's just the poor. I grew up poor, and that's not the reason why this happens to them. The reason it happens is they are targeted, and the guys, as you suggested, Ms. Bourget, make huge money out of these victims.

Having said that, there was a national action plan that our government put in place in June 2012, and that's for the rehabilitation of victims and for the education of police officers. Going back to this particular bill, Ms. Bourget, could you tell the committee why this bill fills in some of the gaps that need to be filled in to help the victims of human trafficking?

[*Translation*]

**Ms. Madeleine Bourget:** I would like to say that these people, these victims, whether they have suffered incest, rape or other acts, are ruined for life. We talk about dignity. They have lost it and that has a major effect on many areas of their lives for years. The loss of self-confidence and the loss of trust in others are very important matters. I believe this is somewhat consistent with what Mr. Goguen said a little earlier. I cannot be in favour of sentences being served at home. I support Ms. Mourani. We need very stiff sentences because I do not think a person who does that can be easily cured. We are talking about people who make money on the backs of women and children. I would be afraid of that because the victims already have to make a considerable effort to pull through. The victims are very weak and they need to recover.

**The Chair:** Thank you, madam.

[*English*]

Our next questioner is from the Liberal Party, Ms. Murray.

**Ms. Joyce Murray:** Thank you.

[*Translation*]

Thank you very much for your work. This is a very important issue.

As you surely know, my colleague Irwin Cotler, who was Minister of Justice, introduced a similar bill. Ms. Mourani's bill adds new elements. This issue is a concern for us. We support this bill because it makes major changes.



However, we are concerned about two provisions. It is important to discuss them in order to find the best solution for everyone.

•(1710)

[English]

I'd like to touch on both of those.

One of them is concurrent sentencing versus consecutive sentencing. We all feel horrified by the kinds of abuse we've been hearing about. It's tempting to think we'll lock someone up and throw away the key, but as one of the members said earlier in the committee, the reality is there are other avenues, like plea bargaining and so on, that will take place that don't achieve that objective.

Mr. Wilks pointed out that if there's a mandatory 30-day suspension of your car, that will prevent you from driving drunk. But we're talking about a different scale. We're talking about 48 years. With respect, I think it diminishes and minimizes this discussion to use that kind of example in terms of deterrence.

There is another way of approaching the norm of concurrent sentencing, and that could be to legislate to reverse that norm, but without removing all discretion. For example, it could be wording like, "The courts shall apply a consecutive sentence unless it is deemed contrary to the interests of justice."

Can you comment on the idea for the judge to have some ability to apply judgment in a situation where the judge may deem it is not in the interests of justice to apply a consecutive sentence?

**The Chair:** Do you want both of them to answer, Ms. Murray?

**Ms. Joyce Murray:** One person can answer that. I have another question I would like time for as well.

[Translation]

**Mrs. Rose Dufour:** That is a specific question, but as you will understand, it is very difficult for us to answer it because we do not know the law. We are unable to grasp those kinds of distinctions. We only understand that the law must have more teeth so that these people are arrested for procuring, if I may put it that way. So that is how I view this proposal. We cannot do anything but support it. These men must be stopped.

Ms. Mourani's proposal requires these men to justify the money they make. That is already a first step because, until now, women had to prove that they had been exploited, whereas now these men will be required to prove that they acquired their big house and their money legally. Otherwise they will lose them. That is not a bad start. However, we need more. We need a strong act that stops them. We agree with you. We understand that this is what you want.

[English]

**Ms. Joyce Murray:** I appreciate that comment. We want the objective met of stopping, of preventing, the activity, and sometimes the simplest solution won't do that. That's why we are exploring the alternatives to having zero flexibility here, which could drive the whole process into a different resolution that's not ideal.

The other thing it seems I'm hearing from all your testimony is that the legalization of prostitution is not in the interests of the kinds of outcomes you're looking for. Maintaining the criminality of the purchase of prostitution, while supporting the providers of prostitu-

tion, giving them the support and the means to exit, would be a better balance.

Can you describe some countries where that has been proven to reduce human trafficking and the problem we're addressing with this bill?

**The Chair:** I would like both of you to be able to answer, so you'll have 30 seconds each.

[Translation]

**Mrs. Rose Dufour:** Sweden did it in 1999 after liberalizing and accepting prostitution.

In the 1980s, it saw all the harm done and stopped it. Norway followed in 2008, as did Iceland in 2009. Iceland went even further. It prohibited stripping because it leads to prostitution. We believe that the revolution of this century will be the abolition of prostitution, following the abolition of slavery in the 19<sup>th</sup> century and of the death penalty in the 20<sup>th</sup> century. The major revolution will be the abolition of prostitution in the 21<sup>st</sup> century.

