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## Standing Committee on the Status of Women

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**Tuesday, October 31, 2006**

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**Chair**

**The Honourable Judy Sgro**

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## Standing Committee on the Status of Women

Tuesday, October 31, 2006

• (1010)

[English]

**The Chair (Hon. Judy Sgro (York West, Lib.)):** I call to order meeting number 20 of the Standing Committee on the Status of Women.

First, I have to apologize for such tight quarters, but we are trying to squeeze in an extra hour. Doing that here is not easy, as all our standing committees are meeting in various rooms. To get an extra hour for committee business before our witnesses, the best the clerk could get is where we are. Make yourselves as comfortable as you can. If the committee desires and if our room is available, we may shift to the other room at 11 o'clock, but that will depend on how much work we think we can get done without having to disrupt and lose valuable time.

Before we go too far into it this morning, I'd like to go over a variety of items that should be before you on your desks. Between now and 11 o'clock, when we start with our witnesses, we have two motions, one by Ms. Minna and one by Ms. Smith. Frankly, we need to deal with those motions.

Following that, we want to discuss future business. You have a discussion document that is before you, or will be before you in a moment, to help us focus on human trafficking, a list of new witnesses, an updated calendar, and discussions on our November 6 meeting on gender-based analysis. We need to discuss those issues between now and 11 o'clock, when we start having our witnesses. I would appreciate it if we could keep ourselves as pointed as possible to the issues before us.

We need to give our analysts some direction on whether or not we need to or want to narrow our focus on human trafficking specifically to the sexual exploitation avenue. If we do, we need to look at our witnesses to see if these are the witnesses best able to help us on that part of the study. Also, do we want to expand the study date, rather than December, which we were aiming for, and so on?

As you can see, there is a variety of issues that have to be discussed today, and we do not have a whole lot of time to get those discussions done.

I would like us to move into the motion that we have on the floor by Ms. Minna. There had been a lot of discussion on that motion at the time. Let me say to you that I think it's important that we vote on it. I don't know if there's a need for further discussion on the motion, but I do want to read out something pertaining to that, so we know what the rules are.

When we had our first committee meeting we had a motion by Ms. Smith that had preamble to it. Because we had started with that process, I didn't want to change the process, so that we were fair and equal to everyone. But as of today, we should not have preambles. Preambles are usually the parts that get us into lengthy discussions, no matter what they say. As a result of the use of preambles, the committee becomes unable to express itself clearly on the question put to it; in other words, what becomes the subject of the debate is the preamble more than the actual motion itself.

So from this point on, we will get right to the point of motions. As for the preambles, you can read them yourself aloud, and get them read into the record, but when we bring motions to the committee from today on, we need to bring specifically the part of the motion we want to vote on.

Your comments, of course, are read into the record, and that would be fine.

Shall we proceed with Ms. Minna's motion? I will read it out:

Pursuant to Standing Order 108(2), that the Standing Committee on the Status of Women recommends that the government reverse the \$5 million in cuts to the operating budget of Status of Women Canada and re-instate the original Terms and Conditions of the Women's Program and that the Chair report the adoption of this motion to the House without delay.

Would you like a recorded vote on this?

**Some hon. members:** Yes, please.

**The Chair:** To clarify, it was agreed at the last meeting that in this motion the preamble would stay. But from today on, there won't be preambles allowed in the motions. I hope everyone understands.

Mr. Stanton.

**Mr. Bruce Stanton (Simcoe North, CPC):** I would like a clarification on that, Madam Chair. In this case, if this motion today passes, will the preamble be part of the report?

**The Chair:** It was voted on at the last meeting. There was a motion to delete that and it failed, so the preamble is here. So for this motion, it will stay as it is.

**Mr. Bruce Stanton:** However, from this point forward, any motions brought will be absent of any preamble—

**The Chair:** That's right; they will be absent of any preamble.

**Mr. Bruce Stanton:** Any preamble will not become part of the report.

Thank you.

**The Chair:** All right. Madam Clerk, we will vote.

(Motion agreed to: yeas 6; nays 4)

• (1015)

**The Chair:** Yes, Mr. Miller, please go ahead.

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC):** Madam Chair, concerning the vote, I presumed that I was sworn in, but I didn't get a chance to vote.

**The Chair:** We haven't received your substitution sheet. Until we have a substitution sheet, the person is not allowed to speak or vote.

**Mr. Larry Miller:** I understand.

**The Chair:** I'm sorry about that.

Ms. Smith, would you like to speak concerning your motion?

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Yes, I would. Thank you, Madam Chair.

The notice of motion is in front of you. The motion reads:

Pursuant to Standing Order 108 (2) that the Standing Committee on the Status of Women (SWC) recognize that all women are equal in Canada under the Constitution and the Charter of Rights and Freedoms and that the government strive to address the barriers that would prevent the full participation of women in Canadian society, so the economic, social and cultural situation is improved through projects directly impacting women in communities across Canada.

Clearly, Madam Chair, we are just following the laws of the land. Clearly, under the Constitution all women, all Canadians, are equal. I think it's very dangerous to say that one segment of society is not allowed to be equal in Canada, because under our Constitution that is the reason people come to Canada. It is because they know they are equal; they know it is the land of opportunity. That is what we have control over as a government and as a nation.

Second, however, we can't control everybody's thoughts and feelings, because in a democratic society people are free to function the way they see best within the law. That's when the barriers come in, and these are the barriers we have been talking about at the status of women committee.

For instance, human trafficking is a real barrier to the equality of women, because criminal minds step in and criminal minds take over. As parliamentarians, we need to address those barriers and put laws in place that enhance the safety of women.

Also, when barriers are there for economic concerns or other concerns, laws that help women overcome those barriers need to be put in place.

This motion, Madam Chair, is first to recognize that all women are equal, but second, to strive to address the barriers that prevent the full participation of women in our Canadian society, so that economically, socially, or culturally, all women can be recognized as the leaders they are.

I would ask that this committee support this motion, because clearly the intent of this motion, I believe, reflects what we're trying to do here in status of women.

**The Chair:** Thank you very much, Ms. Smith.

To speak to the motion, we have Ms. Stronach next.

**Hon. Belinda Stronach (Newmarket—Aurora, Lib.):** I have an amendment I'd like to propose to the motion.

I'd like to see that we give more teeth and more substance to this motion. I'd like the motion to read:

Pursuant to Standing Order 108(2), that the Standing Committee on the Status of Women recognize that all women are equal in Canada under the Constitution and the Charter of Rights and Freedoms and that the government

And this is where I'd like to add:

reinstate equality as the primary goal of the women's program at Status of Women Canada

And then we could continue on:

and strive to address the barriers that would prevent the full participation of women in Canadian society, so that the economic, social,

And then I'd like to add in:

political, and legal aspects

And then continue on:

and cultural situation is improved through projects directly impacting women in communities across Canada.

**The Chair:** Would you like to read that a second time?

**Hon. Belinda Stronach:** Reread the whole thing? Okay.

**It would read:** Pursuant to the Standing Order 108(2), that the Standing Committee on the Status of Women recognize that all women are equal in Canada under the Constitution and the Charter of Rights and Freedoms and that the government reinstate equality as the primary goal of the women's program at Status of Women Canada and strive to address the barriers that would prevent the full participation of women in Canadian society, so that the economic, social, political and legal aspects, and cultural situation is improved through projects directly impacting women in communities across Canada.

**The Chair:** Ms. Mourani.

[Translation]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Thank you, Madam Chair. I would also like to put forward an amendment. It differs from the one presented by my colleague in that it amends the proposal, not the amendment. Do you follow?

• (1020)

[English]

**The Chair:** Would you mind repeating that? I'm sorry.

[Translation]

**Mrs. Maria Mourani:** I would like to propose an amendment to Ms. Smith's motion, and not a sub-amendment to the amendment put forward by Ms. Stronach. That is what I said.

[English]

**The Chair:** Okay.

[Translation]

**Mrs. Maria Mourani:** I therefore would like to move another amendment, which to me is an improvement.

[English]

**The Chair:** Apparently we should be doing one amendment at a time. First, we have to speak to this amendment, and once we've decided on that amendment, Ms. Mourani can place her amendment.

Ms. Mathysen, to the amendment.

**Mrs. Irene Mathysen (London—Fanshawe, NDP):** Thank you, Madam Chair.

Ms. Stronach's amendment has addressed my concern in regard to the main motion, so I'll pass.

**The Chair:** Okay.

Ms. Smith.

**Mrs. Joy Smith:** Thank you, Madam Chair.

I feel that Ms. Stronach's amendment is redundant. We have stated very clearly that all women are equal in Canada, so it does not have to be reinstated. So that amendment is unnecessary.

I think it is more a ploy to get back to the original agenda. We have a way of making sure that the message we get out to Canadian women is that you are equal and we will help to make sure that those barriers are down. So I can't support this amendment.

**The Chair:** Thank you.

Is there any further discussion to the amendment? Ms. Davidson.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Yes, thank you.

I'm just not quite clear what we're trying to establish here. Certainly we know that the strategic outcome for Status of Women Canada, which is stated in the report on plans and priorities, says, "Gender equality and the full participation of women in the economic, social, cultural and political life of Canada". It's already there. It's already stated. It's there very emphatically and very clearly.

I think this amendment is certainly out of order, and I'll be voting against the amendment.

**The Chair:** Mr. Miller.

**Mr. Larry Miller:** Thank you, Madam Chair.

Along the same lines, I agree with the wording in it, but again, it's redundant, because it's already there, as Ms. Davidson has just declared. It implies that it was taken out when it wasn't. You still end up with exactly what my colleague across the way is trying to accomplish, because it's already there. So it's redundant.

Thank you.

**The Chair:** Mr. Valley.

**Mr. Roger Valley (Kenora, Lib.):** Thank you, Madam Chair.

I think the reason for the amendment is that it's one thing to say the Standing Committee on the Status of Women say this, but this is saying that the government says this. I think it has a lot more teeth, and for that reason you need the amendment.

**The Chair:** Thank you.

Mr. Stanton, to the amendment.

**Mr. Bruce Stanton:** Yes, to the amendment, could I get the latter part of it? Perhaps Ms. Stronach could just read that again, or maybe the clerk. Is it "the economic, social, political and legal aspects" of it? Could I just get that wording again? I'm sorry.

**Hon. Belinda Stronach:** The last part is, continuing: "that would prevent the full participation of women in Canadian society, so that the economic, social, political and legal aspects, and cultural situation is improved". So the addition is "political and legal aspects".

**Mr. Bruce Stanton:** And it continues "improved through projects directly", or are you suggesting—?

**Hon. Belinda Stronach:** And then it continues on, yes.

**Mr. Bruce Stanton:** Thank you.

Madam Chair, I don't have too much problem with the second part of this amendment. It's fairly consistent with what's already supported, as Ms. Davidson mentioned, in the reports on plans and priorities of Status of Women Canada.

But speaking to the first part, I would echo and support Ms. Davidson's comments that in fact it's not needed. It is already the heart and soul of what Status of Women Canada does. Gender equality is part and parcel of Status of Women Canada and, by context, through the women's program. In fact, we note in the new terms and conditions that were approved to 2011 that it's very clear that the outcomes for that program are directly linked to the strategic outcome of Status of Women Canada. This centres gender equality as its modus operandi. It really is there in black and white, and it's clear. I don't think this additional language does anything to add to that mandate.

• (1025)

**The Chair:** Quickly, Ms. Smith.

**Mrs. Joy Smith:** Yes, very quickly.

I would agree. If Ms. Stronach can amend the amendment in such a way that the last part is in.... The first part, "reinstate equality", is the part I do not agree with. With respect to the last part, yes, I agree with Mr. Stanton. We could definitely do that if Ms. Stronach would agree to amend the amendment.

**The Chair:** While we look at these amendments and try to work something out that we could all agree on, which would be a really nice thing for our committee, would it be possible that we hold down on dealing with Ms. Smith's motion and the amendments and go on to our future business on human trafficking? We can go back to your motion later in our meeting. Would that be acceptable?

Ms. Mourani.

[*Translation*]

**Mrs. Maria Mourani:** Madam Chair, I simply cannot vote in favour of Ms. Stronach's amendment, because I find that it is still too vague.

In my opinion, we need to have a very specific and clear amendment, one that truly defines the issues facing us. That is why I, unfortunately, will not vote in favour of this amendment. It is still too broad.

I would move another amendment, one that is more specific, which further underscores specific items, is in line with the principle of the motion and also accounts for the concerns of my colleagues, Ms. Stronach, Minna and Mathysen.

That is why I would have liked to propose this amendment to you.

[English]

**The Chair:** Hence the reason that I suggested we might want to use this time to work on the amendment. Maybe Ms. Stronach and Ms. Mourani could work together on this amendment and we might get something by the end of the meeting that would be agreeable for everyone.

Ms. Smith.

**Mrs. Joy Smith:** I would like to call for a vote on it. I don't want to keep it off. As I said, I think we should go forward and vote on it one way or another. I would ask that you please do that.

Thank you.

**The Chair:** Is it the will of the committee to move forward and have a vote on this motion?

**Hon. Maria Minna (Beaches—East York, Lib.):** Let's vote on the whole motion as is and let's get on with it.

**The Chair:** We have an amendment that Ms. Stronach has placed on the floor. We're going to vote on the amendment, unless Ms. Stronach is asking to withdraw it.

**Hon. Belinda Stronach:** Why don't we withdraw the amendment and vote on the motion?

**The Chair:** I have to go to Ms. Mourani, because she indicated she wanted to move an amendment.

Ms. Stronach is considering withdrawing her amendment. Do you want to place your amendment to Ms. Smith's motion, or just vote on Ms. Smith's motion?

[Translation]

**Mrs. Maria Mourani:** I will put forward my amendment, if you will. I will read it slowly.

Pursuant to Standing Order 108(2), that the Standing Committee on the Status of Women recognize that, in fact, all women are not equal in Canada and that it is becoming urgent that we take concrete measures to address the inequalities experienced by women, including the implementation of pay equity legislation.

Therefore, some parts are deleted.

The committee also recognizes that the Conservative government does not strive to address the barriers that would prevent the full participation of women in Canadian society, so that the economic, social, political, legal and cultural situation is improved across Canada.

[English]

**The Chair:** Ms. Smith.

**Mrs. Joy Smith:** I believe probably that's a whole new motion, and so I would suggest that Ms. Mourani put her motion forward at another time and we deal with it at another time.

[Translation]

**Mrs. Maria Mourani:** It is an amendment. Madam Chair, I have added "does not". I have removed "under the Constitution and the Charter of Rights and Freedoms". I have amended that and have kept whole phrases, such as "strive to address the barriers that would prevent full participation", etc.

It is an amendment, Madam Chair, not a change. The motion as presented states that the current government recognizes that women are equal, and that it is trying to improve their economic, social and cultural conditions. What my amendment says is that the government

does not strive to address those barriers and that, in fact, women are not equal.

It is exactly the same motion, except for the part saying that the government strives to address the barriers and that all women are equal. And there is an amendment stating that that is simply not the case. I have therefore moved an amendment, not a complete change.

• (1030)

[English]

**The Chair:** Correct me if I'm wrong, but it seems that it's exactly the opposite of what Ms. Smith's motion says. It might be much more advisable, Ms. Mourani, to bring that in as a completely separate motion, as it is now. Unless I've missed something, it seems to me that it's contrary to what Ms. Smith's motion says.

Do you want to speak to it, Ms. Mourani?

[Translation]

**Mrs. Maria Mourani:** Yes, Madam Chair.

That side of the table may very well move a motion stating that all women are equal and that the government strive to address the barriers. However, the amendment that I am presenting basically says that that is not true. Madam Chair, in my view, that is untrue. That is what I believe, that is my opinion. I did not change anything. I remove the part of the sentence: "under the Constitution and the Charter of Rights and Freedoms". I added another phrase and the words "does not". I therefore amended the motion.

It is not a new proposal, it deals with the same issue: women's equality and the barriers that we strive to address. It is the same thing.

[English]

**The Chair:** It's the same subject, but it's exactly the opposite of what Ms. Smith is trying to gain in her motion.

I would suggest that you table a motion saying whatever it is you want to say for our next meeting, but for today I would have to suggest that we're going to go forward with the motion as it is in front of us. If you don't agree with it, vote it down, and I would suggest that you present a motion at our next meeting, Ms. Mourani, that outlines the issues you're concerned about.

Yes, Ms. Mourani.

[Translation]

**Mrs. Maria Mourani:** It is the same issue.

I would like to know what the rules are regarding the amendment. I would like for the clerk to give us an answer.

[English]

**The Chair:** I'll ask the clerk.

[Translation]

**The Clerk of the Committee:** I can read an excerpt:

An amendment must be relevant to the main motion. It must not stray from the main motion but aim to further refine its meaning and intent. An amendment should take the form of a motion to:

leave out certain words in order to add other words;

leave out certain words;

or insert or add other words to the main motion.

**Mrs. Maria Mourani:** That is what I have done, Madam Chair. I have added and left out words. I have deleted words, and I will point them out to you. No, but it is true—

[*English*]

**The Chair:** I don't agree with you.

[*Translation*]

**Mrs. Maria Mourani:** I recognize that “in fact, all women are not equal in Canada” and have added the words “does not”. I have left out “under the Constitution and the Charter of Rights and Freedoms” and have added “it is becoming urgent that we take concrete measures...”. I have added words here, and left out words there, and have made an amendment. That is exactly what I have done.

[*English*]

**The Chair:** It completely changes the intent of Ms. Smith's motion, which is before us, so I cannot accept your amendment, Ms. Mourani. I suggest you put a motion in place for the following meeting, if you like.

Ms. Stronach—and I'm keeping my eye on the clock, please.

**Hon. Belinda Stronach:** I withdrew my amendment based on Ms. Mourani's motion, but now that you're ruling that it's not admissible, I'd like to reinstate my amendment.

**The Chair:** Do we need to read the amendment? Is everybody clear on what the amendment is?

**Mrs. Joy Smith:** No. We had suggested that we could support that amendment with the first part about reinstating equality. That is not the intent. We are saying here that's something different again. We would totally disagree there, Madam Clerk, so I would suggest that maybe Ms. Stronach could bring in another motion as well.

The whole essence of this is to say that women are equal in Canada, and “reinstate equality” infers that we don't believe women are equal in Canada. It definitely takes away from my motion, and I would be so kind as to ask members opposite just to put another motion forward that reflects their own view, because this amendment is contrary to what our whole motion is talking about.

•(1035)

**The Chair:** Would you like to split that amendment into two parts?

**Hon. Belinda Stronach:** No, I do not want to split the amendment, number one. If it's admissible, I'd like that it be voted on.

**The Chair:** Let's read it out again and make sure.

**Hon. Belinda Stronach:** Do you want just the amendment or the full motion? Do you want the entirety?

**The Chair:** Yes, please.

**Hon. Belinda Stronach:** It says:

Pursuant to Standing Order 108(2), that the Standing Committee on the Status of Women recognize that all women are equal in Canada under the Constitution and the Charter of Rights and Freedoms and that the government reinstate equality as the primary goal of the women's program at Status of Women Canada and strive to address the barriers that would prevent the full participation of women in Canadian society, so that the economic, social, political and legal aspects, and cultural situation is improved...

[*Translation*]

**Mrs. Maria Mourani:** The translation does not say the same thing.

[*English*]

**Hon. Belinda Stronach:** We're saying “improved”, period.

**The Chair:** Ms. Smith, to the amendment.

**Mrs. Joy Smith:** To the amendment, Madam Chair, can we vote on the motion without that amendment? I still say we want to vote and that all women are equal in Canada, but putting in “reinstate equality” infers that we're just saying that equality isn't there. We're not saying that.

I have submitted a motion on status of women, but the amendment, in a back-door way, is trying to say something different. This is not my motion anymore. So I would ask that, because I believe all women are equal. We have equality in status of women, so we don't need to reinstate equality. We need to put down the—

**Hon. Maria Minna:** That's not part of the mandate.

**The Chair:** Please, can we have some order here?

Ms. Davidson.

**Mrs. Patricia Davidson:** Thank you, Madam Chair.

I would again like to state that this amendment is out of order. It is contrary to the main motion, and it is up to you to rule. You can call on the clerk to read the rules again about what an amendment can do. An amendment cannot be contrary to the main motion, so I would ask that you rule on it, because it definitely is contrary to it.

Thank you.

**The Chair:** Mr. Valley.

**Mr. Roger Valley:** I don't agree with the honourable member across the way. This is adding to the motion. It's not taking away anything, and it doesn't change the basic concept of the main motion. This amendment should be allowed to stand.

**The Chair:** Ms. Minna.

**Hon. Maria Minna:** Madam Chair, I don't see how this amendment is contrary to the main motion. We're not changing the fact that women have equality in the Charter of Rights. All we're doing is highlighting the fact that, in order to actualize or to make those rights a reality in the everyday life of women, Status of Women Canada needs to have the equality aspect spelled out as a mandate. Otherwise, if its primary mandate is not to ensure that the equality of women is in fact actualized, then it won't happen.

We're not saying no to the equality of rights in the charter. We're saying the mandate of the department needs to ensure that those equality rights are in fact implemented through the same sort of system, except that we've added a couple of things to the list that the government has.

•(1040)

**The Chair:** I'd like to make a suggestion. Is it possible that we could hold down this motion until our next meeting and come back with it exactly spelled out? I want to make sure it is not changing it.

In fairness to all of us, and because we're trying to get some work done this morning, if Ms. Smith would agree—

**Mrs. Joy Smith:** Yes.

**The Chair:** —and Ms. Stronach would agree to postpone voting on or dealing with this—

**Hon. Belinda Stronach:** Yes.

**The Chair:** —Ms. Stronach can put her amendments very clearly and make sure everybody has them in advance at Thursday's meeting, so that we're looking at it more clearly.

Ms. Mourani.

[*Translation*]

**Mrs. Maria Mourani:** Madam Chair, I would like to amend the amendment. Given that my colleague Ms. Smith says that we are distorting the meaning, we would like to add a clarification that does not distort the meaning. The amendment reads as follows: “Pursuant to Standing Order 108(2), that the Standing Committee on the—”

[*English*]

**The Chair:** I'm sorry, but you can't propose another amendment until we've dealt with this amendment.

[*Translation*]

**Mrs. Maria Mourani:** No. It is an amendment to the amendment.

[*English*]

**The Chair:** Yes, good.

[*Translation*]

**Mrs. Maria Mourani:**

Pursuant to Standing Order 108(2), that the Standing Committee on the Status of Women recognize that all women are equal in Canada under the Constitution and the Charter of Rights and Freedoms.

However, in fact, inequalities remain and it is essential that the government reinstate equality as one of its primary goals.

I did not fully understand Ms. Stronach's amendment, because once again, the translation was not appropriate.

[*English*]

**Hon. Maria Minna:** How can she follow...she doesn't understand?

[*Translation*]

**Mrs. Maria Mourani:** No. I am referring to my colleague's last phrase.

[...] strive to address the barriers that would prevent the full participation of women in Canadian society, so the economic, social and cultural situation is improved [...]

That is exactly the same thing as what Ms. Stronach moved, except that I ended the sentence after the word “freedom” and added a sentence. That is all.

[*English*]

**The Chair:** Thank you, Ms. Mourani.

[*Translation*]

**Mrs. Maria Mourani:** I included a period and added a sentence. That is all.

[*English*]

**The Chair:** Fine. I am going to be making a decision.

[*Translation*]

**Mrs. Maria Mourani:** Are you okay with that, Ms. Stronach?

[*English*]

**The Chair:** Because Ms. Smith has raised a point of order, I want to make sure that ruling is accurate.

We'll hold down voting on this motion and the amendments until Thursday. I need everything in writing that anyone is attempting to move as an amendment to this, so we can have this looked at in advance of Thursday. We have too many other things on this agenda; we must move forward.

Is the committee agreeable to do that?

Ms. Smith.

**Mrs. Joy Smith:** The only problem I have is that I've looked at the list of witnesses for Thursday and we're packed with very important witnesses. What Ms. Mourani said I have no problem with. It makes sense. We have made the statement that all women are equal in Canada, period, and our only point was, whether you use the words “barriers” or “equalities” or whatever, that has to be addressed. So that's not like saying “reinstate equality”, because under the Constitution this is what we strive for: to make sure that all the barriers are....

Can we take a quick stab at what Ms. Mourani said, in light of what Ms. Stronach said—

**Hon. Maria Minna:** No, because we have to accept amendment to our motion and—

**The Chair:** Hold on, I have to deal with the amendment first, and then—

**Mr. Roger Valley:** I have a point of order, Madam Chair.

**The Chair:** Yes, Mr. Valley. I'm sorry, you were trying to—

**Mr. Roger Valley:** I was looking at Ms. Smith very clearly and I understood she pulled her motion. We can't amend something that's not on the floor. She's having another discussion now.

The order of business that was followed was that she was pulling it, so I don't know what's changed.

**The Chair:** I had suggested it because she had raised it on a point of order. There was no agreement to pull it or not, but we had discussed it from that perspective.

**Mrs. Joy Smith:** Conversely, an easier way, Madam Chair, would be simply to change the word “reinstate”. If Ms. Stronach could change the word to “affirm” equality.

**Some hon. members:** No.

**Mrs. Joy Smith:** Could we, then—

**The Chair:** Ms. Smith, I'm sorry. You raised a point of order. I am going to sustain my decision on that point of order until Thursday's meeting. Any amendments that are going to be put on the table must be done in writing to the clerk as soon as possible, and we will deal with this item as the first order of business on Thursday morning.

We are going to move on now to the issue of human trafficking. In our discussions here, we need to focus. We've had a number of witnesses already and we need to be very clear on the issue of human trafficking and what we are going to focus on. We've heard about the exploitation of domestic workers, agricultural workers, and workers in the hotel industry. It's such a very broad issue that it would seem to me, based on the witnesses we've heard, that we need to decide which section to tackle, because there are so many things that need to be done and that we would all like to do.

Ms. Smith has made it quite clear that she would like us to focus on the sexual exploitation avenue. Are the rest of the committee members in agreement?

Could we have everybody's attention, please? We need to be looking at what we are going to focus on in this issue of human trafficking. We've reached a point at which our analysts need us to focus a little more clearly. Is everyone in agreement that we would focus on the sexual exploitation part of human trafficking rather than the domestic workers and agricultural sectors and so on, and do those at a later date if the committee chooses?

If we want to get a report in for December, which we also need to think about, we need to look at our timelines and look at our witness list to see if they are all on sexual exploitation, if that's what we want to report on first.

Ms. Minna was first; then it's Ms. Mourani.

• (1045)

**Hon. Maria Minna:** Madam Chair, I don't have a problem with that, although some of the abuse and some of the trafficking does happen within the manufacturing industry.

My suggestion would be that we focus entirely on what is happening within Canada. I know we would have to make reference to countries where some of the trafficking is coming from, but up until now we've been talking with witnesses about trafficking within Europe, within Africa, within Asia, and while that's interesting, it's too broad. We can't deal with the world. We can't fix the world.

I would very much like to focus on trafficking within Canada—how it's affecting Canada, where it is in Canada, and how it can be rooted out. We can deal with it so that any recommendations we might suggest—legislation or what have you—can in fact be implemented by our government.

If it's an international issue, we need to start negotiating. There's the UN. There are other countries. While it's a topic that can take us all over the world, I don't think we can fix the world. We aren't going to be able to do it justice, in any case, in the time that we have.

So I would suggest, Madam Chair, if the committee agrees, that we focus our attention and deal with human trafficking strictly as it affects Canada and what's happening within Canada. We should deal with the Canadian situation. In that context, then, I think we will end

up dealing with some of the problems within manufacturing and with slave labour, practically, because it does happen.

**The Chair:** Ms. Mourani is next.

[*Translation*]

**Mrs. Maria Mourani:** Madam Chair, after having heard a number of witnesses, it appears that a fundamental problem regarding human trafficking lies in its definition.

It would be important to rethink the definition. Having heard all the witnesses, we could redefine human trafficking. Redefining human trafficking would be invaluable, and would even have a global impact. And were the UN to take note, that would be an invaluable contribution.

Unfortunately, I believe that we need to take a comprehensive look at the phenomenon. That way, we will be able to bring together as many elements as possible so that, from the outset of our work, we can define our parameters regarding the definition of human trafficking. Human trafficking can serve a number of purposes, including sexual exploitation and labour exploitation in such areas as agriculture and domestic work.

Ultimately, this committee needs to produce a report setting out our vision of the status of women and human trafficking, and backing up our recommendations in this regard.

In my opinion, we would have to distinguish between human trafficking for labour exploitation in such areas as agriculture and domestic work, and human trafficking for sexual exploitation.

We therefore need to take a comprehensive look at the issue, in order to draw such a conclusion. If we focus solely on sexual exploitation, people might ask us how we arrived at such a definition. We would not be as credible then as if we had taken a comprehensive look at the issue.

Each of us has their own concerns and can ask specific questions to witnesses, whether it be regarding sexual exploitation or labour exploitation in such areas as agriculture and domestic work.

I do hope that the committee's work will lead to another premise: prostitution is not work, but slavery and sexual exploitation. As well, based on that theme, I have to distinguish between what is work and what is not.

• (1050)

[*English*]

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

Ms. Smith.

**Mrs. Joy Smith:** We are a global community now, and a lot of people are landed immigrants, are from other countries. Number one, we have to look at it in terms of sexual exploitation. What Ms. Mourani is talking about is looking at whether or not prostitution is an industry, which we do not believe to be the case. I would not like to get into looking at factories and things like that, because we should deal with that aspect in the second half, when we look at women's economy. That's part of the labour part and the worker part we should do after Christmas. It's a very important part. We have a very short time right now—only a few weeks. We have great witnesses lined up to talk about the growing crime of human trafficking for sexual purposes. That has a great link to prostitution. We really have to focus on that. I would concur with what Ms. Mourani said and only do it in the second part when we're looking at women's economic development, because then we can talk about the different industries.

We really need to focus in the next few weeks. The clerk's office has gone to a lot of trouble to help us out in getting some very good witnesses. I do not want to see any of those witnesses cancelled. We made a plan, and it behooves us to continue with that plan. We have Christmas break coming up very shortly. We have about five weeks left, Madam Chair. I think we should stay the course right now.

**The Chair:** Are there any further comments? Just so we know and the analysts know, we are going to focus on continuing to deal specifically with sexual exploitation in human trafficking, including trying to come up with a definition. It could be all part of the same thing.

Mr. Stanton.

**Mr. Bruce Stanton:** Thank you, Madam Chair.

If I could, I'd like to add to that. I think Ms. Minna was on the right track here in terms of trying to keep this focused by keeping it in the Canadian environment. There is no doubt that even at the Canadian level it's still a broad dimension, it still affects and reaches into areas of our economy that are beyond just the sexual exploitation side, but by keeping it here we're naturally then going to be forced to look at what remedies, what tools, we could use legislatively. Ultimately, we want to come up with some kind of response.

With this having such a global dimension, this phenomenon, much of that is out of our purview. Keeping it focused on sexual exploitation is the right thing to do, but I think the report should mention, because we've had good witness testimony that speaks to the broader aspects of this, how it reaches beyond that. But everything I've heard to date suggests that 90% of what we're seeing in human trafficking arises out of the sexual exploitation, in particular women and children, and that's where the lion's share of this is at. I must say, to go on, that is the most devastating aspect of this phenomenon to our society from a social point of view, and that's where our focus should be—in the Canadian context.

•(1055)

**The Chair:** Ms. Mourani.

[*Translation*]

**Mrs. Maria Mourani:** Madam Chair, I share the opinion of my colleagues, Mr. Stanton, Ms. Smith and Mina. In fact, given the little

time at our disposal, we could deal exclusively with human trafficking for sexual exploitation.

However, I want it to be noted in the reports that there are other forms of human trafficking related to work. In addition, I hope that we make a clear distinction between human trafficking for sexual exploitation, which is not work but a form of slavery and exploitation, and human trafficking for work in agriculture and other areas, which is another form of slavery for work purposes. These are two different forms.

I therefore would like to make a distinction between reducing someone to slavery for work in the fields and reducing someone to slavery for prostitution. I would also like that our study lead us to identify key elements to show that prostitution is not work. It will then be up to us to pass judgment.

[*English*]

**The Chair:** Okay.

Ms. Mathysen.

**Mrs. Irene Mathysen:** Thank you, Madam Chair.

While I do agree that we do need to make sure our discussion doesn't become overwhelming, and it needs to be narrowed, I do want some assurances that the discussion of slavery in terms of the agricultural sector, the domestic sector, domestic labour, and the garment industry is part of our discussion in the spring, because I must disagree: as horrific as sexual exploitation is, some of the stories we hear from women and their families in regard to these other sectors are just as horrific, and that needs to be on the table.

**The Chair:** We had originally planned on this calendar that we were going to attempt to put a report in by mid-December. Do we still want to do that or do we want to postpone our deadline to be able to comment on some of the other avenues? Either we do from now until December on the sexual exploitation area...and do you want to start in February with dealing with the broader issue of the agriculture, and so on? Our analysts need to make a comment here.

The other thing is that we have another list of witnesses that people have submitted. If we have to add them, we'll have a lot of difficulty trying to get a report out by mid-December, to be tabled in the House by mid-December. The issue is so important that we want to make sure that we're doing it appropriately as well. I think our deadlines were great and ambitious, but I'm not sure we're going to be able to meet them and do the report justice.

Ms. Smith, Ms. Mourani.

**Mrs. Joy Smith:** Could I suggest two reports? Perhaps we could just do one, focus the way we want to, and get one report completed—on sexual exploitation—and in the House by Christmas. Then in terms of what Ms. Mathysen and Ms. Mourani were saying about industry and about some of the horrendous things in human trafficking, we could do solely that right up to spring. We could get a second report in on that as well.

I think that way we would do justice to two things, and do them properly then.

**The Chair:** Ms. Mourani.

[*Translation*]

**Mrs. Maria Mourani:** Madam Chair, I agree with Ms. Smith. As scheduled, the committee should table a draft report on human trafficking for the purpose of sexual exploitation and define its guidelines in December, at the same time as the report by the Subcommittee on solicitation laws.

Both the subcommittee and our main committee will produce reports. As members of the Standing Committee on the Status of Women, and giving the fact that women are the primary victims of human trafficking for the purposes of sexual exploitation, we had better have an opinion on the issue.

In my view, the report should be tabled in December. As Ms. Mathysen said, it would then very important to look at the other facet of human trafficking, by conducting a study and hearing witnesses, so that we can table a second report. I fully agree that we are dealing with two completely different issues.

Furthermore, regarding the new list, I am sorry, Madam Chair, but a first list with the names of our witnesses was already established, and it was just fine with me. If we keep on adding to that list we will never finish and will continue to study the issue for another ten years. Let us keep to the list that was established. I have no difficulty or problem with adding one or two witnesses. But the list is already drawn up, and that is that.

• (1100)

[*English*]

**The Chair:** That's fine. Good.

In December we could file an interim report. That is one thing we could do.

We're shortly going to be moving to room 371 so that everybody, including our witnesses, will have some room to breathe.

Mr. Stanton.

**Mr. Bruce Stanton:** I'd like to add to Madame Mourani's point. If we are pressed for time between now and December, and if some of the witnesses who are scheduled through November are specifically on the economics side of the equation and outside the envelope of sexual exploitation, then I don't think it's inconceivable for us to suggest that they get moved.

If I may, Madam Chair, in a rather unrelated piece of business, I want to let the committee know that we will be seeking consent to attach a dissenting opinion to the motion by Ms. Minna, when that comes up again.

**The Chair:** Ms. Minna.

**Hon. Maria Minna:** Madam Chair, I would like to comment on the discussion of future work.

We decided that we would do human trafficking before Christmas. Obviously that's what we should be doing. To that extent, some of the organizations I put forward as possible witnesses....

You may remember that Mr. Poulin, I think it was, said there wasn't a great deal of research in Canada. That's actually not true. I've been calling women's organizations across Canada for the last couple of weeks. Among the organizations that I have put forward,

there's Stella; Analee Lepp has a complete picture of Canada, and there's been a lot of research; and Maggie's is on the ground in Toronto. These are organizations that have actually done research or are on the ground—in British Columbia, in Toronto—in that specific field. There's a lot of information within Canada. It's current, and these four or five will give us a tremendous, good picture. I think it would be worthwhile to take advantage of that.

Otherwise, we're listening only to the RCMP, to the police. And that's fine, no question, but you also need to hear about the groups on the ground that are doing research. That's important.

A more important issue is that we discussed last time that we would do this and then do economic security of women after Christmas. What happens to women, it seems to me—Madame Mourani is right, as is Ms. Mathysen—is that when it comes to manufacturing, to agriculture, to domestic work, it's also part and parcel of the economic state of women. You can't separate the two—why women are in those situations, why they end up in those situations.

So I think after Christmas we really ought to revisit and study the economic security of women. That study would include all of those elements, because I can tell you, that's why they're in.... Why are immigrant women being exploited, working in certain factories or at home?

**The Chair:** For the November 7 meeting, we have two people, one who is confirmed and one is not, from the Domestic Worker's Association and from a similar association in Quebec. Both of those are on the broader issue, so we will not have them come at this particular section; we'll have them come later on in the spring. That will free up some time, because we do have some additional witnesses who have been suggested, specific to this. If I have the permission of the committee, we'll stay very specific to this issue that we're going to try to deal with.

• (1105)

**Mr. Bruce Stanton:** Madam Chair, could we go to that question on consent and for the minority opinion? I understand we have to have the consent of the committee to—

**Mrs. Joy Smith:** Ask for a dissenting—

**The Chair:** Mr. Stanton has moved that he wanted to present a dissenting opinion to Ms. Minna's motion, is that right?

**Mr. Bruce Stanton:** Correct. I think it was of October 19, if memory serves.

**The Chair:** Yes, okay. Do we deal with that at the next meeting?

**A voice:** The next meeting.

**The Chair:** Put it on the floor. Let's deal with it.

Ms. Stronach is here? Can we take a vote on the request from the government to present a dissenting opinion to Ms. Minna's motion?

They don't need to vote? Okay, we have to hold that as—

**Mr. Bruce Stanton:** Do we have consensus, Madam Chair?

**Mrs. Joy Smith:** All we need is consensus.

**The Chair:** It's your right to do that.

Ms. Mourani, to Mr. Stanton's comments specifically.

[Translation]

**Mrs. Maria Mourani:** Madam Chair, before starting to talk about a dissenting report, I would like us to finalize the list.

I would also like to know how come Mr. Gauthier, of the Montreal Police Force, has not yet appeared before the committee. I have requested this a number of times. Does he not want to appear before us?

[English]

**The Chair:** Speak to it quickly, please.

[Translation]

**The Clerk:** Ms. Mourani, the reason why it does not appear on the schedule is because I have not yet been able to set a date when a representative of the Montreal Police Force could appear before the committee.

**Mrs. Maria Mourani:** But Mr. Gauthier—

**The Clerk:** I contacted Mr. Gauthier and was told that he would not be the one to appear before the committee on this issue. The Montreal Police Force would send another representative. As soon as I receive confirmation of the date, I will clearly indicate it in the schedule.

If you have other questions regarding witnesses, feel free to call me directly at my office.

[English]

**The Chair:** All right.

We're going to suspend for five minutes to relocate to Room 371. Would everybody please bring your documents? Let us move as quickly as possible, as we have witnesses who are waiting for us. Thank you.

We are suspended.

•(1107)

(Pause)

•(1119)

**The Chair:** We are unsuspending the meeting.

Thank you all for your patience. I am trying to have meetings in two different rooms today. We can at least breathe a little better, and we have additional space for our witnesses.

We have with us now, from the Department of Citizenship and Immigration, Brian Grant, director general, international and intergovernmental relations. From the Canada Border Services Agency, we have Kimber Johnston, director general, policy and program development directorate. From the Toronto Police, we have Kim Scanlan, detective sergeant, child exploitation section; and Michel Hamel, manager, risk management and special victims unit. From the Vancouver Police, we have Matt Kelly, sergeant with the vice unit; and Michelle Holm, detective constable for the vice unit.

Thank you all so very much for making time in your day to come.

We will have a lot of questions for you. We would appreciate it if you could be brief and to the point with your presentations and answers back and forth to the various committee members.

I will open the floor for whoever would like to present first. Ms. Holm, would you like to go first? Go right ahead.

•(1120)

**Det Michelle Holm (Detective Constable, Vice Unit, Vancouver Police Department):** Yes, thank you, Madam Chair.

I'm Detective Constable Michelle Holm of the Vancouver Police Department. It is my pleasure to meet with you today to discuss the actions being taken by the Vancouver Police Department to combat human trafficking and share some of our experiences with the committee. I'm here to offer some insight as to what it's like for a police officer to investigate a potential human trafficking file and the challenges faced in dealing with victims who are forced to work in the ugly world of the sex trade.

On March 30, 2006, *The Province* newspaper reported, and I quote:

Canada's first trial of human trafficking heard yesterday how a Chinese woman was forced to work as a prostitute for long hours seven days a week to pay the man who brought her to Vancouver \$11,000 a month.

The petite 33-year-old also told how her captor beat her, kept her fake passport and obtained fake identification for her, virtually keeping her a prisoner for almost 18 months. And she told how her "customers" sometimes raped and beat her.

The woman...told court she was lured to Canada...with the promise of a waitressing job that would pay her 10 times what she earned in China. She hoped to send money home to her husband...and two children as well as parents and siblings.

She got a rude awakening when [the accused] brought her from the Vancouver airport to the massage parlour he ran...and then showed her her new home, a storage room in the basement of his nearby house.

...[The woman broke] into uncontrollable sobs that prompted the judge to call a recess.

I read you this excerpt so you will have an idea about the type of victim we deal with in these cases, and the challenges that face us when we conduct our investigations.

Our first job is to locate the victim and to ensure the person's safety. This can be accomplished by proactive policing by officers sensitive to the crime of human trafficking and by providing them with safe and secure housing in Canada. Investigators will often determine the full elements of the offence by liaising with authorities in the victim's home country, where the family tends to be.

The second job we have is to get the victim to trust us enough to tell us their story and, most importantly, to tell it to us truthfully. This is a huge hurdle, given the convincing that is often done by the trafficker, who tells victims that police in Canada are not to be trusted and that the victims will be thrown in jail if discovered. Unfortunately, this opinion often supports a victim's pre-existing beliefs about the police in their home country, where corruption may actually be an unfortunate reality for them.

The third, and often most difficult, part of our job is victim-witness management, meaning simply to maintain the victim until the court process, which can often be many months or even years down the road. Obviously the investigation is important, but the witness is crucial. At the end of the day, if the human trafficking victim is not willing to testify, a charge cannot successfully be pursued, and the trafficker will continue to operate.

We need the witnesses to be healthy both physically and psychologically, not just because it's the right thing to do in helping these victims reclaim their lives, but also, from our point of view, because we need a healthy and strong witness who can ultimately give credible evidence against a trafficker in future court proceedings. It is not enough to just compile intelligence and rescue victims; if we want to make a dent in this horrific crime, we need to ensure that the traffickers are brought to justice. That requires asking the victims of trafficking to stand up in court and tell their story. That is a difficult task for anyone, let alone a victim who feels out of place in our culture, where there are language and cultural barriers and where they've been enslaved for a period of time and sexually assaulted on a continual basis.

Human trafficking is a very lucrative crime. Consider this: drugs can be transported and consumed only once; women and children involved in the sex trade can be sold over and over and over again. They're an asset to be used indefinitely by the trafficker under what has been called "debt bondage".

In addressing the victims' issues, police can be assisted by victim services groups who are sensitive to the needs of the trafficked victim and who must have the language skills available to address those needs. Using these groups in this way would assist the police to concentrate on the very complicated and time-consuming investigation that often awaits them. Thus, NGOs and police must learn to work together and trust each other to protect victims of trafficking.

Since the investigation involving Michael Ng, the first person charged in Canada for human trafficking, the Vancouver Police Department has made it a priority to locate other victims of human trafficking. I personally focus my efforts on bawdy house investigations involving brothels that are being run from massage parlours and, more secretly, in residential communities, a type of operation that has become a real problem in the Vancouver area.

● (1125)

It is important to note that not all women found working in these underground brothels are victims of trafficking. In August of this year, we executed a search warrant at an exclusive west side house where eight Malaysian women were found to be working as prostitutes. Police charged the male running the operation with keeping a common bawdy house and living on the avails of prostitution. We interviewed every woman found in this house and determined that one of them was possibly a true victim of trafficking.

We believed so strongly in her story that she was immediately placed into a safe house and arrangements were made for investigators to travel to Kuala Lumpur to liaise with the local authorities there in ensuring her family's safety and also to corroborate the victim's story for court. Our investigation there determined that this victim wasn't a victim at all but a party to the offence that made many Malaysians a lot of money while involved in the sex trade in Vancouver.

It was necessary for us to travel there to complete our investigation and uncover this truth. I tell you about this investigation that is still before the courts so that you might understand the cost and intricacies involved in these types of files and just how seriously police do take this matter.

The temporary residence permit now offered to victims is an excellent step in assisting true victims of this horrific crime. My only comment is that each case needs to be investigated fully, with the victim's safety always of utmost priority to investigators. This is ultimately a costly and complicated process due to the barriers I have mentioned.

Now I will hand it over to my sergeant, Sergeant Matt Kelly, to discuss further issues and recommendations.

**Sgt Matt Kelly (Sergeant, Vice Unit, Vancouver Police Department):** Madam Chair, members of the committee, as Detective Constable Holm mentioned, the Ng file was very frustrating for the investigators because no protocols or guidelines existed in Canada. Due to the professionalism of all personnel involved in all agencies, we worked through each hurdle and frustration until the victims were returned to China safely.

Many things were learned during the investigation and already some important strides have been made. Currently, several initiatives are being embarked upon to create protocols to ensure that investigators in British Columbia and other areas of Canada do not have to repeat the problems encountered in that file.

We have five recommendations we'd like to offer to you as a result of our experience to date. First, Canada must establish better training for all police jurisdictions in relation to international human trafficking and domestic human trafficking. This training should be directed at the RCMP, provincial police and municipal police, the city police departments and other agencies. I am pleased to tell you that the RCMP and Vancouver have commenced with some of these training initiatives already.

We should include our partners in Citizenship and Immigration Canada, also CBSA, and it's also essential that provincial and federal crown counsel are trained in this crime as well.

We could start with this committee recommending that the Canadian Police College create a course for national training and have that training course ready for students in 2007 or 2008.

Second, Canada must establish funding for police agencies to deal with these costly human trafficking files so that departmental budgetary concerns do not threaten effective investigations due to fiscal restraint.

There are approximately 55,000 police members in Canada, and the RCMP comprises approximately 15,000 members or 27% of policing. Funding and staffing increases to the RCMP will not satisfy non-RCMP jurisdictions. One thousand new RCMP members do not assist Vancouver with these labour-intensive investigations, although we do applaud the government for the direction that it's taking with those resources.

Third, Canada must have strong laws surrounding prostitution offences, and we must have vice units enforcing these laws to root out the victims and to prosecute the offenders. Bill C-49, creating section 279 of the Criminal Code of Canada, was an excellent start, especially in regard to domestic human trafficking. Decriminalizing laws surrounding the sex trade will weaken Canada's response to human trafficking and make our youth more vulnerable to sexual consumers and predators.

No 14-year-old boy or girl chooses to enter the sex trade. I'll say that again, because all the experts agree that the average age they enter the sex trade is 14. No 14-year-old girl or boy chooses to enter the sex trade. Do not decriminalize, do not abandon our youth.

The fourth recommendation: Canada needs swift trials to lessen the impact on the victims and send a clear message to the criminals that this type of crime will be investigated and punished rapidly. We should employ the same procedures as we use to process domestic violence cases. Victims should have the ability to screen their testimony from the accused, so that the appearance of that person who victimized them previously does not take them back into the nightmare of their crime. We need to protect the victims.

Fifth, Canada needs to encourage conferences and seminars to exchange best practices and learn from our collective experiences. I am pleased to say that the RCMP, Toronto Police, and Edmonton Police have taken lead roles in this regard by hosting conferences and seminars, and Vancouver plans on participating next year. Canada is a partner in this global problem of human trafficking and we should take a leadership role as a developed nation.

This Parliament and this Standing Committee on the Status of Women have an important role to fulfill in safeguarding women and children against this sinister exploitation.

Finally, Canada has made a commitment to the UN and to the world that this type of crime cannot go undetected or unpunished. We must now put procedures in place to live up to that high ideal, and we can make a difference one victim at a time.

Thank you, Madam Chair. That's the Vancouver perspective on the issue, and Detective Constable Holm and I would be pleased to answer any questions concerning prostitution laws, vice work, or human trafficking.

• (1130)

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

Ms. Scanlan.

**Det Sgt Kim Scanlan (Detective Sergeant, Child Exploitation Section, Sex Crimes Unit, Toronto Police Service):** Good morning, and thank you for having us here.

We recognize that this is an international problem, that it's multi-faceted, but we will be speaking about the areas that mostly affect women, and that's going to be about the sex trade.

Under the pillars of protection and prevention, the Toronto Police Service has undertaken several initiatives to increase education and to support victims. The Toronto Police Service priorities for 2006 to 2008 identify six areas on which the service and the Toronto Police Services Board will focus extra attention and our activities. The

priorities were developed in consultation with the Toronto Police Services Board, their Toronto Police Service members, and members from our community. Some of the highlights include focusing our resources and activities to support our commitment to community safety and security, recognizing the dangers to and concerns of the most vulnerable to victimization in our society, and addressing the needs of women and children who are victimized, in a multi-faceted task that we must carry out together with community partners.

We are committed to transforming our organization through a strategy of community mobilization that is actively encouraging the community and social agencies in developing and implementing sustainable solutions to local problems. This includes working with our national partners and non-governmental agencies and organizations to identify victims of human trafficking, to help them access support, and lastly, to bring offenders to justice.

The Toronto Police Service relies mostly on divisional, plain-clothes, and vice officers to investigate occurrences involving prostitution, strip clubs, and bawdy houses. These units are further supported by headquarters units. One of them would be the special victims section, working out of the sex crimes unit, created this year to address street prostitution involving young persons. The unit proactively meets with members from the sex trade to help identify support mechanisms and to address issues related to violence. Detective Sergeant Hamel will be speaking a little bit further on that in a few minutes.

To date, the Toronto Police Service has not laid any charges in relation to the new human trafficking Criminal Code charges. This is also the case for the Peel Regional Police and the information that I was provided by the York Regional Police vice unit.

Further education regarding human trafficking, of the new laws and immigration policies, is necessary to appropriately recognize and respond to victims. At the end of this November, the sex crimes unit of the Toronto Police Service is hosting our annual training conference. This year's theme is vulnerable victims. Planning has been under way for well over a year now, and one of the presentations is on human trafficking. We are pleased to have members from the Vancouver Police as well as the RCMP in town to address the audience of over 350 police and support agencies.

We've been working with members from our own police college to ensure that human trafficking is included as part of our curriculum. In recent talks with some members from the human trafficking section of the RCMP, we've agreed to host training sessions for our members and for social service agencies to bring the issue of human trafficking to the forefront. The members from the RCMP human trafficking section are making positive inroads in this area, and we support and applaud their training progress.

The Toronto Police Service community mobilization unit has recently developed a newcomer outreach program that is now available on our Toronto Police Service website. This program, including lesson plans for trainers, explains to newcomers the role of the police, and it includes links to important information for additional support. The newcomer outreach program is currently available in 14 languages and has become part of the curriculum of many LINC and ESL classes. The service is also working currently for the content to become available as part of information packages for those interested in coming to Canada.

Under Canadian law, human trafficking can occur inside or outside of our own borders. It is well known that we have one of the lowest age of consent laws in the world. This circumstance makes 14- and 15-year-olds vulnerable to sexual predators. The advancement of Bill C-22, on age of protection, will go a long way in helping to protect our youth from those who attempt to abuse them.

• (1135)

Other recommendations to advance the support of victims of human trafficking include the creation of dedicated resources and units, which will be multi-jurisdictional, for this type of investigation. We need support from non-governmental agencies to bridge the gap and help victims come forward. We need more training, education, and multi-jurisdictional conferences about issues related to human trafficking. These would be for police, for crown's, for judges, and for NGOs. We need harsher sentencing. Without better long-term solutions, the problem continues to exist: what to do with these people once we find them.

