

Honorable Members:

This Committee is in a strategic position to create a Canadian response to the evil of sexual trafficking that will bolster the fight for human rights on the globe, and ensure the beauty, freedom and value of all within it's sphere of influence. We are praying for you.

All of the International Leaders, including the world leader (General) of The Salvation Army met in 2004 and identified the abolition of Human Trafficking for sexual exploitation as an international priority. With that international commitment we have set our sights on what we can do in Canada to assist in that aim. It is here our paths converge.

As we have set about to combat Sexual Trafficking on the ground, several obstacles and persistent questions have emerged. It is those questions and obstacles that I'd like to discuss and suggest some potential answers.

A Special Note:

Almost everyone I speak with who is involved with ending Sexual Trafficking is under a relentless and oppressive attack. This attack leads inevitably to a paralysis of action. It seems that the issue is so complex, hideous and hidden that it implodes into silence, frustration and despair. It is simply a much easier thing to ignore. The time of ignoring the issue of Sexual Trafficking on our own soil is long over, yet this attack continues. Vaclav Havel, the prisoner who became the President of the Czech Republic suggests,

"The only lost cause is one we give up on before we enter the struggle." Vaclav Havel -*Quoted in Amnesty International's essay "From Prisoner to President – A Tribute"*

I'd suggest that this struggle is worth having. And I also come to you with a strong conviction that light is more powerful than darkness, and God is on our side. Be encouraged. The Salvation Army, internationally and nationally have begun in partnership with other faith-based communities, to implore Heaven itself to lend weight in our struggle against this enemy. You are not alone.

*Now to the specifics:*

**The first strategic consideration in this attack is:**

**Provision for the survivors of human trafficking.** Both internationally and domestically trafficked victims are currently in our country being sexually exploited every day. Because of their intrinsic value WE MUST provide a place where survivors of sexual trafficking have access to their basic human rights. The UN Protocol already presented guidelines of standard provisions for the victims of human trafficking.

These are outlined clearly in the Protocol (commonly known as Palermo) report

(Article 6)

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

- (a) Appropriate housing;
- (b) Counseling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
- (c) Medical, psychological and material assistance; and
- (d) Employment, educational and training opportunities.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

In Canada we do not fulfill this protocol.

**There are several ways we can honor the protocol and provide these basic human rights with expertise and expedience:**

***1. Create immediate Federal funding for safe and supportive structures for Sexually Trafficked survivors.***

We cannot do this too soon. There are many trafficked victims who do not have the safety or security that they require in Canada. This has multiple affects. The worst effect is that it re-victimizes the very person who needs help the most. Another effect is creating an environment for traffickers to maintain control, and for the situation of sexual exploitation to hold more provision (even in it's horrifying reality), than leaving the situation without safety or support to do so.

There are many NGOs on the ground level who are willing and able to offer this level of support, but don't have adequate funding. Federal funding for the specific purpose of creating support structures for trafficked victims would enable this service to be offered immediately.

In Vancouver, through partnerships and grassroots initiatives (including faith-based communities and feminist groups together) we are pressing forward towards a solution for housing and adequate support. But we lack the funding to secure even the basic level of response. These victims deserve our best response. Because of the nature of Sexual Trafficking and the desperate effects on the victims, it is critical to respond with specialized and culturally appropriate

care. Right now, the only option that exists for trafficked victims that come forward is to try to find space in an existing shelter in the city. The first problem with that is there is rarely any room. No rooms can be 'held' without funding the beds. The second problem is that not all the shelters in the city are appropriate for victims of human sexual trafficking.

A further problem is that the very nature of the kind of Trauma these women have suffered, makes them very fragile and suspicious. Many suffer from post traumatic stress disorder, They have come from a culture of control and fear. To break down those barriers will take some time. In order for the hidden circles of Human Trafficking to be exposed we will need survivors who have found freedom from the culture of fear to be liberated to speak for those who cannot speak for themselves. The only hope of uncovering these realities is proper care and adequate support for the survivors as they surface.

