



**CANADIAN  
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FOUNDATION**

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The Standing Senate Committee on Legal and Constitutional Affairs  
c/o Committee Clerk, Shaila Anwar  
The Senate of Canada  
Ottawa, Ontario  
Canada, K1A 0A4

Dear Members of the Standing Committee on Legal and Constitutional Affairs,

**Re: Bill C-36, An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts**

We would like to thank the Standing Senate Committee on Legal and Constitutional Affairs for this opportunity to provide written comments on the above noted Bill C-36 as we were unable to appear before this committee in person during the time of the hearing.

#### **Who We Are:**

The Canadian Women's Foundation is Canada's largest public foundation supporting women and girls. Our mission is to empower women and girls across Canada to move out of violence, out of poverty, and into confidence. The Canadian Women's Foundation is now one of the ten largest women's foundations in the world. We take a systemic approach to address root causes of the most critical issues facing women and girls in Canada today. We carefully select and fund the programs with the strongest outcomes and regularly evaluate this work.

Since 1991 we have invested over \$40 million in grants to 1,300 community programs, including investing in every woman's shelter in Canada. Over the past several years, we received an increased number of grant applications from community organizations working with survivors of sex trafficking. We found this trend very troubling and spent several months meeting with community groups to better understand this growing problem. This important work led us to take a leadership role to end sex trafficking which is an extreme form of violence against women and girls in Canada.



The Canadian Women's Foundation is currently the pre-eminent expert on sex trafficking in Canada and we define sex-trafficking as forced prostitution. We emphasise however that we are **not** experts on consensual prostitution.

### **Our Work on Sex Trafficking in Canada:**

In 2012, the Canadian Women's Foundation formally launched a major initiative to help end sex trafficking, with the goal of developing a National Anti-Trafficking Strategy. Over the last three years, we have invested \$2-million dollars in this important work.

Our sex-trafficking work focusses on six priority areas namely:

- Service needs and gaps for trafficked and sexually exploited women and girls
- Public awareness and prevention strategies
- Relevant Legal and policy issues
- Sector capacity building and training
- Government policy and funding
- Philanthropic strategy

Some highlights of this work include:

- Creating and funding a National Task Force of 24 experts from across Canada who met from January 2013 until May 2014.
- The Task Force included Survivors, front-line community organizations, police, representatives from the legal, justice, policy, research and national organizations including an Indigenous Elder and Co-Chair from the Government of Canada's Federal National Action Plan to Combat Trafficking in Persons.
- The Task Force traveled to 10 cities across Canada to consult with representatives of all levels of government, more than 260 community based organizations and, perhaps most importantly, 160 Survivors of sex trafficking.
- The Task Force also organized two National Roundtables - one with Service Providers from across Canada and another with Survivors of sex trafficking.
- We raised and invested more than \$800,000 in grants to fund grassroots community organizations across Canada that work to prevent sex trafficking and sexual exploitation and to help women and girls to escape trafficking and rebuild their lives. Many of the programs we fund work with girls under the age of eighteen.



- We commissioned research on the incidence of sex trafficking in Canada, including the economic costs of sex trafficking and sexual exploitation, the legal, justice and policing context of sex trafficking in Canada and undertook a review of sex trafficking and sexual exploitation of Aboriginal women and girls in Canada. In addition, we commissioned a national public opinion poll by Angus Reid. This poll had two key findings:
  - 70% of Canadians agree that women are brought into Canada from other countries and forced into sex trafficking; and
  - 67% of Canadians agreed that Canadian girls under the age of 16 are being forced into sex trafficking.

This fall, the Canadian Women's Foundation will be launching the Task Force's recommendations and Canadian Women's Foundation anti-trafficking strategy based on the Task Force's work. The purpose of this strategy will be to implement solutions to help end sex trafficking in Canada. The strategy is rooted in women's equality and will focus on five key areas:

1. Public education and awareness
2. Funding
3. Service needs
4. Legislation and law enforcement
5. The need for national coordination

We will be happy to share the strategy with each of you when it is available.

The Canadian Women's Foundation recognizes sex-trafficking and sexual exploitation as extreme forms of violence against women and girls. Our recent research has also shown how sex-trafficking and sexual exploitation are inextricably embedded within commercial prostitution. The intertwined nature of sex trafficking, sexual exploitation and prostitution has been clearly revealed to us through the testimony of national and international experts as well as through vulnerable women and girls who have been forced or coerced into prostitution in both legitimate and illegitimate businesses. These businesses include, but are not limited to, massage and body rub parlors, strip clubs, and escort agencies. Many of the individuals sold for sex have also been advertised for sale in publically available entertainment magazines, newspapers and on the internet.

We are pleased that Bill C-36 includes provisions that seek to reduce, and ultimately end, the trafficking of women and girls in Canada and we appreciate the opportunity to share what we know about sex trafficking in Canada and its connection to this proposed Bill C-36.



