

EXECUTIVE SUMMARY Canada*

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Introduction

Canada is a multi-cultural country with a high standard of living; in 2010 it ranked 8th in the world on the United Nations Development Programme's (UNDP) Human Development Index. On the international stage, Canada has continually affirmed its commitment against the commercial sexual exploitation of children. However, distinct groups of children are at risk of becoming involved in the sex trade in Canada, including runaways, unwanted children, youth living independently and children using Internet communications to solicit clients for sex. Child prostitution remains visibly present in Canada, especially in urban centres where small organised crime groups often control prostitution rings involving children.1 Exacerbating the problem is the limited funding for services supporting sexually exploited children.2

As a source, transit and destination country for children subjected to **trafficking in persons**, Canada also sees children as young as 12 being recruited and trafficked inter and intraprovincially by organised crime syndicates and family-based networks. Across the country Canadian women and girls, particularly from Aboriginal communities, and foreign women and children (primarily from Asia and Eastern Europe) have been identified as victims of sex trafficking and commercial sexual exploitation.³ Furthermore, underage girls are trafficked between the U.S. and Canada for forced marriage in polygamous communities despite laws banning polygamy.⁴

A large number of child abuse images are circulated and accessed in Canada. Lawmakers continue to grapple with the pressures and complexities of new technologies that increase the availability of **child pornography**. In the past several years, investigators have reported an increase in the number of videos and size of personal collections of child pornography. Canada is also a source country for **child sex** tourism. Canadian courts have emphasized the country's interest in preventing the sexual exploitation of children, regardless of where it occurs. Unfortunately, this commitment has not been reflected in the number of convictions under Canadian sex tourism law, and progress remains slow in comparison with the U.S. and Australia. The small Canadian police presence in embassies overseas is a contributing factor.

Notably, despite Canada's high standard of living, there are still large numbers of homeless youth with a disproportionate percentage coming from the Aboriginal community.⁸ Although approximately 4% of the Canadian population is of Aboriginal descent,⁹ up to 90% of sexually exploited youth living or working on the streets of some Canadian cities are Aboriginal.¹⁰ Racism, negative stereotyping and the reduced presence of parental role-models make Aboriginal youth particularly susceptible to various forms of sexual violence.¹¹

National Plan of Action

In 2004, Canada launched two plans containing strategies for combating CSEC. The first, "A Canada Fit for Children", reaffirms Canada's broad goal of ensuring that the needs of children and families are supported and only contains limited references to CSEC. 12 The second plan, the "National Strategy for the Protection of Children from Sexual Exploitation on the Internet", is focused on online sexual exploitation. 13 While both plans contain provisions addressing CSEC, a National Plan of Action (NPA) specifically

targeted towards all forms of CSEC is still required. In 2009, a collaborative session between the Canadian Centre for Child Protection and experts from around the world resulted in the development of a plan for combating sexual exploitation, which included the creation of a National Task Force as one of its priorities. ¹⁴ Unfortunately, the results from this session have not yet prompted the creation of a NPA against CSEC which identifies key activities, responsibilities and timeframes.

Coordination and Cooperation

In the absence of a comprehensive NPA which addresses all manifestations of CSEC, policies and programmes in Canada continue to be implemented mostly at the provincial level. Despite efforts to enhance collaboration between government agencies and civil society, there is limited cooperation between provinces in addressing issues specifically related to CSEC. Protocols have been established which provide integrated investigative responses to reports of child abuse¹⁵ and collaboration guidelines for provinces and territories on cross-jurisdictional child protection issues.¹⁶ Intergovernmental (Federal/Provincial/ Territorial) committees and working groups have also been established to share expertise and information, explore joint initiatives and identify emerging issues that relate to CSEC.¹⁷ Unfortunately, the collaboration appears to stop at information sharing rather than extending to cooperative action. Despite recent efforts to improve anti-trafficking coordination among provinces, there are limited established mechanisms for coordination on this issue, and policies to combat the trafficking of children and young people remain sparse.

On the other hand, there appears to be better coordination between provinces/territories and the federal government on the issue of internet-related exploitation. The National Child Exploitation Coordination Centre supports integration between police agencies in protecting children from Internet-facilitated sexual exploitation. There has also been government and civil society partnership. Industry (mainly ISPs), government, nongovernment and law enforcement-stakeholders have united to help implement a strategy to abolish child pornography from the Internet.¹⁸

At the international level, the Canadian government collaborates with other law enforcement and intelligence agencies such as INTERPOL on identifying victims and offenders through sharing databases, intercepting trafficking networks and broadcasting travel advisories about known sex offenders.¹⁹ In addition to having bilateral mutual legal assistance treaties for criminal matters with countries frequented by travelling child sex offenders, Canada supports and provides core funding to programmes abroad and international organisations aiming to combat CSEC. In particular, Canada's International Development Agency (CIDA) has contributed to action against sexual exploitation through programmes in Eastern Europe, Asia, Africa and the Americas.

