



Enforcement of the Protection of Communities and Exploited Persons Act

Background

The **Enforcement of the Protection of Communities and Exploited Persons Act (PCEPA)** is not being enforced and meaningful exit strategies are not being provided to sex workers. While laws against buying sex are not sufficient to end these forms of exploitation and abuse, they are an important step that countries can and should take towards ending violence against women and girls. In surveys of women in prostitution, when asked what they need, the most common response is **help with exiting**. In every country that has decriminalized, an increase in trafficking has resulted – that is why the Netherlands is now reconsidering. In Germany and New Zealand, there is no longer any political will to provide public money for exit services. What this does is keep women in harms way ensuring they are ready and available for their exploiters. Decriminalization is not an appropriate tool to improve safety.

Quick Facts

- Policy development and public opinion around sex work in Canada is complex and divided. A 2014 Angus Reid poll showed that 45% thought buying sex should be legal, 45% that it should be illegal, 11% were undecided and 51% believed selling sex should be legal.
- The Federal Liberal party at their convention in 2018, passed a **resolution** calling for the decriminalization of prostitution and overturning Canada's PCEPA.
- Decriminalizing prostitution effectively decriminalizes the exploiters.
- The average age of entry into prostitution is fourteen.
- The overwhelming majority are poor, use substances, youth in care, Indigenous (53%), or are immigrants.
- All CFUW Clubs across the country need to make this Resolution a high priority.

Relevant Legislation & Canada's Obligations

- **1988 Criminal Code:**
 - 1988 amendments included child sexual abuse and linked juvenile prostitution to the "procuring" section. The Federal-Provincial-Territorial Working Group on Prostitution stated that these provisions "have been ineffective in bringing customers and pimps of youths involved in prostitution to justice." They reported that charges under these provisions were rare, and that juvenile prostitutes and their clients continued to be charged under the general summary conviction offence prohibiting street prostitution.
- **1996 Bill C-27:**
 - amendments included a new indictable offence of "aggravated" procuring. This applied to pimps who coerce juveniles into prostitution through violence or intimidation, with a mandatory minimum sentence of five years in prison, and a maximum of 14 years. The addition of an offence for obtaining or attempting to obtain the sexual services of a person whom the offender believed to be under 18 was intended to make enforcement of s. **212(4)** easier. Provinces then expressed concerns that convictions would be difficult to obtain because the Crown had to prove the belief of the accused as to the age of the young person.
- **1998 Bill C-51:**
 - changed "attempts to obtain" to "communicates with any person for the purpose of obtaining" to simplify prosecution by removing any need to prove belief of age. Electronic surveillance was also explicitly allowed.

Enforcement of the Protection of Communities and Exploited Persons Act – 2020

Adopted at the 2020 AGM

RESOLVED, That the Canadian Federation of University Women urge the Federal, Provincial, Municipal governments and Territories to immediately endorse the Protection of Communities and Exploited Persons Act and ensure that law enforcement implements new policies, procedures, and guidelines including training so that the above law is diligently enforced across the country;

RESOLVED, That the Canadian Federation of University Women urge the Federal, Provincial, Municipal governments and Territories to work with and fund community stakeholders to provide exit strategies in the form of safe housing, health services, trauma counselling, and all the other services required for successful exiting for prostituted and trafficked women and girls.



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Take Action

- CFUW members may lobby their local Members of Parliament (MPs) to ensure that the decriminalization of prostitution is not an option and state publicly that they support the *Protection of Communities and Exploited Persons Act*.
- CFUW members can lobby their local MPs to instruct law enforcement agencies in their area to enforce the POCEPA law.
- CFUW members can lobby their local MPs to create secure housing for exiting prostitutes that also provide counselling for trauma, addiction, career as well as providing health services.
- CFUW members may work with other organizations with a similar view on enforcement of the POCEPA law and encourage the funding of specialized housing for exiting women and girls.
- CFUW members may create an awareness campaign for their club, other organizations and society at large to inform them of the gravity of the situation and the dire straits in which thousands of young women in Canada find themselves.

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