Improved immigration programs would also help, and would include assistance beyond the 120-day reflection period; ongoing access to health care; housing, and specifically immigration facilities dedicated specifically to these victims; educational opportunities for victims, including ESL classes and other training for vocations; work permits; legal assistance; better information; and assistance with repatriation or toward status in Canada.

We also support further research and suggest that tracking those who habitually bring large groups of women and children to Canada should be monitored. We need to track migrant workers who work in areas that are known to be problematic—for instance, strippers and prostitution. We would ask for better follow-up by Immigration in regard to those areas and improved cooperation between the police and Immigration.

Lastly, it's important to make all Canadians accountable, because this problem wouldn't exist here if there wasn't a market for it. It is out there, so why aren't we hearing more about it? There needs to be greater public awareness and education on what it is and how to report it, and we need to keep the issue high-profile.

I'm now going to turn it over to Detective Sergeant Hamel.

**Det Sgt Michel Hamel (Manager , Risk Management and Special Victims Unit, Sex Crimes Unit, Toronto Police Service):** Good morning. Thank you for having us here today.

The focus of the presentation will be the challenges that we face at the local level in terms of enforcing and prosecuting human trafficking offences.

According to statistics released by the RCMP, it is estimated that over 2,000 people are trafficked into Canada every year. At the national level, the RCMP have taken on the responsibility of providing awareness sessions and training to other law enforcement agencies with respect to Bill C-49. Although this is a global issue, the reality is that the municipal police services do have the responsibility of enforcing the law at the local level. Most of the victims of human trafficking will be found in the larger cities, such as Vancouver, Montreal, Toronto, and surrounding areas.

In most cases, female victims will be discovered during criminal investigations within the sex trade industry, bawdy houses, escort services, massage parlours, and prostitution rings. Another initiative that was undertaken by the Toronto police this year was to create a new unit called the special victims section within the sex crimes unit as a pilot project, and the mandate is to identify and rescue young persons involved in the sex trade industry, to collect and maintain a data bank of known sex trade workers and share this information with other law enforcement agencies, and to investigate criminal acts committed against sex trade workers and provide support to the victims, and this includes victims of human trafficking.

A one-day awareness session is in the planning stage. It will be held in December of this year. It will involve the RCMP, the Canada Border Services Agency, and the Toronto Police Service. Community agencies that provide assistance and shelter to sex trade workers will also be invited.

I'd like to give you a brief summary of the current situation in Toronto. As the officer in charge of the special victims section, I had the opportunity to meet with the informal leaders of the sex trade industry in Toronto. They are aware of human trafficking victims in the city. Some have sought refuge in shelters in the past and some of them are there now, and that's why we want to have an information session, to develop trust between us and the shelters. However, the fear of deportation exists and victims will not come forward. That's why it is so important to develop this trust, and we recognize that it will take a long time.

We have been getting Crime Stoppers tips about human trafficking victims within the city being exploited through the escort service industry. These allegations were investigated without success because the information was very limited. A matter is currently under investigation in Toronto involving a strip club. The owner had flown to the Philippines to recruit 15 dancers from local strip joints, and we have seen photographs of him and the young females, and these photographs were taken in dirty backrooms of these so-called strip clubs in the Philippines. The owner is now in Canada and he is waiting for immigration papers to be finalized so that his new staff can be flown to Toronto.

I have identified some of the challenges that we are facing in the investigative stages of human trafficking offences, and the number one is housing. There seems to be no plan and/or protocol in place to provide immediate assistance to the victims of human trafficking. Shelters are available, but this would have to be on a short-term basis, and if there are issues of security, the shelters would have to be made aware of this, and most would decline to provide assistance. There are also serious liability issues from all those concerned.

The Canada Border Services Agency enforcement unit will assist, as they normally do, where there are immigration issues. If the victims have status in Canada, there is no policy in place, at least in the Toronto area, to provide any shelter for the victims. If they have no status, the victims can be detained for 48 hours in a holding facility; however, the victims are then treated as suspects, thus jeopardizing any efforts made to gain their trust.

The Canada Border Services Agency usually becomes involved with us in Toronto during the investigation of inmates found in massage parlours and bawdy houses. Their role is primarily to determine the status of inmates in Canada and to provide assistance to us with immigration issues.

• (1140)

The focus has to change for all parties involved. The emphasis should be on the possibility of human trafficking and being a victim of this crime, first, before looking at the minor charge of being an inmate of a bawdy house.

The process of implementing a three-month permit in the Toronto area is not very clear.

**The Chair:** Mr. Hamel, could you summarize a bit faster, so that we can get through and have questions?

**Det Sgt Michel Hamel:** All right.

I want to talk about what's available in terms of protection for the victims. The witness protection program in Ontario will look after the victims; however, the immigration status will have to be handled by the federal authorities.

I've been advised that the federal witness protection program does not include victims of human trafficking at the present time. Providing shelter and protection might be a good start. It would also provide immediate assistance. What is strongly needed is a quick response plan to accommodate the victims. This is extremely important in terms of the ongoing investigation.

Could I make a couple of recommendations?

**The Chair:** Very quickly, Mr. Hamel.

**Det Sgt Michel Hamel:** The three-month reflection permit should allow an extension for court purposes. The court trials can last up to two years. What do you do with the victims in the meantime? Work visas for the entertainment industry should be abolished where there is evidence to show the victims were recruited from the sex trade industry from the country they came from.

In the meantime, the federal witness protection program should be a good start. Funds are available to protect witnesses in organized crime, cases involving drugs and gangs. Victims of human trafficking are witnesses who need protection as well.

Thank you.

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

Ms. Johnston.

**Mrs. Kimber Johnston (Director General, Policy and Program Development Directorate, Canada Border Services Agency):** I understand you're pressed for time, so I'm going to try to paraphrase my remarks as well.

The Canada Border Services Agency contributes to the fight against trafficking in persons by helping to prevent traffickers from transporting their victims to Canada, by helping to identify foreign nationals who have become victims of trafficking from among the many migration-related cases we process, and by enhancing Canada's intelligence on the nature and scope of trafficking in persons in Canada.

Our unique contribution is in detecting and interdicting irregular migration and the smuggling of foreign nationals to Canada. Trafficking in persons is sometimes confused with migrant smuggling. This can occur because both trafficked and smuggled persons can initially present under what appear to be similar circumstances, and because smuggled persons can become trafficked persons. The difference lies in the following factors that distinguish migrant smuggling from trafficking in persons.

First, migrant smuggling involves migrants who have consented to be illegally moved across international borders. In contrast, either trafficked persons have never consented, or any apparent or prior consent is vitiated by the course of deceptive or abusive actions of their traffickers.

Second, trafficked persons may be trafficked within their own country or across borders, whereas migrant smuggling is always transnational.

Finally, smuggled migrants are free to go upon arrival at the destination state, once payment has been provided, whereas trafficked persons are subject to ongoing confinement and exploitation to generate illicit profits for traffickers.

The Canada Border Services Agency sources believe that many foreign nationals who become trafficking victims were at one point smuggled into Canada. However, not all foreign nationals smuggled into Canada become victims of trafficking. The Canada Border Services Agency can disrupt trafficking in persons activities in the course of its efforts against irregular migration and migrant smuggling. These efforts play out in several ways under the agency's multiple borders strategy, whereby risk to Canadian safety and security is identified and interdiction takes place as far away from our actual borders as possible.

For example, the CBSA has a network of migration integrity officers stationed in 39 countries around the world who provide advice and expertise in the detection of fraudulent, counterfeit, or tampered travel documents and who work with international law enforcement partners to detect trends and patterns in irregular migration. This network has proven to be an effective strategy in reducing irregular migration to Canada. Undocumented or improperly documented arrivals have decreased dramatically since this network was established. In 1990, only 30% of inadmissible persons attempting to gain entry to Canada were intercepted overseas. By 2005, that number had increased to approximately 71%.

CBSA also maintains Border Services officers at 245 ports of entry, who screen approximately 100 million travellers each year seeking entry to Canada. All foreign nationals seeking entry to Canada are screened to ensure they are admissible, have the necessary visa or travel documents, and are entering Canada for a genuine and lawful purpose. To supplement the controls maintained by Border Services officers at the port of entry, CBSA officers work with Canadian and U.S. partners in the integrated border enforcement teams.

Within Canada, CBSA enforcement officers perform investigations with respect to people who are inadmissible to Canada to preserve the integrity of our immigration programs. Approximately 30,000 investigations are conducted each year. CBSA officers may encounter individuals they suspect are victims of trafficking in the course of ongoing investigations into migrant smuggling or, as previously mentioned, in raids on criminal enterprises involving irregular migrants. During these investigations, it is essential to distinguish a possible victim of trafficking in persons from another type of irregular migrant.

Thus the Canada Border Services Agency is currently developing guidelines and training modules to assist front-line CBSA officers in the identification of victims of trafficking in persons and to provide guidance on how to address the special needs of this vulnerable group. The training and guidelines will also address procedures for sharing information and cooperating with partner agencies in the processing of cases of trafficking in persons. The objective is to enhance awareness of trafficking in persons as a CBSA concern, to provide assistance in identifying possible victims, and to provide officers with options to ensure a victim will be protected, including referral of a possible victim to CIC for consideration of a temporary resident permit.

• (1145)

CBSA officers in Vancouver and Montreal have developed innovative community-based approaches to combat trafficking in persons through outreach and awareness initiatives. They have conducted extensive consultations with regional partners to develop protection strategies for victims detected in their regional areas of responsibility, have built relationships with local non-governmental organizations, and have coordinated with the RCMP, municipal police, and Citizenship and Immigration Canada on investigations and intelligence gathering. Their efforts have been productive in developing sources of information by gaining the trust of NGOs and in encouraging victims to come forward to law enforcement.

Before closing, Madam Chair, I would like to identify a few challenges we face in the CBSA in addressing this issue.

A clear challenge for CBSA is in identifying victims of trafficking in persons at the port of entry. As stated earlier, the potential victims may be unaware of what is in store for them, or if they are aware that they are being exploited, they may already be sufficiently intimidated by the trafficker that they refuse to seek help from the authorities. In either case, they may steadfastly deny being victims of trafficking.

Another challenge, as you have already heard from other witnesses, is to obtain reliable and accurate information about the nature and extent of trafficking of persons within Canada. This is

attributable to several factors: the difficulty in identifying victims, differences in the reporting methods used, and the constantly shifting nature of trafficking activity itself. The CBSA is committed to working with its partners to obtain an accurate, quantifiable assessment of the volumes of persons trafficked into and from Canada, the countries from which they are transported, the routes and methods used, the activities for which they are trafficked, and their final destinations.

In conclusion, Madam Chair, I can assure you that we are committed to working with our partners in the fight against this crime to ensure that foreign nationals who have become victims of trafficking are treated as victims of crime first and irregular migrants second.

Thank you.

• (1150)

**The Chair:** Thank you very much, Ms. Johnston.

Mr. Grant.

**Dr. Brian Grant (Director General, International and Inter-governmental Relations, Department of Citizenship and Immigration):** Thank you, Madam Chair. I too will abbreviate my remarks for the sake of time.

I'm very happy to be here to answer any questions regarding CIC's contribution to what is a government-wide response to the issue of trafficking in persons.

The first point I'd like to make is that under the Immigration and Refugee Protection Act, which came into force in 2002, we introduced the first in Canada offence for trafficking. The penalty for conviction is up to life imprisonment or a \$1 million fine, which is the highest penalty under the Immigration Act. By comparison, the penalty for people convicted of smuggling people into the country is half that.

The second is that we have participated in a number of initiatives, including a poster campaign and a brochure. I think Department of Justice officials showed you some of the stuff that has been produced. We continue to distribute those posters through our visa offices abroad and through international conferences that we attend.

In the working group, a priority for CIC has been to find ways to assist victims of trafficking within our mandate. As you know, in May 2006, the Minister of Citizenship and Immigration released new guidelines for immigration officers that addressed the unique need for immigration status for victims of trafficking.

Under the guidelines, trafficking victims are eligible to receive a temporary resident permit that allows them to stay in Canada for up to 120 days in the first instance. This new measure is designed to help victims escape the influence of their traffickers, identify their need for protection at that point, and help them begin to recover from their ordeal.

Adjusting the immigration status, of course, is not a complete response to trafficking and to trafficking victims, but it is a very important step. We remove one source of anxiety from the victims and we remove one source of potential continuing victimization. They will not be removed from the country and they cannot be threatened with removal from the country.

The temporary resident permit provides victims with a period of reflection so that they can decide on their future course of action. It enables them to stay in Canada while they recover from any physical or mental trauma. It also allows them to consider their options for returning home or the time to decide if they wish to assist in the investigation of the trafficker or in criminal proceedings against the trafficker.

However, it should be noted that, in Canada, victims of trafficking are not required to testify against their traffickers to gain immigration status. The procedures are very different from those of some of the other countries that have brought in provisions.

The temporary resident permit also gives a person access to the interim federal health program, which pays for emergency medical care and for trauma counselling as well, if required.

CIC immigration officers can issue a longer-term temporary resident permit or they can issue a subsequent resident permit in cases where it has been determined that it is in the best interests of the victim and Canada for the victim to remain in Canada for a longer period of time.

