

FAQ's on C-268

Why is there a need for this amendment to the Criminal Code?

The trafficking of a person is a horrific abuse of human rights. The trafficking of a child is even more severe. Other countries such as the United States and Australia have separate offences for the trafficking of a minor. However Canada's Criminal Code makes no such distinction and allows judges the discretion to sentence anywhere from 0-14 years for trafficking offences.

Have there been any convictions in Canada for trafficking where the victim was a minor?

Yes. Canada had its first human trafficking conviction last year where the victim was a minor. Since then there has been one additional conviction of trafficking involving a minor. In both these cases very light sentences were handed down and the sentences did not reflect the gravity of the crime.

What are the actual details of the convictions?

Imani Nakpangi, the first person in Canada convicted of human trafficking involving a minor, received a three year sentence for the trafficking of a 15 year old girl but was credited 13 months for pre-trial custody. He made over \$350,000 sexually exploiting her over two years before she was able to escape. Essentially he will spend less time in jail than he did exploiting her.

Last year, Montreal resident Michael Lennox Mark received a two-year sentence, but with double credit for the year served before his trial, the man who horrifically victimized a 17-year-old girl over two years spent only a week in jail after his conviction.

What is the significance of these sentences?

Since these are Canada's first human trafficking convictions involving minors, they create a dangerous precedent for all future court decisions. Currently there are almost a dozen similar cases before Canadian courts involving the trafficking of minors and the judges in these cases will likely follow the current precedent. Therefore, it is important for Parliament to send a clear message that the trafficking of minors will not be tolerated.

How does Bill C-268 relate to Canada's international obligations?

In 2005, Canada ratified the United Nations' Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography. Article 3 (1) states "Each state party shall make such offences punishable by appropriate penalties that take into account their grave nature." Canada's current convictions do not reflect the severity of the crime or the sentences handed out to child traffickers in other countries.

Are there similar precedents for five year mandatory minimums in the Criminal Code?

Canada's Criminal Code currently provides for a mandatory minimum sentence of 5 years for the aggravated offence of living off the avails of prostitution of a person under the age of eighteen years. The trafficking of children is similar to this offence but often has much more severe consequences for the victim.

What is the sense of urgency of Bill C-268? It is only a Private Members' Bill.

MP Joy Smith has placed third on the Order of Precedence. This means Bill C-268 will come up for Second Reading in early March before being voted on and sent to Committee. With the support of the majority of the House of Commons, it could pass before summer.

Since the protection of children is not a partisan issue, Mrs. Smith hopes to have the support of all parties for her Bill. Thus it is important for Canadians to contact their MP and urge them to support Bill C-268.

Isn't there much more that needs to be done?

Yes. Bill C-268 is just one step in a series of steps that Canada and the international community must take to better protect our children.

In Canada, there needs to be better coordination of services provided to rescued victims. Currently these resources are provided through the provinces and vary from province to province. MP Joy Smith has advocated for a comprehensive national strategy that would see the coordination and cooperation between the federal government and provinces to ensure victims are provided with proper care and resources to recover.