



### Excerpt from the book:

Fondation Scelles, Charpenel Y. (under the direction of), Sexual Exploitation: New Challenges, New Answers (5th Global Report), Paris, 2019.

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### CANADA



### **POPULATION**

36,6 million



### **POLITICAL SYSTEM**

Constitutional Monarchy with a Bicameral Parliamentary Regime



### **GDP PER CAPITA**

45,032.1 USD



### **HUMAN DEVELOPMENT INDEX**

10th rank among 187 countries



### **GENDER INEQUALITY INDEX**

18th rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX** 

8th rank among 180 countries

According to the US Federal Bureau of Investigation (FBI), sex trafficking is likely the fastest growing type of organized crime. The International Organization (ILO) estimated annual profits stemming from sexual exploitation at 99 billion US dollars (USD) (The Globe and Mail, February 10, 2016).

Canada is country of origin, transit, and destination for human trafficking. The vast majority of the phenomenon takes place within its borders. The government is struggling to assess the extent of internal trafficking due to the crime's complex and clandestine nature, as well as a general reluctance of victims to go to the police. Nevertheless, the 2018 Global Slavery Index estimates that 17,000 individuals are living in modern slavery conditions in Canada.

Human trafficking for sexual exploitation purposes is the most common form of slavery detected by the authorities,

and the Royal Canadian Mounted Police (RCMP) has confirmed a prevalence of Canadian citizens amongst the identified victims. Indeed, more than 90% identified victims are of Canadian origin according to government statistics (CBC News, January 29, 2017). Victims tend to be very young as the average age of entry into prostitution is 13 years old (Flare, January 29, 2018).

According to Shae Invidiata, founder of the Toronto organization combating human trafficking Free Them, a prostituted person can earn up to 300,000 Canadian dollars (CAD) (USD 225,081) per year for their procurers (Flare, January 29, 2018).

Vulnerable population victims of human trafficking for sexual exploitation purposes in Canada are teenagers, young runaways, the socio-economically disadvantaged, as well as immigrants and First-Nation peoples (The Globe and Mail, February 10, 2016).

# A Conflicting Assessment of Federal Law C-36

In 2014, prostitution became illegal in Canada for the first time. New legislation declared the purchase of sexual services as a criminal offence, punishing sex buyers and procurers while offering a way out to the prostituted person.

Inspired by the Swedish model, Bill C-36 on the Protection of Communities and Exploited Persons Act, came into effect on December 6, 2014, following the decision made by the 2013 Canadian Supreme Court judgement in "Attorney General v. Bedford". The Court struck down three offences as unconstitutional that are linked to prostitution: offences relating to brothels, living off of profits from prostitution and public communication for the purpose of selling or buying sexual services (Canadian Center for Justice Statistics, November 10, 2016).

Thus, the new federal law targets sex buyers who purchase sexual services and traffickers who exploit prostituted persons as they now are liable to be charged and risk prison sentences. Furthermore, the law had planned for a budget of CAD 20 million (USD 15 million) over 5 years within the framework of supporting prostituted persons in their journey out of prostitution<sup>1</sup>.

Four years later, it seems that opinions are divided on the effects and impact that this legislation has had on prostitution. While those who object to the law confirm a growth in violence and the precariousness of prostituted persons due to the law, abolitionists counter that this reality is inherent to prostitution and existed long before the adoption of the new law (Le Devoir, July 23, 2016). Indeed, the mortality rate of a prostituted person is 40 times higher than the national average, and as such the law is not responsible for the violence (Sisyphe, August 12, 2016). Police

and lawyers believe that nothing has changed (Le Devoir, July 23, 2016).

However, Rose Sullivan, a survivor of prostitution and founder of Collectif d'aide aux femmes exploitées sexuellement (CAFES) asserts that if 90% of exploited women were able to express themselves and denounce the violence they live through daily, they would undoubtedly praise the new law (Sisyphe, August 15, 2016). R. Sullivan states that "while there are many who criticize its modest application and lack of substantial aid given to enable them to leave prostitution, they consider that, if properly applied, this law has the potential to improve their lot [in life]." She adds that prostituted persons "think that this law has the potential to improve their security, and some even use it to warn sex buyers they distrust," however, if "they approved of the law, they do not see any efforts to apply it". At the same time, R. Sullivan adds that sex buyers, who are increasingly approving the law, "do not clearly understand its full content, but understand that sex buyers must be respectful of women if they do not want to be turned in. And, in the words of some, it could eventually lead to "no longer being able" to buy a woman" (Sisyphe, August 15, 2016).

In October 2016, the RCMP co-led the fifth edition of the Northern Spotlight coordinated service communications operation, which aims to engage sex industry survivors in identifying and assisting those who are still exploited. 53 governmental and non-governmental partners from 9 Canadian provinces participated. A total of 334 meetings were held and 16 people were able to leave prostitution (Department of Justice Canada, September 2, 2017).

