

UNIVERSAL PERIODIC REVIEW

CANADA

Joint submission by:

World Evangelical Alliance (WEA), an NGO with special consultative status since 1997. WEA is a network of churches in 129 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide. WEA was founded in 1846 in London. www.worldevangelicals.org

The Evangelical Fellowship of Canada (EFC), the national association of evangelical Christians in Canada, with affiliates including 44 denominations, 65 ministry organizations and 34 post-secondary educational institutions. It is estimated that there are 6,500 congregations that belong to our affiliate denominations across Canada. Established in 1964, the EFC provides a national forum for Canada's four million Evangelicals and a constructive voice for biblical principles in life and society.

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Sexual Exploitation

1. Sexual exploitation violates the inherent dignity and worth of every human being. It is an affront to equality between the sexes. It is violence primarily against women and girls, and a form of systemic exploitation of many of our society's most vulnerable women and children. The Report of the National Task Force on Sex Trafficking of Women and Girls in Canada found that "sex trafficking is a serious threat to women's equality and the basic right of every woman and girl to live free of violence."¹
2. Sexual exploitation in Canada is a deeply gendered issue, with the overwhelming majority of sex-trafficked and sexually exploited persons being girls and young women. Sex trafficking, prostitution and pornography are inextricably linked. Pornography fuels the demand for paid sex, which funnels women into prostitution and fuels sex trafficking.
3. Article 9.5 of the *Palermo Protocol* obligates countries to address factors that make individuals vulnerable to trafficking, such as poverty and lack of opportunity, as well as to address the demand that drives exploitation.
4. During previous UPR reviews of Canada, several delegations asked Canada to pursue its efforts to fight all forms of violence against women and girls² and intensify its efforts to eradicate trafficking in children and women for sex trade, including concrete recommendations such as an increase in funding for the protection and promotion of women's rights, special emphasis on victim-oriented approach, establish mechanisms and procedures for the protection of rights of child victims of human trafficking, provide training for police and prosecutors in this regard and take strong measures in addressing the concern raised by the Committee on the CRC on the lack of prevention of child sexual exploitation – all accepted by Canada.³

Prostitution

5. Prostitution is inherently dangerous. It cannot be considered safe or legitimated as a form of work; nor can it be accepted as a solution to poverty and a range of other underlying social issues.
6. In 2016, Canada enacted Bill C-36, the *Protection of Communities and Exploited Persons Act (PCEPA)*⁴, which targets those who profit financially and materially from prostitution. It also prohibits the purchase of sexual services, in order to decrease the demand for prostitution. *PCEPA* is rooted in the recognition that prostitution is inherently exploitive and dangerous, that objectification of the human body and commodification of sexual

¹ <http://www.mamawi.com/wp-content/uploads/2016/02/National-Task-Force-FINAL-Report-NO-MORE.pdf>

² In particular A/HRC/24/11, §§ 128.81 - 82

³ In particular A/HRC/24/11, §§ 128.107 - 113

⁴ http://laws-lois.justice.gc.ca/eng/AnnualStatutes/2014_25/page-1.html

activity cause social harm, and that prostitution violates human dignity and equality between the sexes. Decreasing the demand for paid sex is a crucial element of any efforts at eliminating sexual exploitation.

7. Although no official review of *PCEPA* has been announced, the federal government seems to have begun a review of the legislation, having held a stakeholder consultation in Vancouver, BC, in May 2017. *PCEPA* contains a provision requiring a review after five years. The law has only been in effect for two and a half years, which is insufficient time for an accurate assessment, particularly when enforcement is not consistent across the country. In order to ascertain a clearer picture of the legislation's effect, the government should conduct its review at the end of the five years mandated.
8. Further, we note that enforcement of *PCEPA* has been inconsistent across Canada, with some police forces embracing the law's objectives and others refusing to enforce it. The protection against sexual exploitation the law provides is not available if it is not enforced. Proper assessment of the efficacy of the law, and amendments to improve it, also depend on effective enforcement. The Attorney General of Canada should instruct provincial attorneys general to ensure that *PCEPA* is enforced.
9. There is room to improve *PCEPA*, for example, amending the provisions which allow for continued criminalization of prostituted persons under certain circumstances (section 213).⁵ However, *PCEPA*'s provisions that prohibit exploitative profit from prostitution and the purchase of sexual services play a critical role in protecting women's rights and combating sexual exploitation, and must be upheld.
10. The *UN Convention for the Elimination of All Forms of Discrimination Against Women* and the *Palermo Protocol* require that signatories address underlying vulnerabilities such as poverty and lack of opportunity. When *PCEPA* was introduced, Canada made an initial financial commitment to support services for individuals exiting prostitution, which has already been disbursed. Further investment in exit support services are needed.

11. Recommendations:

- **Uphold *PCEPA*, which aims to eliminate sexual exploitation by targeting the demand for paid sexual services.**
- **Maintain the victim-oriented approach in *PCEPA* to address the exploitation of prostitution.**
- **Instruct provincial attorneys general to enforce *PCEPA* consistently across their jurisdictions.**
- **Provide stable, substantive funding for exit services for those who wish to exit prostitution.**
- **Initiate a review of *PCEPA* once the legislation has been in effect for five years, as mandated.**

⁵ <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-213.html>

- **Expunge prostitution-related offences from the criminal records of those who have been exploited.**

Human trafficking

12. The *UN Convention for the Elimination of All Forms of Discrimination Against Women* requires signatories to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.” Canada ratified this treaty in December 1981.
13. Since ratifying the UN’s *Palermo Protocol* in 2002, Canada has criminalized sex trafficking in both the *Immigration and Refugee Protection Act* (2002) and the *Criminal Code* (2005, 2010, 2011). The Canadian government has shown strong leadership in combatting human trafficking by passing and strengthening legislation, and introducing the *National Action Plan to Combat Human Trafficking*⁶ in June 2012. However, the National Action Plan has expired and it is unclear whether it will be renewed.
14. As advertising for sexual services moves online, traffickers and pimps are able to reach a wider market. *Backpage.com* is known to profit from sex trafficking, particularly the trafficking of minors. *Backpage* voluntarily shut down their adult services section in the U.S. in response to a U.S. Senate Subcommittee report⁷ that revealed *Backpage* was complicit in online sex trafficking. However, the adult services section continues to operate in Canada, even though advertising the sale of another person’s sexual services is illegal under *PCEPA*.
15. Canada lacks central data collection, which hinders its ability to develop solutions and measure results.
16. **Recommendations:**
 - **Uphold *PCEPA* as a critical tool in curbing the demand for paid sexual services, which is known to fuel sex trafficking.**
 - **Intensify efforts to identify and eradicate trafficking in children and women in the commercial sex trade.**
 - **Renew, or implement a new *Action Plan to Combat Human Trafficking*, including renewed and increased funding for victim services, and training of law enforcement and other frontline personnel.**
 - **Develop and implement a method of collecting authoritative, national, multi-year data to inform solutions and measure results.**
 - **The Canadian government should formally request that *Backpage* shut down the adult services section on their Canadian websites.**

⁶ <https://www.publicsafety.gc.ca/cnt/rsracs/pblctns/ntnl-ctn-pln-cmbt/index-en.aspx>

⁷ <https://www.hsgac.senate.gov/subcommittees/investigations/reports>

Pornography

17. Pornography is a form of commercial sexual exploitation, and the root of many other forms of sexual exploitation. Mainstream pornography is characterized by violence and the degradation of women. The themes in pornography, either dominant or implied, undermine the safety of women and girls and their rights to full equality.
18. Private member's motion M47, which called on the House of Commons Health Committee to study the effects of violent pornography online received unanimous consent in the House of Commons. Despite powerful testimony from expert witnesses on the public health effects of pornography, the committee's report⁸ fell far short of making strong recommendations. More research on the health impacts of pornography is needed, as well as concrete action to protect children from exposure to online pornography.

19. Recommendations:

- **Take steps to restrict access to online pornography by minors by mandating *Meaningful Age Verification* for pornography sites and requiring internet service providers to block pornographic content by default, while allowing adults to opt-in to this content.**
- **Initiate a public health awareness campaign on the risks and potential harms of viewing pornography online.**
- **Instruct the *Public Health Agency of Canada* to conduct research on the public health impacts of pornography.**
- **Collect data regarding pornography use by adult and juvenile perpetrators of sexual offences, and by sex buyers. Data should also be gathered from adult and child victims of sexual offences about the presence or involvement of pornography in their victimization. Commission research and data collection on the connection between pornography consumption and individuals suffering severe social anxiety, depression and those experiencing sexual dysfunction.**

Freedom of Religion

20. During the previous UPR review, Jordan asked Canada "to continue its work in combating religiously motivated crimes and acts of violence."⁹ In fact, there is a growing anti-religious climate in Canada that includes a belief that religion should be privatized and kept out of the public square. Anti-religious sentiment, misinformation and misunderstanding are leading to marginalization and discrimination.