•(1715)

[English]

**The Chair:** Madame Duval.

[Translation]

**Ms. Céline Duval:** Thank you.

We definitely feel we need an "abolitionist" measure. There is no other solution. Even if you look at other countries, there is no way to be a partial customer or prostitute. You are one or you are not. We are saying this: "We want no more of it."

[English]

**The Chair:** Merci.

Thank you for the questions and those answers.

Our next questioner, from the Conservative Party, is Mr. Wilks.

**Mr. David Wilks:** Thank you very much, Mr. Chair.

Thank you for your evidence today.

You've just brought up a very good point that I'd like to expand upon, and that is the link between young girls brought into the country to work as exotic dancers or strippers in strip joints and how that can lead to prostitution, if it hasn't already. As far as I'm concerned, one is linked to the other. They're controlled by criminal activity.

Would you give me your thoughts on how we deal with that portion of it, that link between these facilities that allow for exotic dancers...? We know that's just a link to prostitution in most cases—not all, but most. How can we stop that part of it? The prostitution part of it is an arm of that, and a lot of these women who are brought in from outside Canada, and from within Canada as well, are introduced to it through the strip clubs.

Your thoughts, please, Madame Dufour.

[Translation]

**Mrs. Rose Dufour:** I find it hard to answer your questions because you need to be an expert.

I am going to tell you about my experience in the field in this area. It is even more serious than you think because the young women who are exotic dancers do not even consider themselves as prostitutes. The women who give erotic massages do not consider what they do as prostitution. In working with them, we lead them to see that offering their naked bodies for money constitutes prostitution because of the man's lecherous or perverted gaze. Watching is touching. We manage to make them understand. In my case, one young woman made me understand that dancing naked was prostitution.

They are recruited as artists. They are generally women who lack self-esteem, who have never been acknowledged in their own families and who are therefore extremely vulnerable. In the field, we are currently seeing a trivialization of prostitution. Young girls today are very vulnerable because the social model offered to them is that of the open girl who agrees to have many partners and—please pardon my crude language—who agrees to have a penis in every orifice. That is the model currently on offer. The model offered to boys comes from the Internet because no courses on sexuality are even offered any more. That at least is the case in Quebec. This is a major issue because we want sex education courses.

The situation is extremely tragic. The solution that Iceland hit upon was to decide that it was over. It enacted legislation providing that it is over and that there would be no more erotic dancing in Iceland. The country had previously abolished prostitution.

[English]

**Mr. David Wilks:** Madame Duval and Madame Bourget, do you have any comments?

[Translation]

**Ms. Céline Duval:** It is almost like the chicken or the egg. One of them leads to the other. If we put a stop to that, we should put a stop to every type of business, involving clothing, models and so on. Everywhere there is something that encourages this type of behaviour, wanting to seduce, wanting to look good, wanting to be a star. We see it in all the films, in all the video games and in a host of things, as a result of which the one leads to the other and that becomes normal, as Ms. Dufour said.

We have people who say they suffer no violence. However, when we explain to them what violence is, they say they are suffering it.

The same is true of prostitution. They have no idea that they engage in gestures and actions of a sexual nature.

• (1720)

[English]

**The Chair:** Madame, do you have something to add?

[Translation]

**Mrs. Rose Dufour:** Mr. Chair, thank you for the opportunity to add a brief comment on the subject.

The federal government is responsible for legislation concerning procuring, but municipal by-laws must also apply. Consequently, the municipalities must make a contribution.

I would like to say that there is a city in Quebec, Baie St-Paul, where the mayor at the time banned strip bars from her city, and that

is still the case. That idea should therefore be spread and municipalities should decide to take these matters in hand.

I am personally preparing a file to present to the mayor of Quebec City so that that city becomes prostitution-free, but we are sharpening our pencils on that subject.

[English]

**The Chair:** Thank you for that question and those answers.

Our next questioner is Madame Boivin from the New Democratic Party.

[Translation]

**Ms. Françoise Boivin:** Thank you.

Thank you, *mesdames*. That was definitely interesting, even though it did not necessarily concern the bill. I will not question you as though you were lawyers. That is not why you are here.

Ms. Dufour, you have given me a virtual course in sex education, at least much more than the nuns at the college I attended. They avoided many of the terms you used. We only saw photographs.

Having said that, I believe the issue is hugely important. As I said on Monday, when you come from a city like Gatineau, you do not think of procuring, prostitution or trafficking in persons. Those are dirty words. We imagine that they happen elsewhere, in exotic countries. It was my colleague Joy Smith's bill that in a way opened my eyes to this matter. Even if you read the news, you can never imagine that this happens in your own backyard and that certain types of behaviour in fact occur. This is a manner of speaking, but we are all somehow accessories to all that.

I think you put your finger on the problem. Even if we pass the most severe act there is, we will not be out of the woods. I can only imagine how police officers will enforce this act if it is passed. For example, we will not be able to solve all procuring and human trafficking crimes the day after the bill is passed. Even if there is a presumption, there is no certainty that the individual will not come and testify in favour of her procurer or that she will not refuse to testify. We have an enormous amount of work to do, and we will not resolve all this tomorrow morning. I do not want to end the meeting on a negative note, but I believe we have to end it on a realistic note. We have to be aware that much work remains to be done.

Incidentally, I appreciate the work you are doing at Afeas. I congratulate you on what you are doing in the field. It is extremely important. I appreciated my colleague's question. This does indeed form a whole. The Criminal Code is one of its aspects. As you said, the municipalities are also involved, but they must have by-laws. Not all municipalities have passed by-laws. That requires a certain will. Ms. Dufour, I mentioned the fact that we are accessories. However, permitting a strip bar to operate because it pays a lot of taxes is a choice that municipalities make. That is part of this whole.

What I am going to say here is mainly a comment. I wanted to vent a little. I do not expect anyone to respond to what I am going to say.

Not so long ago, I went to a reserve in the Maniwaki region. Two young girls had disappeared and police officers spent some time starting an investigation. We all know that, if whites are not involved, it takes a certain amount of time. Authorities suggested that the girls had run away, but the parents were quite convinced that they might have been intercepted by procuring rings, even though the assumption that they had run away was partly justified. People do disappear that way.

We all did silly things when we were young. You can be very well brought up and have good values, but not being intercepted by a ring is sometimes a matter of luck. Things go well for some young people and they make it through. However, others are intercepted and that is unfortunate. They get into drugs and other things of that kind.

I simply mean that we must steer clear of magical thinking and avoid believing that passing a bill will solve everything. Sometimes, however, providing additional tools or sending a message may be equally important. Whatever the case may be, much work remains to be done. That is the only comment I wanted to make.

Thank you.

•(1725)

**The Chair:** Thank you, madam.

[*English*]

Thank you for those comments.

Did you have a response?

[*Translation*]

**Mrs. Rose Dufour:** I would like to make a comment. I am going to back to Mr. Jacob's question and Ms. Boivin's comments.

Over the past five or seven years, we have observed a major deterioration in prostitution conditions and in the situation of women in the field. It is women who tell us this. They tell us what is going on. I am reluctant to tell you everything because it is very crude, but conditions are deteriorating to a considerable degree.

I would like to emphasize that this high degree of deterioration is due to pornography. Pornography is filmed prostitution. We are not used to viewing it that way, and yet pornography is filmed prostitution. No one reacts to the impact of that pornography. No one reacts to that pornography, but it is insidious. These are the models that are offered to our young people.

My Afeas colleagues mentioned education. In response to Mr. Jacob, I believe we must take action on this issue of

pornography, which is part of the sex industry. It appeared 30 or 35 years ago with the globalization of markets. The sex industry did not exist before then, and now it has become an extremely powerful lobby. That is due to the fact that, with the globalization of markets, everything is for sale, organs, human beings, sex and so on. We must take action on this matter.

[*English*]

**The Chair:** Would you like to comment too, Madame?

[*Translation*]

**Ms. Madeleine Bourget:** I would also like to add something on that point.

As Ms. Dufour said, and as we are saying, I also think it would be important for victims to have a place to turn to. We understand the procurers and that entire phenomenon, but the victims have no way out. Is it possible to do something for them? Should we organize massive advertising campaigns? We should consider doing something. We think of Alcoholics Anonymous and other organizations, but where do the victims of prostitution go? Where can they turn?

We are talking about consecutive sentences, but we also have to think of the victims. There has to be a place for them.

[*English*]

**The Chair:** Thank you very much.

Mr. Albas, you have a couple of minutes.

**Mr. Dan Albas (Okanagan—Coquihalla, CPC):** Thank you, Mr. Chair.

Obviously, I want to thank all our witnesses for their testimony today. I've been informed that apparently it's a rule that you can't go past the time without unanimous consent, and I don't believe I will have it from my colleagues.

I'm just going to say, Mr. Chair, that I appreciate the work you're doing, and again, thank you, ladies, for being here today.

**The Chair:** Thank you for that, Mr. Albas.

I want to thank our witnesses for being here, and for their passion and the work they're doing to help victims. And thank you for bringing a light to these issues that we're facing here.

We will be dealing with this bill next Monday. Hopefully, we'll be going to clause-by-clause at that time.

With that, thank you very much. I'll adjourn the meeting.





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