The Concertation des luttes contre l'exploitation sexuelle (La CLES) nevertheless notes that, since the adoption of the law, very few police interventions target sex buyers. Those arrested are sex buyers who purchase sex from underage prostituted persons. After years, this differential treatment is regrettable. Authorities should address the phenomenon in its entirety, namely consumers of sexual services, whether the victim is 16, 19 or 30 years old (La CLES, April 21, 2017; La CLES, July 27, 2017).

Law C-36, although imperfectly implemented, has given much hope for a reversal of the system: the abolition of sexual exploitation and a more just and equal vision of relations between women and men.

However, in April 2018, the Liberal adopted Party Canada "Decriminalization of Consensual Sex Work and Sex Industry" resolution to amend current legislation in anticipation of the 2019 upcoming elections. Without consulting prostitution survivors or NGOs fighting the prostitution system, it would appear that Justin Trudeau's government is backing down even before the new legislation has been successful. According to La CLES, the risk is even "worse than the state of the prostitution system before the adoption of Law C-36" since a modification of the text would no longer target demand. Detractors of the law, who favor decriminalizing the sex industry, procurers and sex buyers, "lobby the government intensively to make a distinction between 'voluntary' and 'forced' prostitution" without admitting that prostitution is inseparable from human trafficking. It is "even sometimes a question of a so-called need to distinguish between procuring and coercive procuring." If the resolution is favorable to so-called 'sex work' and reaches out to an extreme minority of 'voluntary/ by choice' prostituted persons, La CLES stresses that the government would end up "turning a deaf ear to a vast

majority of survivors [and exploited persons] demanding a world without sexual exploitation" (La CLES, April 23, 2018). A case to be continued...

### Sexual Exploitation in Legal Texts

Section 279.01 of the Criminal Code (RSC, 18985, c C-46, Part VIII Criminal Offenses Against the Person and the Canadian Criminal Code) states that "any person who recruits, transports, transfers, receives, detains, conceals, or lodges a person or exercises control, direction or influence over a person's travel, for the purpose of exploiting them or facilitating their exploitation" is liable to 4 years' incarceration up to life imprisonment and, according to section 279.011, 5 years imprisonment to life if the person exploited is a minor.

Article 279.04 states that, for the application of the preceding articles, "a person exploits another if he or she causes them to provide or offer to provide their work or services, by acts that can be reasonable to expect, given the context, to lead him or her to believe that a refusal on his or her part would endanger his or her safety or that of a person known to them". Other penal provisions on kidnapping under section 279-1, sequestration under section 279-2 or organized crime referred to in sections 467.11 to 467.13, may apply to combat the trafficking of persons.

Sections 210 and 211 refer to brothel offenses, and state that "everyone who keeps a brothel (that is, a place managed, occupied or used for the purpose of prostitution) is liable to imprisonment of a maximum of 2 years." The following article states that "procuring is the act of causing, soliciting, encouraging, or forcing someone to engage in prostitution for the purpose of gain, including the living off the proceeds of prostitution." An individual found guilty of one of these acts risks imprisonment for

up to 10 years if he exploits an adult and 14 years if the victim is a minor. Lastly, disclosure offenses are set out in section 213 which states that "anyone guilty of an offense punishable on summary<sup>2</sup> conviction communicate or attempt communicate with a person for the purpose of engaging in prostitution or to obtain sexual services in a public place." Until the adoption of the new 2014 law, this provision made no distinction between the acts committed by prostituted persons offering services sexual and perpetrated by the sex buyers who purchased them.

With respect to the public initiatives put in place to combat sexual exploitation, in June 2012, the Canadian government launched a National Action Plan to Combat Trafficking in Persons, which ended in March 2016. The planned commitments followed the "4Ps" approach (prevention of trafficking, protection of victims, pursuit of exploiters, and partnership with other domestic and international stakeholders) (Government of Canada, 2012). A task force led by Public Safety Canada and comprised of 18 federal departments has been established to oversee the implementation of the plan. Through the Federal Victims Fund, an amount of CAD 4 million (USD 3 million) over 8 years was made available to NGOs to help improve the direct provision of services to victims of trafficking (Department of Justice Canada, September 2, 2017). Canada evaluated the plan and found that human trafficking continues unabated and that there is a need to renew a new National Action Plan first and then strengthen partnerships with the provinces, territories, NGOs, and the private sector (Bulletin CATHII Info, Summer 2018). However, as of 2018, nothing has yet been published.

