

Q & A

BILL C-277, AN ACT TO AMEND THE CRIMINAL CODE AND AN ACT TO AMEND THE CRIMINAL CODE (EXPLOITATION AND TRAFFICKING IN PERSONS)

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What are the objectives of Bill C-277?

Bill C-277 was tabled by MP Pierre Paul-Hus in the House of Commons on March 23, 2021. MP Alain Rayes seconded the motion. The overall objectives of this new legislation are to:

- protect young girls and boys from the harms and torture caused by sexual exploitation by implementing key recommendations related to federal jurisdiction from the Select Committee on the Sexual Exploitation of Minors; and
- ensure accountability from the federal government in regard to the current process for obtaining evidence located outside Canada in cases of sexual exploitation of children committed on the Internet.

What are the recommendations in the report of the Select Committee on the Sexual Exploitation of Minors related to Bill C-277?

Recommendation No. 28

The Committee recommends that the Government of Quebec formally request that the federal government make the Order in Council allowing the coming into force of the provision authorizing the imposition of consecutive sentences for traffickers in persons under the age of 18.

- Objective: Ensure the coming into force of consecutive sentences adopted by the House of Commons in 2015. Section 279.05 of the Criminal Code is still not in force.

Recommendation No. 29

The Committee recommends that the Government of Quebec ask the federal government to propose amendments to the Criminal Code in order to add all crimes related to procuring to the list of activities covered by the forfeiture of proceeds of crime.

- Objective: Target and tackle the income of criminalized groups and individuals by adding these crimes to the list of offences to which the forfeiture of proceeds of crime apply.

Recommendation No. 30

The Committee recommends that the Government of Quebec ask the Government of Canada to propose amendments to the Criminal Code in order to reduce the pressure on victims by removing the preliminary inquiry stage in charges of sexual exploitation of minors and human trafficking.

- Objective: Prevent victims from having to testify twice in cases of sexual exploitation and human trafficking.

Recommendation No. 35

The Committee recommends that the Government of Quebec ask the federal government to propose amendments to update the definitions of “place”, “public place” and “any place” in the Criminal Code definitions to include private or public cyberspace.

- Objective: For cases of sexual exploitation of minors committed online, this proposal aims to address the issue of access to digital evidence found on foreign computer servers.

What was the content of Motion M-63 tabled before Bill C-277?

On February 2, 2021, Mr. Paul-Hus (Charlesbourg—Haute-Saint-Charles) tabled the following motion before the House of Commons:

That, in the opinion of the House, the government should: (a) recognize the urgent need for concrete legislative measures to (i) combat the scourge of sexual exploitation of minors, (ii) better protect children and other vulnerable persons from sexual exploitation; and (b) amend, as soon as possible, the provisions of the Criminal Code to implement the four important recommendations contained in the unanimous report of the Select Committee on the Sexual Exploitation of Minors established by the National Assembly of Quebec, namely, (i) the implementation of the consecutive sentencing provision for human trafficking, (ii) adding the crime of sexual exploitation to the proceeds of crime forfeiture mechanism, (iii) eliminating the preliminary inquiry in some sexual exploitation and human trafficking cases, (iv) giving law enforcement more effective legal tools to obtain evidence of sexual crimes committed against minors committed in the cyberspace.

Pursuant to Standing Order 86(3), this motion was jointly seconded by Mr. Viersen, Member of Parliament (Peace River—Westlock).

What does the proposed legislation seek to do?

Bill C-277 will help implement four important recommendations contained in the December 2020 report of the [Select Committee on the Sexual Exploitation Of Minors](#). Specifically, it seeks to amend the Criminal Code by:

1. **Providing that consecutive sentences for human trafficking contained in the Criminal Code come into force by royal assent of this new bill.** This will put an end to the Liberal government's refusal to bring into force section 279.05 of the Criminal Code (consecutive sentencing in cases of human trafficking). This is a response to recommendation 28.
2. **Amending the Criminal Code by adding procuring offences to the list of designated offences that may be subject to the forfeiture of proceeds of crime.** Bill C-277 add sections 286.2 (material benefit from sexual services) and 286.3 (procuring) to the list of offences subject to forfeiture. This is a response to recommendation 29.
3. **Eliminating preliminary inquiries** in the prosecution of sexual exploitation of minors and human trafficking offences, specifically in cases of trafficking in persons, trafficking of a person under the age of 18 years, material benefit – trafficking, material benefit from sexual services provided by person under 18 years, and procuring. This is a response to recommendation 28.