The guidelines provide for consultation between immigration officers and law enforcement officers. The nature of this consultation has been misunderstood, I think, by some commentators, so I'd like to clarify the purpose of this. The purpose of this is to assist the immigration officer in making the determination to issue the permit.

The instruction we have given to immigration officers is that they don't have to be convinced beyond a reasonable doubt. If there is any question that the person is a victim, we're instructing them to issue the permit, but any information they can get at this point will help them to understand the case they're dealing with.

CIC is pleased to say that the initial reactions to the new trafficking guidelines from the NGO community have been positive, including the Canadian Council for Refugees, the Future Group, and the Stop the Trafficking Coalition. We shared the guidelines when they were released, and we're awaiting comments from the NGO community. We're quite happy to work with them to see if we can improve those guidelines in the future. We'd be quite happy to sit down and do that.

We believe that measures such as the temporary resident permit are important because they ensure that protection is more promptly available. The guidelines are intended, however, as a complementary aspect of an overall federal response. That response opens the door to other services that would not be available if the victim did not have immigration status in Canada.

•(1155)

In the first five months since the guidelines were introduced, one temporary resident permit has been issued. There are four other cases of persons who were identified as victims where a permit was

offered and the individuals chose to return home. We have no information that anyone has been refused a permit when they applied for a permit.

We're watching the implementation of this very closely and have asked all immigration offices to refer every case of a potential victim to headquarters so that we can track anyone who's coming through.

In closing, I would like to join others to say that it's extremely difficult to know the true extent of the problem. We're doing what we can to put into place systems that will start to track data, so that we can get a better sense of how large this problem is.

Thank you.

**The Chair:** Thank you all very much for your excellent presentation and your assistance while the committee grapples with a very difficult issue.

We'll start with our seven minutes, with Ms. Minna.

Seven minutes includes questions and answers. Let us keep everything as concise as possible so that everyone can get a chance to ask some questions.

**Hon. Maria Minna:** Thank you, Madam Chair.

First of all, I thank all of you. You've given some very good information, you also, Mr. Hamel, with respect to the special victims section you've established. It sounds as if you have a good handle on the situation and are looking at innovative ways of dealing with it.

From my perspective, I see this as... Unfortunately the law sees the victims criminalized in the system as well. I would personally like to see the victims not criminalized, because I think that's part of the problem in solving the issue. In criminalizing victims, we use doublespeak, in a sense. We use the word "victim" and then we criminalize them. We also call them criminals, in the sense that they can be charged for being found in the situation they're in.

I have a couple of questions, and let me just go across the panel, in the interest of time.

One is from the Vancouver presentation. Do you find that all trafficking involves sexual exploitation or not? You started out mentioning that the woman was forced to work and kept in prison, then was raped and beaten, but the original intent seemed to be to exploit work. Am I right in understanding that?

**Sgt Matt Kelly:** I think the original intent of the person who trafficked the women was to get them to Canada and exploit them sexually for money. That was always the intent. Then, when one refused to do it, she was beaten until she did.

•(1200)

**Hon. Maria Minna:** Okay. So when you said "work", it wasn't some other work.

**Det Michelle Holm:** I understand that human trafficking does involve farm labourers, etc. My sergeant and I work in the vice section, so we're only involved in the investigation of sexual exploitation. We can't really comment on human trafficking beyond that topic.

**Hon. Maria Minna:** Okay. I just wondered whether you'd had some experience with whether the trafficking always included sexual exploitation or there were other forms of it. I think there are, but I wasn't sure whether you had any experience to that effect.

**Sgt Matt Kelly:** There are other forms of it, but I think the statistics so far and your previous witnesses, Yvon Dandurand and RCMP Sergeant Lori Lowe, have commented that we believe 92% would be trafficked victims who are involved in the sex trade.

Also, on your commentary around ensuring that victims are treated as victims, I will tell you that in Vancouver we've never charged a female sex trade worker with being found in a common bawdy house. We tell them right off the bat that there are no charges related to them. They're victims, and we're going to treat them as such. Then we deal with our friends in CBSA to speed their process homeward.

**Hon. Maria Minna:** This takes me to a couple of other questions, Mr. Hamel.

You mentioned quite a number of things with respect to immigration. This is also to Mr. Grant. My sense is that a three-month permit is not enough and that some victims don't identify because of the fear of deportation. One of the suggestions I was making in a previous meeting was that the permit would be a temporary work permit given to the victim that would allow them, like any other work permit person, to apply for landed status at some point, which would then allow them.... In addition, of course, you mentioned the problem of housing and trauma counselling, which to some degree, I know, you're already doing.

Looking at the whole issue, is that something that would help to provide security? And Mr. Grant, is it something your department has even looked at? You can both respond.

**Det Sgt Michel Hamel:** That's the main problem when you identify the victims—what do you do with them? They have to be housed, and right now there's nothing in place. As resourceful as we are usually, we will find some accommodation, but it will be on a short-term basis.

However, there are security concerns if the victim is in fear of her life. We have to take the steps to protect her, and it's costly. Who foots the bill is the issue. I've asked around in the Toronto area among all agencies, and there's just nothing in place. We would find something, but it's just not suitable.

**Hon. Maria Minna:** I see.

Mr. Grant, with respect to a proper work permit, as opposed to this 120 days—?

**Dr. Brian Grant:** The discretion lies with immigration officers to issue the permit. They can issue the permit for any length of time they deem appropriate in the case, and it's very much a case-by-case approach. The guidelines suggest four months—120 days—as a period of reflection.

As part of the process of interviewing the victim, the officer will look at the situation of the victim. If a victim has just escaped from a trafficker who may well be a member of organized crime and is after the person, the best course may not be to give them a work permit and tell them to find a job; it may be offer them a form of protection. That's part of what is taken into account. The officer can issue a

longer permit. The permit would be required to be extended beyond six months in order for somebody to apply for a work permit. If the situation is appropriate, the officer can do that.

**Hon. Maria Minna:** My question, Mr. Grant, was a little different. Obviously the fear of deportation is major for a lot of the victims. First we need to look after them physically and in some way protect them. Then if deportation wasn't the obvious final end, but instead there was a permit that allowed the victim to apply for status so that they're not automatically turfed, would that help a great deal for some of them to come forward voluntarily?

**Dr. Brian Grant:** What we're providing is a temporary permit for victims just to get their feet underneath them. It's not a new immigration class. If the person wants to stay longer, they can apply under humanitarian and compassionate grounds, or if they think they're a refugee, they can apply as a refugee. It's not permanent.

• (1205)

**Hon. Maria Minna:** Mr. Hamel, I think you're trying to say something.

**The Chair:** Go ahead quickly, then, Mr. Hamel.

**Det Sgt Michel Hamel:** If you're going prosecute these offenders for these serious crimes, for prosecution purposes you need to have your victims come to court. That's why I'm recommending that the permit be extended for court purposes—not to the discretion of anybody, but for court purposes—until the case is over.

**Dr. Brian Grant:** That would be if it is appropriate.

We ask the victim if they are interested in participating with the police, either in an investigation or in an appearance as a witness. If the victim says yes and is prepared to appear as a witness, then we can extend the permit if it's appropriate for them to stay in Canada, or they might return to their home country and come back when they have to appear.

All of that can be done, but in the first instance when somebody is brought before us, the police usually don't have sufficient information to tell us a charge is going to be laid and the case is going to proceed, so it's the 120-day permit. It can be revisited at any point.

**The Chair:** Ms. Mourani is next.

[Translation]

**Mrs. Maria Mourani:** I would like to thank all our witnesses here today. I will ask a series of questions, and you may then respond.

I have two questions for Mr. Kelly. I would like to hear you talk about the connections between Toronto and Montreal with regard to human trafficking for the purpose of sexual exploitation. Is there such a thing as interprovincial trafficking for the purposes of sexual exploitation? We hear a lot recently about street gangs that, if you will, export young Quebec girls to certain areas of Toronto. A lot has also been heard about Niagara Falls. I would like to know what the interprovincial links are.

Furthermore, you also spoke about increasing the age of consent and having harsher sentences.

You did speak about this, didn't you?

It was you, Madam? Very well. You may also answer my question regarding increasing the age of consent and having harsher sentences.

Why do you think that harsher sentences and an increase in the age of consent are solutions? What is the rationale behind that? Why would these measures be effective?

Mr. Hamel, I have a few questions for you. You raised an important issue concerning the witness protection program. You said that sex trade victims were ignored. I would like to know why, because I find that rather strange.

You also said that artist visas should be abolished. Would you not agree that they should be improved instead? After all, there are true artists that come to perform here. How could we improve those visas?

I have one last, more general question for all our witnesses. I am not talking about prostitution, which is not illegal and not criminalized in Canada, but about pimping and procuring. Do you think we would have an even worse system than the current one if we decriminalized and legalized procuring? Or do you think that legalizing procuring is a good solution, so as to have store front windows full of women, etc., like in certain countries?

Thank you.

[English]

**The Chair:** You have about three minutes for answers.

**Sgt Matt Kelly:** The first question you directed towards me, but you were really talking about Toronto and Montreal. Currently we have a case that we're trying in Vancouver with a link to Toronto. We're working on a domestic human trafficking case there—not believed to be organized crime.

I'll turn over the other questions to my friends from Toronto to answer.

**Det Sgt Kim Scanlan:** I'll answer the ones you posed in my direction and also that one.

It's commonly known that women in the sex trade area are moved quite often to avoid detection by the police. So they will be moved from Montreal to Toronto to Niagara Falls—to the larger urban centres where there are consumers waiting for them.

In the area you said about harsher penalties, I feel that whenever you give a harsher sentence, it should be a deterrent. So in this area of child exploitation, the sentences I see are not very great. I think that it would go a long way if they were higher than what they're getting now.

In the area of age of consent, the age of protection, we have 14- and 15-year-old young people, male and female, who are.... Consumers are coming to Canada because they know that our age of consent is so low. We're really making them very vulnerable. We have one of the lowest ages of consent in all the world, and it would be important to move that, so we'd protect them from predators.

• (1210)

**Sgt Matt Kelly:** Canadians think of sex destination countries as the rest of the world's problem. That's a problem in the Philippines, in Thailand. Vancouver is a sex destination city.

[Translation]

**Det Sgt Michel Hamel:** You asked me about the three-month permits for victims.

**Mrs. Maria Mourani:** My question was rather about the witness protection program and the cancellation of artist visas.

**Det Sgt Michel Hamel:** I am not saying that everyone should be denied a visa. Visas would only be denied to those whom we know have been recruited in their country of origin for purposes of prostitution. Those people should not be able to enter the country.

**Mrs. Maria Mourani:** Are the visa officers trained in that area? Do they know how to determine if someone is coming here for purposes of prostitution or some other similar activity?

**Det Sgt Michel Hamel:** I will give you an example of something that happened in Toronto. A club owner travelled to the Philippines to recruit women. It was clear, from the photos that we saw, that these women were not simply dancers. In cases such as that one, a visa should either include a number of restrictions or should be denied outright.

**Mrs. Maria Mourani:** Should we not simply refuse to grant a visa to all of the establishments in the sex trade, such as bars, strip clubs, escort agencies, massage parlours, etc.?

**Det Sgt Michel Hamel:** The people who come here are not necessarily all sex trade workers. I am sure that there are worthy candidates who have something good to offer the industry, but if their stock-in trade is sex and prostitution, the visa should be denied.

**Mrs. Maria Mourani:** Please tell me if I am mistaken or if I have misunderstood your comments. Are you saying that there are two types of sex industry, one good and one bad?

**Det Sgt Michel Hamel:** That is not what I am saying at all. If there is evidence that these women are being exploited for these purposes, then there should be no permits allowed.

**Mrs. Maria Mourani:** Thank you.

[English]

**The Chair:** Thank you.

Mrs. Smith.

**Mrs. Joy Smith:** Thank you, and I want to thank every presenter today, because your presentations were very insightful. We've been trying and fighting for two years to get this topic on status of women. We're so happy we're examining it now, and I have to tell you I'm a little biased, because my son is RCMP, and I was the former MLA who was the justice critic for the province of Manitoba, and I had a lot to do with the ICE unit, the integrated child exploitation unit in Manitoba. You've probably heard of that unit.

Having said that, the thing that really surprises me about the human trafficking issue—and I wish we could have one of your comment—is how little the public knows about this. In my view, governments have to make laws to support police officers. The thousand RCMP officers was a start; there need to be more. The 120 days was a start. Bill C-49 was a start.

You commented on the age of consent. Yesterday I made a 20-minute speech in the House of Commons begging members to raise the age of consent. We're at a place right now where I hope members will unanimously pass that bill, Bill C-22.

Would you comment about awareness, because I've worked extensively with NGOs and police and everybody else. I was supposed to be speaking in Sydney, Nova Scotia, but the whip wouldn't let me go because there are votes; it's Tuesday night. But we need to hear more and more about awareness. Police officers themselves are often not aware of trafficking victims. Border officials are often not aware of the characteristics they can look for in watching trafficking victims coming across the borders. I know the RCMP have a new video out right now, which is very good and very helpful. But can you comment, first, on the awareness issue, and second, more about your solutions, because as people in the field, across the board, you are the people we need to turn to in order to make sure this horrendous crime is stopped, and act quickly on it.

Perhaps you could comment on that. Start with Vancouver and then Toronto and then the border people.