⁸ <http://www.ourcommons.ca/DocumentViewer/en/42-1/HESA/report-11>

⁹ A/HRC/24/11, §§ 128.51

21. There are reports of increased anti-Semitic and anti-Muslim incidents across Canada, such as the horrific attack in January 2017 in which six Muslims were killed in a mosque in Quebec. The Toronto Police report on hate crimes found Jews (29%) and Muslims (15%) among the most targeted groups in 2016, with anti-Semitic incidents the most common hate crime for the twelfth year in a row.¹⁰ Statistics Canada reports that over one-third (35%) of hate crimes in 2015 were motivated by hatred of religion.¹¹ Hate crimes against Muslims and Catholics increased by 61% and 57%, respectively, over the previous year. The Jewish population remained the most common target for reported crime motivated by hatred of religion.
22. Evangelicals are less often the target of hate crimes, yet many feel the anti-religious sentiment and underlying discrimination. People of deep religious convictions are facing possible exclusion from certain professions.
23. The College of Physicians and Surgeons of Ontario (CPSO), for example, has instituted policies which require doctors to participate in the ending of a patient's life by providing an effective referral, even against their deeply held beliefs. Doctors who are conscientious objectors will be forced to choose between violating their conscience and facing professional discipline. The Evangelical Fellowship of Canada was a co-intervener in a court challenge of these CPSO policies before the Ontario Divisional Court in June 2017.
24. Another example of discrimination of the basis of religious faith is the case of Trinity Western University (TWU) which will be heard by the Supreme Court of Canada in fall 2017. The Christian university's proposal for a law school was opposed by three provincial law societies because of the university's community covenant based on religious teaching. The law societies did not express concerns about the quality of the legal training the proposed law school would offer. It was the beliefs expressed by the school that were at issue.
25. The first guarantee in Canada's *Charter of Rights and Freedoms* is the freedom of conscience and religion. Canada can protect these crucial freedoms by enacting a *Criminal Code* provision that makes it an offence to coerce an individual to act against their deeply-held convictions.
26. Canada's religious and cultural diversity means there will necessarily be times when Canadians disagree with one another. Prohibiting the expression of dissenting ideas is not the solution. Tolerance means allowing difference and contrary opinions of others to be expressed. It does not require affirming or celebrating a practice or belief with which one disagrees. The solution to difference and dissent is not the marginalization or pressured privatization of faith. The government should demonstrate recognition and respect for

¹⁰ <https://www.torontopolice.on.ca/publications/files/reports/2016hatecrimereport.pdf>

¹¹ <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14832-eng.htm>

religious beliefs, practices and traditions. Organized religions in Canadian society form an integral part of the lives of Canadian citizens and contribute to the public good.

27. Religious freedom is exercised publicly as well as privately. When a religious freedom concern is raised in response to a planned government action or in a dispute with government agencies, the courts and government decision makers have a responsibility to consider the claim. The *Ktunaxa* case before the Supreme Court of Canada deals with the treatment of religious freedom claims. As a co-intervener in the case, the Evangelical Fellowship of Canada argued that religious freedom claims prompted by intended government action should not be ignored, but rather be assessed.

28. Historically Canadian courts have determined that they do not have jurisdiction in the internal decisions of religious organizations and other private associations. For churches, decisions about membership and church discipline are matters of doctrine and the interpretation of Scripture. The courts have recognized that matters of doctrine and theology are beyond their expertise, but this is being challenged. The Supreme Court of Canada is scheduled to hear the *Wall* case on November 2, 2017, on the courts' jurisdiction. It is important for religious communities to be able to define their membership and to protect their religious character, identity and integrity.

29. Recommendations:

- **The Canadian government should enact a Criminal Code provision to make it an offence to coerce an individual to act against their deeply-held convictions.**
- **Canadian governments should ensure that no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, solely by reason of their exercise of freedom of conscience and religion guaranteed under the Charter of Rights and Freedoms.**
- **Demonstrate recognition and respect for religious beliefs, practices, and traditions.**
- **Ensure that government considers a religious freedom claim when one is raised.**
- **Continue to ensure that government agencies do not interfere with the internal decisions of religious bodies and other private organizations.**