

## 2001:05 PROSTITUTION AND TRAFFICKING IN WOMEN AND CHILDREN

**Whereas:** adult (over age 18) prostitution is legal in Canada, and child prostitution is not; and

**Whereas:** the Criminal Code of Canada makes soliciting a criminal offence; and

**Whereas:** there has been an increase world-wide in trafficking of women and children for purposes of prostitution carried out inside nation states including Canada and across national and continental boundaries; and

**Whereas:** this trafficking is against the law in most countries and prostitution is dealt with through criminalization of the act of prostitution as well as the act of solicitation; and

**Whereas:** women and children (under age 18) are usually driven into prostitution as a means of livelihood by the multiple effects of violence, child sexual abuse, racism, poverty (i.e. hunger, homelessness, lack of education and employment opportunities), and/or indebtedness; and

**Whereas:** prostitution and trafficking exist because there is a ready market for the sexual services of the women and children; and

**Whereas:** this trafficking is criminal with the perpetrators acting in contravention of:

- Article 4 of the Universal Declaration of Human Rights (1948); and
- the intent of Article 6 of the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW – 1979); and
- the intent of Articles 34 and 35 of the UN Convention of the Rights of the Child (1989); and
- the intent of the Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography adopted by the UN General Assembly 25 May 2000 (A/Res/54/2263); and
- the intent of Articles 1 (s 1&2), and 2 (s1) of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949); and
- the intent of Articles 1,2,7,15 and 28 of the Canadian Charter of Rights and Freedoms; and

**Whereas:** court-ordered diversion of other transitional programs which assist women in addressing their issues are either short term or not available in many jurisdictions, with the result that many women charged with selling sexual services are processed through the justice system with insufficient attention given to their long term needs; and

**Whereas:** court ordered diversion programs for men, such as “John School” in spite of its limited eligibility (first time offenders but not with a minor, no criminal record, cost about \$400.) show a low rate of recidivism, are now accessible in major cities across Canada and include education about the role these men play in victimizing women and children; therefore be it

**RESOLVED:** that the National Council of Women of Canada:

1. adopt as its policy on Prostitution and Trafficking in Women and Children, the principles and purposes set out in the Convention on the Elimination of all forms of Discrimination against Women (CEDAW – 1979), the Convention on the Rights of the Child (1989) and the

Convention for the Suppression on the Traffic in Persons and of the Exploitation of Prostitution of Others (1949); and

2. reiterate NCWC policy (1983) that prostitutes should not be criminalized for soliciting except adults soliciting from minors; and be it further

RESOLVED: that the National Council of Women of Canada urge the Government of Canada to:

1. repeal the pertinent section of the Criminal Code of Canada; and
2. strengthen and enforce the provision of the Criminal Code dealing with all those persons trafficking in women and children, and also living off the avails of prostitution; and
3. address the multiple effects of sexual abuse, violence, racism and the problems of poverty (e.g. homelessness and lack of education) that contribute to driving women and children into prostitution, with emphasis on establishing, in cooperation with the provincial governments, comprehensive child care programmes to prevent desperate young persons from seeking to support themselves through prostitution; and
4. ensure that there is adequate funding for rehabilitation and education programmes, arranged in cooperation with the provinces, for all women and children seeking to leave prostitution with protection from their exploiters.