• (1215)

**Sgt Matt Kelly:** If you think the Canadian public is unaware of the phenomenon of human trafficking, wait until the small police department on the Prairies or in Quebec gets the human trafficking victim who phones 911. Then all hell's going to break loose at about 2 a.m. They're going to have nowhere to put that victim. In our case, from our experience, we had a detective using his own credit card to house someone until I could get money from the department, and then it was hands off from everybody because it's big and it's expensive.

There is no handbook other than the one Yvon Dandurand is producing, and I believe he's coming out with a second edition. So training is essential, and I will tell you the members of my police department don't know anything about this phenomenon or about the law or about section 279, because no one has been charged yet. We're trying to bring forward our first charge, but we haven't been able to do it, because crown counsel won't cooperate with us.

So everybody is ignorant of the issue, which is one of the reasons we stressed—and my friends also stressed along with me—to have training. That includes training for police officers, first of all. The Canadian Police College should have a course on human trafficking, and we should all be going to it, and then crown counsel and CBSA and CIC people as well, so we can all work in concert with each other—the conferences and the seminars also, so that we can network with one another and know who to phone in what city. We're dealing on a file right now with York Regional Police, and we get great cooperation, but yes, the ignorance is widespread.

**Mrs. Joy Smith:** Maybe Kim.

**Det Sgt Kim Scanlan:** I'd like to say that this issue is not necessarily new, but under the words “human trafficking”, it is. I've been involved in vice work since back in 1989. We were seeing people coming from overseas back then and being prostituted in Toronto, and they were deported after the legal process was dealt with. But I haven't noticed a huge increase in it from 1989 until now, so I ask why they aren't coming forward. I think it's because we don't offer enough to support them.

And it's not just in the sex trade. There are nannies who are abused, and people in modelling agencies. It goes far beyond that. I just don't think we have enough in place for them to trust our system to be able to provide them with that support.

There's an awful lot of money being made out there, and I don't think enough has been done to go after them. That's why I was talking about harsher penalties. We need to go for proceeds of crime and try to take them down.

**Mrs. Joy Smith:** I know I have just a couple of minutes left, Madam Chair.

Very quickly, having said what you've just said, the fact of the matter is that I've talked to victims of trafficking. With the second language that they come into the country with, and with the intimidation by whoever is exploiting them, they're very much afraid. And I think the reason why you haven't gotten the trials, why you haven't gotten the convictions, is that these innocent victims are very much afraid.

I'm dealing with a woman in Toronto right now who was horribly victimized, and she won't come forward. Can you give some insight as to what we could do as a government to make sure these poor victims know that they will not be charged, that they will be helped?

**Det Michelle Holm:** I think the only thing you can say is that it takes just a lot of hard work by police officers and immigration people on the ground. I go into massage parlours all the time with a Cantonese- or Mandarin-speaking interpreter, whatever the case may be. I hand out my card and I get my face shown, and I tell them over and over and again that if they need help, this is the number for them to call and they will not be sent to jail.

So you need to constantly be in their face so that when the time comes, when the moment comes when they want out, they know who to call. That's just one comment that I'd like to make.

• (1220)

**The Chair:** Ms. Mathysen.

**Mrs. Irene Mathysen:** Thank you, Madam Chair.

Thank you for being here.

I heard this as a recurring theme: that NGOs have a role to play in dealing with human trafficking in the area of protection and victim services. How important do you think it is that government fund these NGOs, these agencies in the community?

**Sgt Matt Kelly:** It's tremendously important from our perspective. We finally located one NGO in the Lower Mainland to deal with the two victims that we have in a case that's before the courts now. They were a godsend. Without their assistance, we wouldn't have known what to do.

There were times in the course of the file when we wondered where we were going to send the people, outside of considering someone taking them home. I had one detective who was going to take one of the victims home for Christmas, if you can believe it, because we just didn't think she should be housed in isolation for so long, because it took so long to get it to go to court.

So yes, NGOs play a very important role.

**Mrs. Irene Mathysen:** You also mentioned the difficulty in establishing trust, in getting the confidence of the victims. Do these NGOs play a role in terms of doing that for the police forces?

**Det Sgt Michel Hamel:** Absolutely. If I could make a recommendation, it will take time—and I agree with my Vancouver counterparts—to build trust between the police and them. We're looking at time. But in the meantime, there are victims out there.

One recommendation the government could follow through on is to encourage the victims to go to some agency, like an NGO, that would be their link to us. That would help them at least to come out through some agency that would be in touch with us afterwards, and we could take the time necessary to convince them that we're not there to prosecute them, we're there to help them.

**Det Michelle Holm:** Following up on that comment, this is also really important. I've heard some NGOs in Vancouver comment that they don't want to bring the victims to us because they're afraid the scary police will send them to jail. We're stuck trying to convince the victim, but we shouldn't have to convince the NGOs. The NGOs have to trust the police in Canada. I think we've learned a lot in the last two years, in that we will not put a victim in jail.

It needs to be made very clear to NGOs that they can trust the police. When they have a victim, I think it's their responsibility to maintain that relationship with the victim, but also to encourage that victim to do the right thing and maybe come forward and talk to us.

**Mrs. Irene Mathysen:** I'm also very interested in the prevention aspect. There are two agencies in the city where I come from. One is called Street Connection, which is a drop-in and counselling service for families in crisis. It focuses in on youth, encourages them to go back to school, connects them to job training, provides showers, and so on. There's also Youth Opportunities Unlimited, which is also for street youth, with services and counselling.

Do agencies like this actually prevent kids from getting into awful, horrendous situations with traffickers? Would they be part of that defence against kids getting into trouble, getting seduced by traffickers?

**Det Sgt Michel Hamel:** We have a good rapport with some of the agencies in Toronto that help kids primarily, and some of them will alert us to those problems. They will volunteer the information, meetings will be set, and we will meet these young people. Some others don't want to; again it's a matter of trust, but we're working on it.

**Mrs. Irene Mathysen:** Okay, so should government continue to fund these agencies?

**Det Sgt Michel Hamel:** Absolutely.

**Mrs. Irene Mathysen:** I'll tell the minister. These two agencies are going to close on December 1, because they haven't received their 2006-07 funding yet.

I also had some questions. There was discussion about the investigation around Mr. Ng. What prompted the authorities to investigate Mr. Ng's activities?

**Det Michelle Holm:** The girls had been assaulted in a massage parlour, ran into the middle of a busy street, and flagged down passersby to call 911.

**Sgt Matt Kelly:** So it was the repetitious assaults that led to a very serious assault on a particular day, which finally was the straw that broke the camel's back. These women were in an advanced state of trauma when they finally did contact 911. We wrapped our unit around it, and it occupied us exclusively for probably six months. That was one sergeant and eight detective constables for two victims of human trafficking—a quarter of a million dollars and all of our time, going 24/7, for two people. That's how much has to be invested in these types of files.

● (1225)

**The Chair:** You have a minute and a half.

**Mrs. Irene Mathysen:** I'm also very concerned about what happens to victims when they're no longer of use to the traffickers. There's been talk about when they're detected. What in your experience happens to young women and young men when they are no longer of interest to the people victimizing them, when they can't turn the trick, when they can't provide the money, the income?

**Sgt Matt Kelly:** That's a very global sort of question. From the perspective of a pimp, an operator of a bawdy house, or organized crime, they wouldn't care what happened to them. Who cares? They're no longer of monetary value, so they discard them like garbage.

Of course those poor people are then the ones who are survival sex trade workers, quite often on the streets, or they commit suicide, or they have a drug overdose of some kind—something along that line. Their lives usually spiral down the toilet.

**Mrs. Irene Mathysen:** Thank you.

**The Chair:** Thank you.

Ms. Neville.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Thank you very much.

Thank you to all of you for your presentations. They were certainly compelling.

I have a number of questions I want to ask, but to the Vancouver Police Department, you identified Vancouver as—I can't remember the phrase—a sexual destination. Yet at the same time you commented that many of the members of your own police force are totally unaware of the issues related to the trafficking of individuals. So I'm interested to know what you're doing to remedy that.

My other question is something that hasn't been touched on here. I asked some previous witnesses this, and it comes out of a presentation I saw last week from a member of the Toronto police department on the use of the Internet for the exploitation of children in pornography. I'm interested to know from you what the use of the Internet is, both in the recruitment and communication, and the role of Internet providers in this area. Is it a significant force? I can't imagine that it's not. Is there a way of getting at that, as you see it?

I don't know, I guess I'll start with Vancouver.

**Sgt Matt Kelly:** Yes. I used the term “sex destination city”; that's what the people who come to Vancouver to get involved in sex refer to it as. There are people across the border who come to Vancouver for that purpose.

As far as the members of our unit being aware of the sex trade is concerned, they're all very aware of what goes on in and around the street sex scene, and massage parlours and things of that nature. They don't know what to do in terms of investigating human trafficking. That was the difference there. All police departments are familiar with sex crimes, and as my friends from Toronto commented, it's nothing new. So they're aware of it. They're just not aware of our new laws. They're not aware of how to investigate. They're not aware of how to handle the file. That's where we come in as the vice unit.

As far as the Internet is concerned, we have two dedicated investigators for Internet child pornography files. They go worldwide. We have participated in files, as I'm sure my friends from Toronto have, that go all over the world. They've arrested people in New Zealand, Argentina, and Germany out of Vancouver-based files.

**Hon. Anita Neville:** I'm aware of the use of the Internet for the child pornography. What I'm interested in is the use of the Internet for the recruitment of people for the purposes of trafficking. Are you monitoring that, and if so, how are you trying to address that?

**Sgt Matt Kelly:** That is a little bit newer investigative technique for us. We do have also the same two investigators who are involved in Internet luring files, and we've participated in files where, by Internet, someone from the United States has communicated with someone, a young girl in Canada, and then arranged to have a meeting, and we were set up waiting for that meeting to make the arrest or to participate with authorities in the United States to apprehend because we are so close to the border.

So we do have people who are actively now online getting involved in luring. We arrested someone about a month ago. The undercover operator was pretending to be a 13-year-old girl, and this individual wanted to have a meeting for sex and exposed himself on the Internet through his webcam to our operative. So we're involved in those investigations, but they're also time-consuming. And would they use that as a means to recruit a girl, to put her into the sex trade?

Absolutely, they would. They'll use any way. They'll use the shopping mall, the transit system. Anywhere where kids are is where a pimp will go to recruit.

• (1230)

**Hon. Anita Neville:** Then I would ask you, and perhaps not even today, to give some thought to what recommendations this committee might make as it relates to the use of the Internet for the purposes of luring, because there are certainly recommendations coming forward for the use of the Internet as it relates to child pornography.

**Sgt Matt Kelly:** Stronger laws. And I'll pass it over to my friends from Toronto, because they made a comment about the law.

In the United States, for this individual who crossed the border in possession of child pornography, he is going to get upwards of between 10 and 15 years in prison in Washington state. If it happened out of 222 Main Street, he would not be getting time like that. That's a serious deterrent when you're putting someone in jail for that length of time for a very serious crime. Some poor child overseas was sexually assaulted, beaten, raped, at an age as young as newborn, to make this material. We've got to take it a little bit more seriously and put these people away for a long time.

As investigators, we've seen some very troubling things from the Internet, things that I can't forget. We get counselling for it. It's grotesque, and people belittle it or try to lower it down to what they describe as “kiddie porn”. It's not kiddie porn. There's nothing cute about it. It's child pornography, and a victim overseas has been ruined for life to make that.

So we've got to have stronger laws.

**The Chair:** Ms. Scanlan, quickly, could you add a comment to that.

**Det Sgt Kim Scanlan:** You wanted to know about using the Internet, which is a great tool, but at the same time people choose to use it, for good or bad.

We don't see as much advertisement as far as coming for bawdy houses, for escort services, is concerned, but I know it's there. Mostly in Toronto we're seeing a lot in our local newspapers. There are certain magazines that have pages and pages and pages, and they openly advertise young Asian girls, or whatever it is that there would be interested consumers for.

As far as supporting those who choose to abuse children in sexual assault is concerned—and we're seeing it live on video—certainly there has to be a lot more that can be done. We're working with a lot of the Internet service providers to make some changes, but it's not happening fast enough.

**The Chair:** Mr. Stanton.

**Mr. Bruce Stanton:** Thank you, Madam Chair.

Just continuing along the same theme with respect to the laws—and I think Sergeant Kelly and Detective Sergeant Scanlan have both mentioned this in their opening comments, so I would invite their comments on this theme—could you tell us a little bit about where the current inadequacies are and give some examples perhaps of how the current laws don't put enough deterrence in place? You talked about our needing more deterrents—“harsher, stronger”; those were the words I heard. Could you reflect on where those inadequacies are and what you would like to see, using some examples, if you could?

**Det Sgt Kim Scanlan:** Certainly from my perspective I find that conditional sentencing, for anyone who would be involved in the abuse or sexual assault or exploitation of children, is not tolerable.

**Mr. Bruce Stanton:** By conditional sentencing, do you mean house arrest?

**Det Sgt Kim Scanlan:** Yes. That's where I say there should be harsher penalties, stronger penalties, penitentiary time, more consistent with what they're getting in the United States.

**Mr. Bruce Stanton:** On that point, are you telling me right now that house arrest and conditional sentences are provided for the perpetrators of these crimes?

