



Submission to the Standing Senate Committee on Human Rights

Bill S-224: An Act to amend the Criminal Code (trafficking in persons)

SUBMITTED BY: Defend Dignity

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[Defend Dignity](#) is a national organization that exists to end all forms of sexual exploitation in Canada. We have worked with Canadian survivors of sexual exploitation since 2010, including numerous individuals who have experienced trafficking. We focus on advocacy, aid, and awareness and we partner with local and global survivor-led agencies, service providers, and non-profit organizations. To date we have educated over 10,000 people on issues of sexual exploitation and over 300 individuals have applied for our bi-annual Survivor Support Fund. This fund offers financial assistance to anyone in Canada who has experienced commercial sexual exploitation.

Our comments are drawn from our experience supporting and partnering with individuals who have been trafficked for sex and other diverse stakeholders. It's important to note that all forms of trafficking will be affected by *Bill S-224* and deserve consideration, however as an organization focused on sexual exploitation, we will only speak into this Bill as it relates to sex trafficking. When we discuss trafficking in this submission, we are referring to sex trafficking.

We are pleased you are considering *Bill S-224* and we urge Committee members to support it as part of the work to assist victimized individuals in their pursuit of justice.

It's no secret that sex trafficking is a vastly underreported crime in Canada. When it is reported and charges are laid, only a small percentage of cases result in conviction. Most trafficked individuals will never pursue justice and the ones who courageously do are often denied it. While there are many factors that contribute to this, *Bill S-224* can address one by removing the burden to prove that fear was involved in the abuse. This extra requirement is not in the international definition of trafficking that is outlined in the Palermo Protocol, which Canada ratified in 2002:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power **or of a position of vulnerability** or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹

Canada should remove the fear element to better align with the international definition of trafficking. In addition, our current definition does not mention the abuse of a position of vulnerability. This is a key aspect of trafficking: traffickers most often target individuals who are experiencing a variety of disadvantages. For example, traffickers will send recruiters into group homes to try to lure the youth residing there. Including the abuse of a position of vulnerability would add more weight to the evidence of the circumstances the trafficker exploited, relieving some of the pressure on the victimized individual to prove how the trafficker exploited them. Survivors of trafficking have shared with us how traumatizing the court experience is. By removing the fear element and including the abuse of a position of vulnerability, we can offer better support and outcomes for survivors in their pursuit of justice.

Another important obligation Canada has under the Palermo Protocol is to address the demand that drives trafficking². Canada has shown legislative leadership in this area by making the purchase of sex illegal, as outlined in the *Protection of Communities and Exploited Persons Act (PCEPA)*. Holding sex buyers accountable for their role in sexual exploitation is a vital part of curbing sex trafficking. While we have these important provisions in the *Criminal Code*, their implementation varies across Canada. *PCEPA* should be utilized throughout the country to reduce the demand that drives sex trafficking.

Sex trafficking is a complex issue requiring a well-rounded approach that includes addressing the root causes, reducing demand, expanding prevention and education initiatives, and

¹ Article 3 (a) of the Palermo Protocol,
<https://www.ohchr.org/Documents/ProfessionalInterest/ProtocolonTrafficking.pdf>

² Article 9(5) of the Palermo Protocol: "States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking." <https://www.ohchr.org/Documents/ProfessionalInterest/ProtocolonTrafficking.pdf>

investing in wrap-around support services. Adopting *Bill S-224* is an important step the government can take in its continued efforts to address sex trafficking.

Recommendations

1) Support *Bill S-224*.

We request the Committee to recommend the adoption of this Bill to the Senate.

2) Amend the definition of “exploitation” to include the abuse of a position of vulnerability.

In section (b) of the definition of exploitation, “the abuse of a position of vulnerability” should be included to better align with the Palermo Protocol and support trafficked individuals.

3) Expand the utilization of *PCEPA* to hold sex purchasers accountable for their role in exploitation.

Law enforcement and the justice system should be trained and equipped to utilize *PCEPA* across Canada, reducing traffickers’ monetary incentive and holding buyers accountable for the harm of their actions.

Thank you for your work on this important issue. Please stand with individuals who have been victimized by making it easier for them to access justice.

Defend Dignity

<https://defenddignity.ca/>

101- 2580 Matheson Blvd. E.

Mississauga, ON,

L4W 4J1

Land of the Mississaugas of the Credit First Nation