**2. Create a new piece of Federal Legislation that is specifically designed to give victims of Sexual Trafficking VISA classification in our Country.**

In March of this year the CIC (note – this is Citizenship Immig. Canada) announced that trafficked persons are eligible for a Temporary Residence Permit. While we are glad they are making an effort, we have found the TRP woefully inadequate. First, while it would regularize a person's status in the country, it gives them access to nothing beyond interim federal health. So they are given status in Canada but not the means to survive. They are not eligible for housing, income assistance, adequate legal help, etc,.. and are unable to work unless they are granted the longer permit option of 6 months. Second, the minimum of 120 days under the visa is too short of a time for the survivor to recover and plan the next steps in her life. Thirdly, the women are still being criminalized in the very classification of this permit. It is designed for those in violation of IRPA, serves to criminalize them as "violators" rather than victims. *Victims of human trafficking are victims, not criminals.* We need to recognize that legally. In order to make this happen we will need a new piece of legislation that creates a specialized visa for trafficked persons.

Currently the TRP is not being utilized because although it regulates a person's status and gives them access to interim health, it does not allow them to work or have an income. This makes it impossible for them to live. The Victim is then technically able to stay in Canada but practically cannot. This makes her susceptible to her Traffickers, or a victim of deportation.

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Some argue that the TRP will make her a candidate for either a Humanitarian and Compassionate grounds for a VISA or she could issue a Refugee claim. The H & C requires strict measures including demonstrated integration into society (which a victim of human trafficking clearly cannot prove). By definition of what she has suffered she has not been able to make even the basics of integration

(including language). I work with a grassroots faith-based community which have a refugee family that has applied via the H & C who has lived in Canada for 10 years and it still has not been granted to them.

The refugee claim only works if the Trafficked Person is from a refugee sending country. Many of the victims of human sexual trafficking are not from 'official' refugee sending countries (e.g. Philippines, Mexico, and Hong Kong). One such victim from Mexico suffered the consequences of this lack of support after it was discovered she was trafficked into Canada for sexual exploitation. Her only option was to go back to the States.

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Additionally, on the ground level it is almost impossible to find anyone who knows the TRP guidelines or how to go about applying for this permit. Basic questions like: How do I apply? What's covered? And Whom Do I Contact? cannot be answered. And anyone I have found with the expertise recommends not using the TRP because of its inherent lack of provision.

Clearly we could do better. And now is the time.

The Salvation Army is committed to partnering with you to ensure the proper, safe and supportive care needed for the survivors of Human Trafficking.

**The second area that needs immediate attention is the area of demand (the men who buy and profit from the sexual exploitation of women and children).**

There are two essential responses Canada can make:

- 1. Recognize that prostitution is a form of sexual slavery that allows Trafficking to flourish and grow.**

The latest *UN Special Report of the Special Rapporteur Sigma Huda on the human rights aspects of the victims of trafficking in persons*, especially women and children, makes it very clear that legalizing prostitution is intimately connected with likely increase in Human Trafficking. "It is also imperative that at this stage we should consider the link between trafficking and prostitution and recognize that prostitution is in itself a form of trafficking as defined in the Palermo Protocol since it is a form of sexual exploitation. Even if no visible external force is used, the consent of the victim as stated in Article 3 b of the Protocol is irrelevant (*when means of threat or use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability or of the giving of payments or benefits to achieve the consent of a person having control over another person have been used*). It cannot be said that prostitution is a voluntary process with no compelling or propelling factors such as the question of survival or of no other options being available to women that recruiters, traffickers and pimps take advantage of."

I've lived and worked on the streets of Vancouver's Downtown Eastside for several years now. Along with other organizations, we befriend women and girls who have found themselves on the street corners day and night, selling their bodies for survival. I can tell you that story after story, woman after woman have all come to a desperate and horrible place in their lives. They have been coerced, tricked, persuaded, beaten and threatened to keep doing what they do. They live a degrading and horrific reality everyday. Let's stop using terms that 'normalize' prostitution and cast prostitution as just a form of work for women. Is 'sex work' something young females should aspire to? Do you want your own daughters to contemplate 'sex work' as a career choice? **As a committee PLEASE DO NOT make the mistake of separating prostitution from the equality of women!**

The condition for women who find themselves in sex slavery on our streets will not improve by moving them inside to turn their tricks, or setting up cubicles outside to do their 'business'. We have to restore the dignity they were created with by calling prostitution what it is, 'a sex crime against women'. They have value. I've assured them of that – but will my country agree?

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*This week there is an international conference on violence against women in Montreal (HT is on their program so they are down with putting it in the framework of violence against women).*

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Ms. Sigma Huda recommends that prostitute-users be prosecuted criminally. I quote, "It has been wrongly assumed in some quarters that a human rights approach to trafficking is somehow inconsistent with the use of the criminal law to punish prostitute-users. This conclusion can only be based upon the assumed premise that men have a human right to engage in the use of prostituted persons. This premise should be rejected. Men do not have a human right to engage in the use of prostituted persons. In some domestic legal systems, men have been granted a legal right to engage in the use of prostituted persons, but, as suggested above, this right may be in direct conflict with the human rights of persons in prostitution, the vast majority of whom have been subjected to the illicit means delineated in subparagraph (a) of the Protocol and are, therefore, victims of trafficking."