**Det Sgt Kim Scanlan:** They've changed the law recently, and there is some minimum sentencing; however, we're still dealing with cases where they are getting conditional sentences.

**Sgt Matt Kelly:** As far as trafficking is concerned, my friend Mr. Grant from CIC commented about life imprisonment and a \$1 million fine for human trafficking convictions. Our case is before the courts now, our provincial courts in British Columbia at 222 Main Street, and we'll see what the sentence is from that building, but traditionally that is a very liberal house of justice.

We're hopeful that we'll get a severe sentence for this individual, especially after all this work and after the trauma these victims have gone through, but we'll just have to wait and see.

As far as domestic human trafficking is concerned, we haven't had a case before the courts yet. As I said, we're trying to get a file through now, but my investigator walked out of the crown counsel's office last week, and said to her, “You just don't get it; it's like talking to a rock”. That's a quotation of what he said to her. He was very upset. Then he came back to my office. I had to debrief him, calm him down, and send him home, especially after all the work he has put into the file.

I don't know whether the sentences will be as severe as we want. I'm hoping so. I hope everyone recognizes the problem and I hope the judiciary deals with it appropriately, because if they don't, they'll set a low precedent, and we don't need that in this country. We need a high bar.

• (1235)

**Mr. Bruce Stanton:** Can you comment on how these harsher sentences in fact do become a deterrent?

**Sgt Matt Kelly:** If Mr. Ng, after all the publicity we've had around this file, is sentenced to some minimal amount of time or some small fine that he can recoup in his continuing operation in a month or a year, or whatever, he'll just go back into business again.

His business has never shut down, if you can believe it. After our search warrants, etc., and after our charging him, he was released,

but he signed the business over to someone else, and that person is operating it. It is business as usual. Media cameras have gone in, and now there are bunk beds set up for the girls to sleep in, because right now, this country is not seen.... There is no serious threat in Canada, no serious deterrent in Canada. We are lambs for the slaughter, as far as organized crime is concerned, in this area.

**Mr. Bruce Stanton:** Essentially, you're saying that these kind of criminal perpetrators need to be off the streets; they need to be in penitentiaries.

**Sgt Matt Kelly:** An appropriate sentence for Mr. Ng would be life imprisonment, and that all property he owns in Canada be turned over to the government.

**Mr. Bruce Stanton:** Well put.

[Translation]

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Madam Chair, my questions will deal mostly with immigration.

I sit on the Citizenship and Immigration committee which is currently examining the issue of undocumented refugees. We are told that the number of refugee claimants has been dropping steadily since 2001 when the government doubled the amounts allocated for interdiction officers in foreign missions.

Would you tell us how these officers working abroad are trained? How do they determine if a case involves human trafficking?

Following the decline in refugee claims, in 2004, Canada and the United States signed an agreement on safe third countries. A number of witnesses appearing before the Citizenship and Immigration committee, including NGO representatives, expressed concern about this agreement. They were concerned about the lack of training and knowledge, and the limited information available from the local agency. Of course, statistics show that the safe third country agreement has helped to dramatically reduce the number of refugee claims.

Does this agreement not make those seeking protection from human smugglers and similar traffickers much more vulnerable?

[English]

**Mrs. Kimber Johnston:** With respect to the issue of training our officers abroad on the elements of human trafficking, our migration integrity officers, whom I mentioned in my opening remarks and who are stationed at 39 countries abroad, do get specialized training in human trafficking issues. They are also very much trained in the detection of fraudulent documents and the manufacturing of fraudulent documents, as well as the intelligence behind who might be seeking this documentation to come to Canada.

I need to hasten to add at this point what I mentioned as well in my opening remarks—that the intelligence is currently fairly weak, and therefore one of the challenges we face abroad is knowing exactly what kind of migration patterns for this type of activity exist out there. That is a challenge for us.

With respect to the safe third country agreement and the refugee claims, do you want to answer that, Brian?

•(1240)

**Dr. Brian Grant:** Following the introduction of IRPA—the Immigration and Refugee Protection Act—in 2002, all visa officers serving abroad received training in detecting trafficking, so that's part of the standard training of everyone who is posted overseas to issue visas, and they're constantly vigilant for that.

I'm not aware of any information that would link the safe third agreement to an increase in trafficking, if I understood your question. I'm not aware of information to that effect.

[Translation]

**Ms. Johanne Deschamps:** With the heightened security measures at the land borders, do you not think that there will be an increase in trafficking of people coming from, for example, Latin American countries who want to settle here or who are fleeing difficult conditions in their country of origin? Are these people not more likely to fall prey to human traffickers?

**Dr. Brian Grant:** Your question implies that these people are in the United States. If they feel that they are in danger in the United States, they can seek help from the American government.

**Ms. Johanne Deschamps:** We know full well that, before the safe third party agreement...

[English]

**The Chair:** Ms. Deschamps, your time is up.

Can you be more specific on your answer, Mr. Grant?

**Dr. Brian Grant:** I have trouble with the question because I don't have the information to draw this link. I'm not aware of the information to draw the link.

**The Chair:** That's fine. Thank you very much.

Maybe you could ask them afterwards, once the meeting is over.

Ms. Mathysen, please.

**Mrs. Irene Mathysen:** Thank you, Madam Chair.

Sergeant Kelly, could we continue to discuss the case around Mr. Ng? You indicated that there's a lack of understanding in terms of the judiciary and a lack of education, and that we need tougher sentences and to confiscate his property in order to put a predator like this out of business. Are there other barriers that police face in terms of going after these predators, these people who are clearly making victims of the innocent?

**Sgt Matt Kelly:** I suppose the barriers are the victims themselves. Those are the biggest barriers. Detective Constable Holm spoke to it, and so did my friends from Toronto. You have to establish that trust and get the reputation of your vice unit out there to the NGOs and the other people who offer services for the exit of women from the sex trade. You have to ensure that you have good relationships built there so that everyone down the line trusts everyone to be professional. Then, when the victim is ready, we can all do something about it.

But right now, when you're brought in from another country and you have false documentation, and when you're put down into a cage in the basement when you're not working and you're told you will get thrown in prison the moment you come forward or you will be deported and be thrown in prison in your country of origin, you

believe it. When you have very young, inexperienced women being moved around the world, who do they have as a support structure? The first thing any pimp does to a girl is remove her support structures, cut the family out, isolate her.

So it takes a huge leap of trust for those victims to come forward, as was the case in our file.

**Det Michelle Holm:** I would just say generally that it's a huge step for them to have these girls tell us their story, given the language barrier, the cultural barriers, the loss of face. You can imagine how embarrassed they are and what their level of self-esteem is when we do deal with these women. You can't imagine how difficult it is to get them to tell us their story truthfully.

I can understand why they're embarrassed to tell us everything, but if they mislead us in any way or skip parts of their story to save face or to save embarrassment to their family, it makes prosecutions very difficult. We really have to spend a lot of time in gaining the trust of these victims so that they truly know they can tell us anything and have to tell us everything so that we can properly assess the file.

•(1245)

**The Chair:** Thank you.

Ms. Davidson.

**Mrs. Patricia Davidson:** Thank you, Madam Chairman.

I want to thank all the presenters, because it has certainly been an extremely enlightening presentation today.

My first question is going to be for Sergeant Kelly, please.

You were talking about the Immigration and Refugee Protection Act. The penalties could be up to life in prison or up to a million dollars. It's my understanding that no one has been convicted under this act at this point. Is Mr. Ng being tried under that act?

**Sgt Matt Kelly:** Yes.

**Mrs. Patricia Davidson:** When might we expect that ruling to be delivered?

**Det Michelle Holm:** The trial is continuing in March 2007.

**Sgt Matt Kelly:** The judge will more than likely reserve judgment in order to give a written decision because of the complexities of the case. The actual decision will probably be made sometime in April or May.

And remember that Mr. Ng hasn't spent any time behind bars. Mr. Ng was released back into the community, and he has very strict restrictions. He is not to be in possession of his passport, so that he can't travel. Of course, he had false passports manufactured for these women in the group that he is involved in, so how hard will it be for Mr. Ng to get a false passport?

So those are some of the restrictions. We don't understand why he wasn't held in custody.

**Mrs. Patricia Davidson:** Right, and I don't either.

**Sgt Matt Kelly:** You share my pain.

**Mrs. Patricia Davidson:** But I think everybody here is aware that there has been legislation introduced that would crack down on crime. I'm not trying to be partisan here and put you in a position where you're speaking in favour of one party against the other; that's not my intent at all. My intent is to try to get the message out that we are very serious about the protection of women and children. There have been attempts at this point to change and water down some of the issues and some of the proposals that have been put forward so that there isn't as much protection, in my view.

I think it's an extremely important issue and something we have to carry forward. Do you have any specific views about what might be a go-forward direction for the government when it comes to putting legislation in place that is going to not only protect women and children, but make it possible for you as police officers to do your job?

**Sgt Matt Kelly:** The creation of section 279 of the Criminal Code of Canada, on domestic human trafficking, and all of the subsections that flow from it are an excellent start. There's even the ability within that section now to return to the victim some monetary goods or moneys for their victimization. Creating the domestic language is a good first step that the government has taken, because as Mr. Grant suggested, IRPA only takes place when you've crossed an international boundary. So we've made a good first step.

Don't join the bandwagon of decriminalizing. You can call a car "pre-owned", but to me it's "used". When you decriminalize it, as far as we're concerned in policing, we're not going after that crime anymore, because it's not our mandate anymore. If you take section 213, which is the communication law, and say we'll chuck that out, then you eliminate our ability to go after the johns, the consumers, in the sex game.

The Green River killer in the United States, in Washington state, was a john. Jack the Ripper was a john. If you eliminate our ability to enforce laws against the johns who make these contacts on the street, you're doing Canada a disservice.

Decriminalizing section 213 is not the answer. Rather, having minimum sentences for the consumers would be a better solution, or having an improvement in laws against pimps. It's very difficult to put a pimp in jail. The girl has to turn. She fears him a hell of a lot more than she fears the laws and the sentences that exist right now in Canada.

So that would be a good first step. We have section 279; that's good. Let's strengthen some of our other laws. And rather than listen to people talk about the Dutch experience, let's listen to people talking about what they're doing in Sweden, where they're going after the consumers. My dad, my uncle, my brothers don't go out and buy sexual services. This isn't normal behaviour for men. Let's go after the ones who are abnormal.

• (1250)

**Mrs. Patricia Davidson:** Mr. Grant, you talked about our needing to ensure that protection is more promptly available and complementary aspects of the federal response. Could you just briefly specify what those may be? We've talked about a lot of different things, but could you be very specific about what those complementary responses could be?

**Dr. Brian Grant:** One complementary response is the issue of protection and what physical protection is required. When we address a case, we identify whether the victim is in need of immediate protection. If she is, then we'll bring the police in to provide it.

There has been an issue raised about housing for the victim. This is an issue we are dealing with within the federal working group of which CIC is one member. It is not an easy issue to work with, because of the nature of these cases.

We've looked at a number of approaches. There was a mention earlier of the witness protection program. There's consideration of whether it would be a model that could be followed. In the case of the services that are provided to immigrants, we looked at that issue. Unfortunately, the groups that provide these services are not able to provide the level of security that would be required in these cases. So we're still, as I say, grappling within the working group with the question of what could be provided.

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

Let me thank all of our witnesses for the incredible amount of assistance that you've given our committee this morning. To all of you on the front line, thank you for all your contributions to making our country safe and for the work that you're into. I don't think any of us say thank you enough to all of you. Thank you all very much for your contributions today.

Thank you to the committee. Before you leave, I do need to ask you about Monday, November 6, when we have a special meeting on gender-based analysis. We have five confirmed as attending.

Ms. Minna has asked to speak to this issue.

**Hon. Maria Minna:** Thank you, Madam Chair; I appreciate it.

As you know, I had asked for my motion for this particular meeting. Unfortunately I didn't anticipate that the chosen date would be a Monday.

I have a specialist's meeting, and you know how hard it is to get a specialist. It has to do with my migraine suffering. That's the reality. They've increased considerably in the last month. During the week we were off, I had four in three days. I'm not quite sure why.

I need to see the specialist and I was hoping that I would be able to be part of the discussion. I know there are other members who may not be, and I'm wondering whether the committee would be willing to schedule that on another Monday. Any other Monday is fine with me; I just can't do November 6.

**The Chair:** Is it the will of the committee that we look to reschedule it on another Monday? Would a Wednesday afternoon be better?

**Hon. Maria Minna:** I don't know.

**The Chair:** I suggest that the clerk poll the members to find out whether a Monday or a Wednesday afternoon would be more suitable for everyone.

Ms. Neville, you had sent around a letter to the editor. Could we deal with it quickly? Did you want to speak to that?

**Hon. Anita Neville:** Thank you, Madam Chair.

I asked to table a letter that I sent to the editor of the *Winnipeg Free Press* about ten days ago. They were slow in publishing it; it was in response to an editorial in the *Winnipeg Free Press* that was cited in the House of Commons and was quite misleading as to my position.

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

Thank you all very much for your patience. We will deal with Ms. Minna's motion first thing on Thursday morning. Please provide any

comments to it in writing; they'll be circulated so that we can deal with that motion as the first thing and not take time away from our witnesses.

Thank you all very much.

The meeting is adjourned.

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