The Canadian government has launched several effective campaigns in the past few years to bring attention to issue of commercial sexual exploitation of children. Initiated at both the provincial and federal levels, these campaigns have aimed to raise awareness of sex tourism laws, forums for reporting child protection concerns, as well as the prevalence of CSEC in Canada itself. In particular, the Canadian Centre for Child Protection has sponsored several national public awareness initiatives that emphasize the importance of public reporting and IT safety strategies for both children and caregivers.²⁰ With support from the Canadian government, the Canadian Centre for Child Protection has also been proactive in developing and supporting CSEC-related education initiatives in schools. The Beyond Borders Media Awards presents an annual opportunity for fostering awareness. Hosted by Beyond Borders (ECPAT Canada), the award presentation honours journalists, documentary filmmakers and journalism students whose work contributes to knowledge, prevention

and monitoring of CSEC. In addition, public/ private partnerships have resulted in innovative campaigns focused on technology safety and promotion of The Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism.

Both nationally and internationally, Canada has supported efforts to reduce child vulnerability through grants for initiatives and awareness campaigns targeted at vulnerable children and youth. As a deterrence measure, the Sex Offender Information Act was enacted in 2004, resulting in the establishment of the nation's first national sex offender database.²¹ The registry is accessed by law enforcement to take preventative action and solve crimes already committed. Although police may use the registry to inform law enforcement in foreign countries of sex offenders' travel plans, offenders are not required to report short vacations (less than one week), hindering thorough protection of children from child sex tourists.

Protection

Canada has ratified the principal international treaties relating to child rights such as the CRC, the OPSC, the Convention on the Worst Forms of Child Labour and the Trafficking Protocol. At the regional level, Canada supports the Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking (Central and North America), and has signed but not yet ratified the Council of Europe Convention on Cybercrime. Within the past decade, the government has introduced important legal reforms relating to CSEC, including an increased age of consent for non-exploitative sexual activity,²² sentencing options²³ and more comprehensive regulation of the cybersphere.²⁴

Child prostitution

The Canadian *Criminal Code* defines crimes related to child prostitution (sections 212 (2) and (4)); these provisions adequately define and penalize these crimes according to minimum standards under the CRC and OPSC. Children who have been sexually exploited, including

through prostitution, are protected under child welfare legislation. Some of these laws use a stronger protectionist model to deal with the issue, e.g. involuntary detention of children at risk of becoming or already involved in prostitution, ²⁵ while others use a child rights-based approach, e.g. limiting contact by people who sexually exploit children or forbidding entry into areas frequented by prostitutes. ²⁶ Unfortunately, the protectionist model creates the potential for survivors to be re-victimised by the legal system.

Child pornography/child abuse images

Despite strong laws and harsh penalties, child pornography offences have increased significantly in Canada.²⁷ Canada is currently ranked third for countries hosting the largest number of child pornography websites in the world.²⁸ The Canadian *Criminal Code* defines child pornography and punishes those who make, distribute, possess or access it (section

163.1). There is no federal legislation requiring Canadian citizens to report child pornography; however, some provinces have made it mandatory.²⁹ In addition, some provinces have units dedicated solely to investigating child pornography, which have led to higher levels of detection and conviction in those regions.³⁰ Passed in 2011, An Act Respecting the Mandatory Reporting of Internet Child Pornography by Persons Who Provide an Internet Service imposes a duty on ISPs or others providing Internet services (e.g. Facebook, Google) to report suspicious activity.³¹ However, due to privacy interests, the inability of law enforcement to adequately investigate technological devices and obtain transmission data is a large barrier which has yet to be eliminated by Parliament.

Trafficking in children for sexual purposes

In Canada, legal provisions on trafficking in human beings (sections 279.01 and 279.011) comply with the requirements of the Trafficking Protocol and the OPSC. The Immigration and Refugee Protection Act (IRPA) also includes a human trafficking offence for cases of transnational trafficking (section 118). Once liability for trafficking under the Criminal Code or IRPA is established, aggravating factors such as age, motivations of profit and the subjection of victims to humiliating or degrading treatment are considered with regard to sentencing. While the laws to combat trafficking are relatively strong, Canada has been criticized for lack of enforcement, gaps in the victims' protection scheme and the overly broad nature of its definition of trafficking in persons. In particular, convicting offenders has proven to be difficult. Canada has recently displayed a heightened effort to prosecute under its trafficking laws.

Extradition and extraterritorial jurisdiction

The *Criminal Code* provides for the extraterritorial prosecution of Canadians who commit offences against children overseas (section 7 (4.1)).³² Despite laws prohibiting Canadians and permanent residents from engaging in sexual activity with children while travelling abroad, Canada remains a significant source country for child sex tourists.³³ In regards to extradition, Canada has updated its

Extradition Act to cover more infractions, such as Internet or organised crimes. Canada has also signed around fifty extradition agreements with partner countries³⁴ and is one of the few countries that allow the extradition of its own nationals, thereby preventing its territory from being a "Safe Haven" for criminal fugitives.³⁵

Child protection units

Generally, awareness, training and education regarding CSEC is lacking among the majority of first responders in Canada. Many government workers who come into contact with sexually exploited children do not know enough about the issue to identify them as victims, and rather than referring them to appropriate services, often treat them as juvenile delinquents.³⁶ Fortunately, the Edmonton Police Service in Alberta has instituted a multi-disciplinary team to mitigate victim trauma, nurture healing and pursue justice, which can be used as a model for other jurisdictions.³⁷ Cybertip.ca has also proven to be an effective public reporting tool which has led to arrests and the removal of children from abusive environments.38

Support services for children

Victim support services are generally administered at the provincial level. Currently, there are limited services available to serve sexually exploited children; coordinated services are also lacking. While most jurisdictions provide access to shelter services, shortterm counseling, court assistance and other specialised services, their range and quality vary widely.³⁹ A lack of funding remains the most significant obstacle. Canada has a national scheme to provide immigration status to trafficked persons, but services and benefits also vary from province to province. Provinces have made individual efforts to fund a variety of programmes for children affected by CSEC, including those that provide recovery services, mentor at risk children and monitor online chatrooms. In addition, most provinces have an independent child advocate or an ombudsman responsible for representing the rights, interests and viewpoints of children. Many of these offices have particular mandates related to the CRC and the two Optional Protocols.⁴⁰

Training law enforcement personnel

At both the national and provincial levels, there are efforts to address the lack of awareness among law enforcement officers and other relevant personnel most likely to come into contact with sexually exploited youth. Training, in the form of reference guides, courses and conferences, covers various aspects of CSEC, including the types and elements of offences

related to CSEC, intelligence gathering techniques and coordination with other governments. In particular, Canada's port officers receive detailed training on how to detect child trafficking and child pornography at the borders. ⁴¹ The Royal Canadian Mounted Police (RCMP) has also been involved in awareness-raising activities targeted at both government officials and members of civil society. ⁴²

Child and Youth Participation

The Canadian government has made and supported efforts to include meaningful participation of young people on the issue of CSEC. In particular, Aboriginal youth have the opportunity to participate in national events such as the annual Provincial Aboriginal Youth Conference, which has served as a platform for education and dialogue on the issue of sexual exploitation and trafficking. ⁴³ Youth also have the opportunity to advocate their rights through the Canadian Centre for Child

Protection's student advisory groups, which were established to involve children and youth in the Centre's programming and planning.⁴⁴ Instances of youth taking initiative on the issue of CSEC include OneChild, a movement created in 2005 by a high school student to combat the global child sex trade through public education campaigns, advocacy initiatives and support to rehabilitation and reintegration efforts.⁴⁵

Priority Actions Required

National plans and policies

Canada should adopt a comprehensive national plan of action that ensures a coordinated response among the provinces and territories in preventing the commercial sexual exploitation of children. The plan of action should devote special attention to indigenous communities of Canada who are disproportionately affected by CSEC.

Coordination and cooperation

The government should develop a national strategy to identify victims in child sexual abuse images, as well as a national strategy to work with provincial and territorial governments to expand the network of Child Advocacy Centre models across the country. In addition, collaboration between the RCMP and the Canadian Police College on providing formal, certified training to law enforcement agencies on CSEC is required. Collaboration by the RCMP also needs to occur at the international level; the RCMP should support programmes that facilitate effective detection, investigation

and prosecution of child sexual abuse and exploitation abroad.

Prevention

Federal and provincial governments should support outreach and training efforts to raise awareness and change attitudes about CSEC among the general public, youth, judicial system, media, corporations and NGOs. Canada must strengthen systems for documenting and reporting child trafficking, particularly those for collecting data on Aboriginal children. Collaboration with foreign states is also required in order to support transnational communication and cooperation on child trafficking between police departments in origin and destination countries. At the national level, the government should develop protocols for child protective services to protect sexually exploited children who cross provincial boundaries.

Protection

The federal government should commit more resources to investigate and manage cases of cross-border and domestic child trafficking cases and strengthen their enforcement.

Legislation pertaining to child sex tourism should be amended to ensure that those who exploit children and young people cannot travel freely between jurisdictions. In addition, pending legislation should be passed to equip law enforcement with the necessary tools to protect children from exploitation over the internet. The government should also institute a training programme for front-line responders on how to identify victims of child trafficking and where to turn for help.

Recovery and reintegration

Federal and provincial governments must work together to reconfigure existing funding so that resources go directly to providing comprehensive care and support to all victims of trafficking, and that such services are uniform throughout the country. In particular, "one-stop" centres with appropriate resources,

including residential services, should be created. In order to better understand recovery requirements, the federal government should fund research into the needs of victims of Internet-facilitated child sexual abuse and exploitation.

Child and youth participation

Federal and provincial governments should encourage and support public awareness campaigns, youth advisory committees and peer-to-peer initiatives on combating CSEC. In particular, programmes that educate Aboriginal youth on their rights and the available options for addressing abuse should be supported. Federal and provincial governments must collaborate with NGOs to ensure that child participation initiatives are mainstreamed and institutionalized throughout all levels of policymaking.

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