To combat demand it is imperative that we make it culturally unacceptable to buy women for sex. Men that buy women for sex need to be arrested. And specific programs for male sexual offenders be increased.

Men that have sex with a child in prostitution are committing child sexual abuse and need to be prosecuted to the fullest extent of the law.

If we are serious about the rights of women and children who are sexually exploited in our country we need to raise the age of consent from 14 to 16 years

old.

We often think that prostitution and human trafficking are women issues – and I agree that they are rooted in basic human rights but why not talk about the men who are prostitute users?

**Consider this: if all men quit buying sex today, there would be no sex trafficking tomorrow!**

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The SA along with other NGOs have been operating Prostitution Offender Programs (john Schools) across the country for over ten (10) years and consider the programs a success in educating and therefore reducing the demand for purchased sex for those who participate in the program. It is here again that prostitution and sex trafficking cross paths as we find that those who purchase sex are buying from women who are trafficked domestically as well as internationally. The message must continue to get out that buying sex (for money, food, or shelter) is exploitation and therefore not acceptable on any level. Educational Campaigns targeting men of all ages concerning the harms of pornography, sexual exploitation, sex trafficking and the link to organized crime should be a priority and would go far in the prevention of countless men traveling this road to destruction. For those who are already on this road, they also require assistance in leaving that lifestyle through therapeutic resources.

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*Special Rapporteur on Trafficking in Persons Sigma Hadu* also asserts that, “States parties have an obligation under article 9, paragraph 5, to discourage the demand side of trafficking. The Special Rapporteur believes that this obligation can be effectively met through criminalization of the use of prostituted persons and good faith enforcement of these provisions.” She offers many more reasons why this is the reasonable thing to do (I’m sure you have access to her full report). This treatment of prostitute-users is linked to the truth that prostitution itself is a form of sexual slavery. Although, some people would offer that ‘legalized prostitution’ is possible to do as ‘free’ women, studies around the world have proven otherwise.

## **2. Criminalize prostitute-users, and de-criminalize victims of sexual assault.**

***Make no mistake – this action IS ABOUT THE EQUALITY OF WOMEN.***

The UN recommends that while prostitute-users are criminalized, prostitutes are not. They are treated as victims not as criminals. Sweden has adopted this model because of their commitment to the value of women and children in their society and their success on this issue is something that Canada (as a progressive nation ourselves) could easily adapt. I quote from **Gunilla Ekberg** (a Canadian) who helped form the Swedish policy, “As with all laws, the [Swedish] law has a normative function. It is a concrete and tangible expression of the

belief that in Sweden woman and children are not for sale. It effectively dispels men's self-assumed right to buy women and children for prostitution."<sup>i</sup>

Consider this statement by a former prostitute now an advocate for women's rights, "We, the survivors of prostitution and trafficking, declare that prostitution is violence against women. Women in prostitution do not wake up one day and "choose" to be prostitutes. It is chosen for us by poverty, past sexual abuse, the pimps who take advantage of our vulnerabilities, and the men who buy us for the sex of prostitution." (Manifesto, Joint CATW-EWL Press Conference, 2005)

The Salvation Army is deeply committed to the intrinsic worth of women and children and is committed to the abolition of human sexual slavery. Martin Luther King Jr. once ignited the conscious of a nation with this quote:

"Cowardice asks the question: is it safe? Expediency asks the question: is it politic? Vanity asks the question: is it popular? But conscience asks the question: is it right? And there comes a time when one must take a position that is neither safe, nor politic, nor popular- but one must take it simply because it is right."

I believe the time to do what is right has come. We can choose to do what is right for the survivors of human trafficking by providing safe, supportive and legal refuge for them IN CANADA. Let's do what is right FOR CANADA by choosing to call prostitution what it is, 'sexual violence against women' and stand up as a nation to say we won't tolerate the sexual exploitation of women and children, in our country, any longer.

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<sup>i</sup> Gunilla Ekberg, "The Swedish Law that Prohibits the Purchase of Sexual Services" 10 (10) Violence Against Women 1187, 1205 (2004).