In addition, the bill requires the Minister of Justice of Canada to report to Parliament on the need to update and modernize the legislation to provide better tools for law enforcement agencies investigating sexual exploitation crimes against minors in cyberspace. Specifically, the bill requires the Minister of Justice to report to Parliament within four months of the bill's passage on (1) the timelines of requests for production orders under the Mutual Legal Assistance in Criminal Matters Act for sexual exploitation crimes committed in cyberspace, (2) the status of discussions with U.S. authorities to facilitate obtaining transmission data in investigations related to the sexual exploitation of minors in cyberspace, and (3) measures the government intends to implement to expedite access to server data outside Canada related to online sexual exploitation crimes against minors. This is a response to recommendation 35.

What is human trafficking?

Human trafficking is the exploitation of victims to force them to provide certain sexual services for financial gain.

Because of its complexity, sexual exploitation requires increased attention and cooperation from law enforcement and all levels of government, in addition to the private sector.

Why is it important to bring section 279.05 of the Criminal Code into force?

Sentences served concurrently allow for a quick release of dangerous criminals, such as pimps. Consecutive sentencing means that each sentence is served consecutively. The bill ensures that consecutive sentences come into effect following its royal assent.

Why is it important to add procuring offences to the list of designated offences that can be subject to the forfeiture of proceeds of crime?

Procuring is a very lucrative criminal activity for street gangs and other organizations. In Canada, police estimate that a young girl can earn between \$200,000 and \$300,000 per year for the pimp.¹ This bill adds procuring to the list of offences that may be subject to forfeiture of the proceeds of crime.

Why did the Select Committee on the Sexual Exploitation of Minors recommend the elimination of preliminary inquiries?

It is extremely difficult for victims to testify and recount the torture they suffered. This will make the trial quicker and less painful for victims and will encourage more victims to come forward. This can also address the difficulties that can arise in human trafficking and sexual exploitation cases where vulnerable complainants fear reprisal from their exploiters and are reluctant to come forward.

What is the Select Committee on the Sexual Exploitation of Minors? The select committee was established pursuant to a motion carried by the National Assembly on June 14, 2019. It was established for the purpose of creating a portrait of the sexual exploitation of minors in Quebec, including the consequences on the transition to adulthood. The report contained four specific amendments to the Criminal Code that could help victims and fight criminality across the entire country.

¹ Radio-Canada, “Exploitation sexuelle des mineurs : Le Québec, une pépinière pour le reste du Canada” <https://ici.radio-canada.ca/nouvelle/1372886/exploitation-sexuelle-mineurs-quebec-pepiniere-canada>

What are the statistics on human trafficking in Canada?

The [Council on the Status of Women](#) notes that more than 80% of women involved in prostitution in Canada entered prostitution when they were minors. The age of entry into prostitution varies between 14 and 15 years old in Canada.

According to the [Table de concertation sur les agressions à caractère sexuel de Montréal](#), since 2009, there has been a significant increase in reports of human trafficking cases to Canadian police. The rate in 2009 was 0.10 per 100,000 population, while in 2016 it was 350 per 100,000 population. The group notes that, in 2016, Quebec (14%) was the second Canadian province with the highest rate of trafficking cases in Canada, behind Ontario (66%).

According to [The Globe and Mail](#), the data published by Statistics Canada in June 2020 shows that Nova Scotia and Ontario have higher rates of human trafficking than the national average, citing figures from 2009 to 2018.

[The Globe and Mail](#) published the following figures in 2021:

