



EFC

The Evangelical Fellowship
of Canada

**Submission to the Senate Standing Committee on Legal and
Constitutional Affairs**

Bill C-310: An Act to Amend the Criminal Code (Trafficking in persons)

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My name is Julia Beazley. I work as a policy analyst with The Evangelical Fellowship of Canada's Centre for Faith and Public Life here in Ottawa. In my role, I research, speak and write on issues that relate to poverty, homelessness, prostitution and human trafficking – areas that are intimately inter-related.

The Evangelical Fellowship of Canada (EFC) is the national association of Evangelical Christians, gathered together for influence, impact and identity in ministry and public witness. Since 1964, the EFC has provided a national forum for Evangelicals and a constructive voice for biblical principles in life and society. In addition to 40 Evangelical denominations, the EFC's affiliates include 65 ministry organizations, 33 educational institutions and 750 individual congregations, who uphold a common statement of faith. The EFC is a member of the World Evangelical Alliance.

The EFC engages with the government and in the Courts on issues that are of concern to the evangelical community. This includes appearances before Senate and House Committees on a range of issues, and court interventions at various levels, including the Supreme Court of Canada. We have produced three reports on the subject of human trafficking and prostitution, for distribution to Members of Parliament and the evangelical community, including *Human Trafficking: A Report on Modern Day Slavery in Canada* (April 2009), *Selling Ourselves: Prostitution in Canada, Where are we Headed?* (April 2010) and *Seeking Justice, Rescuing the Enslaved: Recommendations for a National Strategy to Combat Human Trafficking* (October 2011).

The EFC commends Joy Smith, the sponsor of Bill C-310, for her tireless and tenacious efforts in combatting human trafficking and ensuring justice and care for the victims of this terrible crime. We are grateful for the opportunity to speak in support of this important bill.

A central message of the Bible is the call for God's people to be compassionate, because God has been compassionate to us. In the Old Testament, this is evident in the call to care for the poor, the widow and the orphan. In the New Testament, Jesus calls his followers to love our neighbours, as we love ourselves.

Our belief that God has created all people in His image, and loves each person, compels us to both announce and to guard the fundamental dignity of each human being. We understand that all people should be treated as creatures with inherent worth, not as objects or playthings for another's gratification or profit.

God reveals himself throughout the Bible as a God of justice, a God who hates injustice and who sees and hears the suffering of the oppressed: "He does not ignore the cry of the afflicted

(Ps. 9:12b). God commands his people to “seek justice, rescue the oppressed, defend the orphan, plead for the widow” (Is. 1:17-18), calling us to be his agents, empowered by his Spirit, to demonstrate Christ’s love for the world.

We are called to seek freedom for those who are held captive, to fight oppression, and to “do justice.” It is from this perspective that we engage on an issue that impacts our “neighbours” who are victims of human trafficking and in need of defending, empowerment, protection and compassionate support to find health, wellness and freedom from their circumstances.

Human trafficking is modern day slavery, and involves victims who are forced, defrauded, or coerced into forced labour or sexual exploitation. While the trafficking of humans is multi-faceted, most sources suggest that upwards of 80% of all trafficking victims are subject to sexual exploitation.¹

Trafficking in persons is a serious violation of human rights, and is reported by the United Nations to be the fastest growing form of transnational organized crime.²

The U.S. State Department’s Trafficking in Persons Report 2011 identifies Canada as a source, transit and destination country for men, women and children who are victims of sex trafficking and forced labour.³ Foreign women and children, primarily from Asia and Eastern Europe, are trafficked into Canada for use in commercial sexual exploitation – in prostitution, massage parlours, strip clubs and pornography. A significant number of victims, particularly South Korean females, are trafficked through Canada and into the U.S.

And, increasingly, Canadian women and girls are being trafficked for commercial sexual exploitation across the country. Aboriginal women and girls are especially vulnerable, because of poverty, violence, racism, isolation and substance abuse – the lasting effects of colonization.⁴ Current research suggests that 25-50% of the aboriginal population in Canada has experienced childhood sexual abuse.⁵ In Vancouver, 60% of sexually exploited youth are aboriginal.⁶ It is

¹ United Nations Office on Drugs and Crime, *A Global Report on Trafficking in Persons*, prepared by the Policy and Analysis and Research Department of UNODC, February 2009, http://www.unodc.org/documents/Global_Report_on_TIP.pdf, 6.

² *UN News Centre*, “Human trafficking fastest growing form of organized crime: UN anti-crime chief,” November 1, 2001, <http://www.un.org/apps/news/story.asp?NewsID=2007&Cr=&Cr1=>.

³ U.S. Department of State, *Trafficking in Persons 2011 Report: Canada Chapter*, prepared by the Office to Monitor and Combat Trafficking in Persons, June 2011, <http://canada.usembassy.gov/key-reports/trafficking-in-persons-report/2011-trafficking-in-persons-report-canada-chapter.html>.

⁴ Delphine Collin-Vezina, Jacinthe Dion, and Nico Trocme, “Sexual Abuse in Canadian Aboriginal Communities: A Broad Review of Conflicting Evidence,” *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health* 7(1) 2009, http://www.pimatisiwin.com/uploads/July_2009/04CollinDionTrocme.pdf, 31.

⁵ *Ibid.*, 35.

worth noting here that only 4% of the Canadian population reported an Aboriginal identity on the 2006 Census.⁷ And more than 500 Aboriginal girls have gone missing over the last two decades.⁸ There is good reason to believe that many were stolen into commercial sexual exploitation, and too many did not – or will not- make it out alive.

Most suspected victims of labour trafficking are foreign workers who enter Canada legally, but are then subjected to forced labour in agriculture, sweatshops and processing plants, or as domestic servants.

Canada is also a significant source country for child sex tourists - Canadians who travel abroad to countries like Cambodia and the Philippines to engage in sex acts with children.⁹ In Canada, the average age of forced entry into prostitution is 12.¹⁰ According to the Ratanak Foundation, in countries like Cambodia and other sex tourism destinations, it is 5 or 6 years of age.

This must stop. Children should not be for sale – not here, and not overseas. Women, men, boys, should not be for sale.

Bill C-310 is about the Canadian government offering the best care it can for vulnerable women and children. It is about ensuring that Canadians who engage in human trafficking offenses are held accountable to Canadian laws, regardless of where those offences were committed.

Bill C-310 introduces extraterritorial jurisdiction to human trafficking offences, so that Canadian citizens or permanent residents who offend abroad can be prosecuted here at home for their offences. It also enhances the definition of exploitation in s. 279.04 by providing evidentiary assistance for the Court to consider when determining what constitutes exploitation. These factors include used or threatened to use force or another form of coercion; used deception; or abused a position of trust, power or authority.

Many of the victims of trafficking are children and oppressed women, who exist in circumstances of poverty, isolation and marginalization that make them easy targets for predators.¹¹ When Canadians are the predators, we owe a duty to ourselves, to our nation's

⁶ Anupriya Sethi, "Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications," *First Peoples Child and Family Review* 3(3) 2007, <http://nr.fileprosite.com/FileStorage/2819416A1F2F4FA6906761615737CA71-First%20Peoples%20child%20and%20family%20review%20-%20Trafficking.pdf>, 59.

⁷ Statistics Canada, "Aboriginal identity population...2006," <http://www12.statcan.gc.ca/census-recensement/2006/dp-pd/hlt/97558/pages/page.cfm?Lang=E&Geo=PR&Code=01&Table=1&Data=Count&Sex=1&Age=1&StartRec=1&Sort=2&Display=Page>.

⁸ Anupriya Sethi, "Domestic Sex Trafficking of Aboriginal Girls in Canada," 57.

⁹ U.S. Department of State, *Trafficking in Persons 2011 Report: Canada Chapter*.

¹⁰ American Psychological Association, "January 2012: National Slavery and Human Trafficking Prevention Month," <http://www.apa.org/pi/about/newsletter/2012/02/human-trafficking.aspx>.

¹¹ Ibid.

reputation, and to our brothers and sisters across the globe to do all we can to get those predators off the streets - of Cambodia, of Thailand, of South America - wherever in the world they might be found when they leave our borders to exploit and abuse vulnerable women and children, only to return home to Canada seeking safe haven. Canadian citizens or permanent residents must not feel they can set up shop outside of our borders, in locations which may lack the criminal justice system to address their crimes, and from there traffick or exploit vulnerable women and children without fear of prosecution when they return to Canadian soil. Bill C-310 helps to take that refuge away from predators, and is another way Canada can do its part to reduce the victimization of the vulnerable.

The current definition of sexual exploitation in the *Criminal Code* is not sufficient, and we have heard from many groups engaged in frontline work with victims that the “fear of safety” element has led to some difficulty in obtaining convictions in the courts. While it often the case that the coercion suffered by victims consists of brutal physical violence, it is not always so. Sometimes the control and coercion is far more subtle – yet no less effective in achieving its objectives, and these forms of exploitation can be more difficult to prosecute under the current definition of exploitation. The additional considerations provided by Bill C-310 will allow for a more comprehensive understanding and assessment of exploitation that will not be limited by the fear of safety requirement – which is nearly always an element of trafficking cases, but can be difficult to prove. These additional considerations are especially important for gaining convictions in cases of sexual exploitation.

We support Bill C-310 as it was passed unanimously in the House of Commons. If any of us looks closely enough, we could probably find ways to improve on many sections of the *Criminal Code*. But sometimes it is far more important to recognize the immediate value added of a piece of legislation, and move ahead with it because it is the right thing to do. And the right thing, the critical thing today, is that this bill, which had the full support of the House of Commons, be passed into law and that the additional protections it offers become a reality for victims.

This is an important moment for Canada. Last week, the government unveiled the *National Action Plan to Combat Human Trafficking*, a significant development because up until this point, the federal government’s efforts on trafficking have been consistent, but piecemeal and lacking in coordination. We were thrilled to see the government not only fulfill the promise made in the last election platform to develop a national action plan, but to exceed what was promised. The EFC along with other stakeholders, were honoured to have been consulted in the development of the plan. It is clear the stakeholders were heard, and listened to.

It is a robust plan, oriented around the four “P”s of the Palermo Protocol, ratified by Canada in 2002. These are: prevention, protection, prosecution and partnership.

We wish to emphasize the importance of Bill C-310 being passed so that it can work in conjunction with the National Action Plan. There are no legislative changes contained in the Plan, I believe this is in part because the most important, most immediate legislative changes required – some of the things stakeholders had requested be part of the plan - are addressed in Bill C-310. Will others be needed? Certainly. Addressing human trafficking will require flexibility and responsiveness, legislatively and otherwise. But today we are responsible for the important amendments that are before us.

The Evangelical Fellowship of Canada urges the honourable Senators to give their full support to Bill C-310. It is a non-partisan bill, as it should be, because fighting human trafficking cannot be a partisan issue. Today the Senate is invited to stand shoulder to shoulder with the House of Commons, with MP Smith, with law enforcement and a broad cross-section of NGO's and other stakeholders to say together we will fight the sale and exploitation of women, children and men, wherever it occurs and with every means available to us.

Thank you.