## Improvements to Bill C-36:

There are girls and women across our country who are trafficked into forced prostitution and are prevented by their exploiters from being heard. The Canadian Women's Foundation is focused on breaking this silence by shining a spotlight on the voices and unique needs of trafficked women and girls who are in the sex industry against their will. While Bill C-36 does offer some promising advances related to sex-trafficking, improvements that will better assist trafficked women and girls can be made to this Bill and subsequently brought into law. These provisions include:

i. **Increased protections to ensure that those selling sex are not criminalized.**

Sex trafficking is connected to prostitution. Trafficked women and girls are forced into prostitution often in the same locations such as massage parlours, escort agencies and strip clubs and are advertised in the same publications by their traffickers. Some law enforcement officials told us when the burden of evidence is too high to meet the threshold of Canada's new human trafficking legislation, they will fall back on the prostitution legislation to immediately intervene between a trafficker and victims. But although these issues are linked, we must never forget that trafficked women and girls have no choice and no voice and they are victims of a crime.

Women and girls who have been sexually exploited and forced into prostitution have told us, and continue to tell us, that the criminalization of sex sellers is harmful in both the short and long term. Those charged with prostitution-related offences face years of being precluded from mainstream society, are precluded from educational and employment opportunities and are burdened with a stigma that stays with them for the rest of their lives. We have also learned that, in fact, criminal charges against sex sellers do not provide these individuals with the services or protection they require. Instead, such charges increase their vulnerability. Bail conditions, for example, often restrict a woman from a familiar location, with their relocation increasing their vulnerability, at times even causing homelessness. Further, many sexually exploited and trafficked women we have met with said that they had been charged with prostitution offences when human trafficking charges could not be substantiated. This not only ignores the violence and abuse they have endured, it criminalizes the wrong individual for the crime committed.

We are deeply concerned for the potential of trafficked women and girls to be criminalized if their trafficker forces them into acting in any way that contravenes the criminal provisions contained within Bill C-36. For example, it is not clear how women and girls who are forced into prostitution, through the complexities of trafficking, having no incentive to identify their trafficker(s), will be protected when forced to be on the streets and communicating for the purposes of prostitution (Section 2.13 and 2.17.1 of Bill C-36).



In addition, they could also be forcibly advertised and subsequently charged under the Advertising provisions (Section 2.17.4 of Bill C-360). Neither of these provisions provides explicit protection for those being trafficked. The Bill needs to build in protections for trafficked women and girls who could be criminalized under these provisions of the Bill.

**ii. Increased funding for support services.**

While we applaud the Minister of Justice’s recognition of the need for, and allocation of, funding for support services for those exiting prostitution, the proposed \$20-million dollar investment is inadequate and will not sustain the need for essential services and supports required in the lives of victims for the short, medium and longer term. The Federal government needs to formulate and implement properly resourced policy and programs that provide greater access to services and supports for vulnerable women and girls who have been sex trafficked or sexually exploited. These services and supports should also be available to those in the sex industry in order to minimize harms risked or suffered by them and to support their exit from prostitution should they wish to do so. These services and supports are key to rebuilding lives, creating self-sufficiency and building stronger socio-economic futures.

Services such as mental health and addiction services, trauma counselling, safe housing, basic needs and income support, identification replacement and legal/court supports cannot be provided on a “one size fits all” basis. All services and supports need to be provided along a continuum of care model with easy access to individualized supports for those requiring emergency care and for those who need longer term services such as stabilized housing, educational opportunities as well as employment training and support to enable the rebuilding of lives. Without such services, those who are trafficked or sexually exploited will find it difficult to rebuild their lives and could be re trafficked or remain in prostitution. This will ultimately cost all of us more.

Adequate resources will also be necessary for law enforcement to work effectively with the new laws and ensure that trafficked and sexually exploited women and girls are recognized as victims and not as criminals.

When we asked service providers and experiential women what services would help end sex trafficking and sexual exploitation, they told us, “Remember the root causes:” inequality, poverty, the hyper-sexualization of girls, racism, intergenerational trauma and marginalization. Many called for Canada-wide programs such as a guaranteed annual income or a national affordable housing strategy and provincial initiatives such as an increased minimum wage, social assistance reform and increased access to childcare. A comprehensive strategy to address these root causes is necessary in order to attempt to end sex trafficking and sexual exploitation in Canada.



The Foundation has recently implemented an innovative public awareness campaign “Donate Your Voice”, to bring attention to the issue of sex trafficking in Canada in print, outdoor, TV and digital media forms across Canada. The campaign shares the stories of girls who have been forced into sex trafficking in Canada, by using the voices and faces of every day Canadians. Canadians are encouraged to donate their voice online at [www.givemyvoice.com](http://www.givemyvoice.com) where they can record themselves reading a story and share it via social media and email. The stories featured in this campaign are composite stories based on the experiences of sex trafficking survivors. The girls featured in the images are actors.

It is our hope you will learn from our expertise on sex trafficking of women and girls in Canada to inform your decision on Bill C-36.

We appreciate being given this opportunity to comment. Should you have any questions, or require any clarification, please do not hesitate to contact me at my direct line 647-776-3973

Yours very truly,

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