

TO: CITY MANAGER

1998 JULY 22

FROM: DIRECTOR PLANNING & BUILDING

OUR FILE: 00.890

SUBJECT: 1998 FCM RESOLUTION

PURPOSE: To recommend Council endorsement of a resolution for submission to the September 1998 meeting of the Board of Directors of the Federation of Canadian Municipalities.

RECOMMENDATIONS:

1. **THAT** Council endorse the resolution outlined in Appendix 1 of this report and approve its submission to the 1998 September meeting of the Board of Directors of the Federation of Canadian Municipalities.
2. **THAT** a copy of this report be sent to:
 - a. The Federation of Canadian Municipalities
 - b. Mr. Svend Robinson, M..P.
 - c. Mr. Paul Forseth, M.. P.

R E P O R T

1. INTRODUCTION

The Federation of Canadian Municipalities (FCM) is inviting resolutions for consideration by its Board of Directors at its September 1998 meeting. The deadline for submission of resolutions is 1998 August 4.

At its meeting of 1998 June 22, Council adopted the recommendations of the City's Task Force on the Sexual Exploitation and Prostitution of Children and Youth. One of those recommendations dealt with the need for the governments of British Columbia and Canada to consider legislative and policy changes in order to:

- ensure effective prosecution of those persons who sexually exploit children and youth, and
- maintain the safety and well-being of children and youth throughout their involvement with the criminal justice system.

The staff report in which the recommendations were presented noted the importance of securing the co-operation of organizations of which the City is a member - including the FCM - in pressing both the Provincial and Federal governments to accept responsibility for the required legislative changes.

This report proposes that Council endorse, for submission to the FCM, a resolution requesting changes to the Criminal Code of Canada to address the sexual exploitation of children and youth in the sex trade.

2. BACKGROUND TO THE PROPOSED RESOLUTION

Adult prostitution in Canada is legal. However, buying or obtaining sex for consideration (shelter, drugs or other non-monetary items) from a person under the age of 18 years is illegal under Section 212(4) of the Criminal Code of Canada.

It is very difficult for police to lay charges against pimps and customers of child and youth sex trade workers because gathering solid evidence of illegal activities involves painstaking work.. The difficulty in gathering such evidence leaves police with only one practical alternative: to seek the co-operation of the young sex trade worker in making a statement and testifying. Unfortunately, co-operation is unlikely due to fear of retaliation by pimps. Even if a young person does find the courage to co-operate, the odds of his/her being able to maintain that courage over the two to three year period it may take to prosecute the case, and through the two or three court appearances which may be required, are very low.

The proposed resolution calls for the FCM to urge the Federal Government to review Sections 280, 281 and 810 of the Criminal Code of Canada and to consider changes which would help to ensure effective prosecution of those persons who are sexually exploiting children and youth in the sex trade and to maintain the safety and well-being of sexually exploited children and youth throughout their involvement with the criminal justice system.

Sections 810 and 810.1 of the Code could potentially be used to help protect children and youth who are willing to testify in sexual exploitation cases. The sections could be useful in cases where charges on more serious Criminal Code offences cannot be laid, if the wording in the sections were interpreted or modified to include sexual exploitation in the definition of "personal injury". Sections 810 and 810.1 allow judges to order persons whom guardians or the police believe will cause personal injury to a child to enter into a Recognizance (a bond) with terms necessary to "secure good conduct".

Offenses under Sections 280 and 281 of the Criminal Code - abduction of a person under 16 years of age and under 14 years of age - could be made hybrid rather than straight indictable

offenses. This change would give the Crown a choice to have the offense treated as a summary rather than an indictable offense. For vulnerable witnesses, the court process surrounding summary offenses is more friendly than for indictable offenses in that witnesses have to testify only once (an accused has no right to a preliminary hearing) and, therefore, the case can be heard more quickly.

The text of the proposed resolution is presented in Appendix 1, attached. The resolution requests the FCM to urge the Federal government to review Sections 280, 281 and 810 of the Criminal Code of Canada and to consider changes which would render it easier for communities to address the sexual exploitation of children and youth in the sex trade.

3. CONCLUSION

This report has presented a potential resolution for submission to the September 1998 meeting of the Board of Directors of the FCM. With the recent adoption by Council of the recommendations of the City's Task Force on the Sexual Exploitation and Prostitution of Children and Youth, Burnaby has acknowledged the need for a concerted and co-operative mobilization to eliminate sexual crimes perpetrated against vulnerable children. The legislative changes suggested in the resolution are considered crucial to our community's ability to begin to address the serious issues facing children and youth trapped in the sex trade.

It is recommended that Council endorse the resolution presented in Appendix 1 of this report and approve its submission to the FCM.



D.G. Stenson, Director
PLANNING AND BUILDING



JS/sa

Attachment

cc: Deputy City Manager, Corporate Labour Relations
OIC - RCMP
City Solicitor
Director Parks, Recreation and Cultural Services

APPENDIX 1 - FCM RESOLUTION

Re: Legislative Changes to Address the Sexual Exploitation of Children and Youth in the Sex Trade

WHEREAS an increasing number of Canadian communities acknowledge that children and youth who are sexually exploited in the sex trade are victims of sexual abuse and, as a result, communities are raising concerns about and seeking ways to address the issue;

WHEREAS sexually exploited children and youth are reluctant to co-operate with police in their efforts to obtain the necessary evidence so that a criminal charge can be laid against pimps and customers of young people both because the young people fear retaliation from pimps and because the court process can be intimidating;

WHEREAS a number of other factors also affect the ability to successfully prosecute those who would sexually exploit children and youth;

BE IT RESOLVED that the Federation of Canadian Municipalities urge the federal government to review Sections 280, 281 and 810 of the Criminal Code of Canada and to consider changes which would help to ensure effective prosecution of those persons who are sexually exploiting children and youth in the sex trade and to maintain the safety and well-being of sexually exploited children and youth throughout their involvement with the criminal justice system.