In March 2016, Public Safety Canada partnered with the Canadian Women's

Foundation to organize a National Forum on Trafficking in Toronto. That same year, a national awareness campaign on the trafficking of First-Nation peoples for sexual exploitation purposes was launched (Department of Justice Canada, September 2, 2017).

### Younger and Younger Victims

In Canada, according to the RCMP, prostitution occurs in a variety of locations (nightclubs, bars, modeling studios, massage parlors, private homes, hotels, parks and even online). Peel Regional Police report that 60% of reported cases of trafficking occur in the densely populated Greater Toronto Area (CBC News, January 29, 2017).

The average age of entry into prostitution is remarkably young since victims are exploited as early as the age of 13 and, according to government statistics, more than 90% of them are Canadian (*Flare*, January 29, 2018). However, such a small percentage of foreign victims (less than 10%) does not necessarily reflect the reality since they are obviously much more difficult to identify.

Victims are recruited from school, social networks or dating websites, parties, amusement parks or shopping malls, often by young people of their own age. The latter use various techniques of approach. One of them is the "Romeo procurer", which involves luring the victim into a false love affair and promising them love and protection (The Globe and Mail, February 10, 2016). A CBC News journalist reported the testimony of Vanessa, an 18-year-old girl who is one of many Canadian victims. She had fallen in love with a classmate who then gave her to two men after high school let out for the day. She let the two men do what they wanted, characterizing herself as shy and very submissive. Then they asked her to prostitute herself, promising her to

make a lot of money. She felt a lot of pressure since the two men were, at first glance, friends of the boy she was in love with. They took her to a motel, photographed her and posted an ad on the internet. The traffickers had given her a phone and pushed her to negotiate with her first sex buyer while they watched her. The young victim followed through with her sex buyer and was given CAD 40 (USD 30) for five minutes of unspecified sexual activity. This sex buyer was well past forty. Then, the procurers forced the girl to give them the money, which she did. This scenario lasted for months. Her procurers picked her up from school every day and took her to a motel where she was forced to have sex with sex buyers who contacted her procurers. She was still living with her parents who had not noticed anything (CBC News, January 29, 2017).

The list of risk factors for sexual exploitation is long and notably includes a history of poverty and abuse, social isolation, emotional distress, and lack of social and family support (*Flare*, January 29, 2018).

According to RCMP data, the majority of procurers are men aged 19 to 32, of various origins. They earn on average CAD 300,000 (USD 225,081) per year and per victim, knowing that the younger the victims, the more money they can make. According to the RCMP, prostituted persons daily receive between CAD 500 and CAD 2,000 (between USD 375 and 1,500). Most, if not all, of their earnings are confiscated by the procurer (Global News, March 13, 2018).

Although they are usually men, recruiters can also be women who are themselves prostituted and forced to help with recruitment. They recruit thinking they will no longer have to meet the same daily quotas or suffer as much abuse (*The Globe and Mail*, February 10, 2016). In April

2016, a 17-year-old girl was arrested and charged with hiring a 16-year-old girl to enlist her in prostitution. The offender, a former student in the same school as her victim, introduced her to two men who then forced her to be prostituted in Toronto hotels. The older girl helped take photos of the young recruit and posted them on various online sex service sites. The girl, along with the two men, was charged with procuring a minor without even being considered a victim of prostitution herself, forced to recruit other teenage girls (Global News, March 10, 2016).

As this trend towards youth prostitution is becoming increasingly noticeable, the TV series "Runaway" was released on screens in early 2018. The show tells the story of a teenager from an background who is trapped in prostitution for love. During the writing process author Michelle Allen met police educators and former prostituted people. The project has been accompanied by a website with informative brochures to raise awareness of the phenomenon of sexual exploitation of minors (Le Devoir, December 13, 2017).

Additionally, thanks to a grant from the Ministry of Justice, in December 2017, La CLES created an "information guide for relatives of victims of sexual exploitation", providing parents with tools to identify signs that could indicate that their child is being exploited. The brochure details the path of entry into prostitution and offers solutions for the exit (Le Devoir, December 5, 2017).

# Prostitution of First-Nation Women: A Hidden Phenomenon

Since the 1980's the murder and disappearance of Native women have been a societal problem in Canada. First-Nation populations are greatly affected by poverty, stigmatization, drug dependence,

homelessness, gender-based violence and racial discrimination. As a result, they are more vulnerable to sexual exploitation.

Historically, colonial practices have caused deep intergenerational trauma amongst native peoples. Today, several characteristics identified as vulnerability factors to trafficking are direct consequences of the past. For example, thousands of First-Nation children were abducted from their families and gathered in catholic boarding schools to be "reeducated". They were regularly victims of numerous abuses, including sexual assaults (Société québécoise de droit international, May 13, 2017). In the early days of colonization, settlers arrived without their wives, the latter joining them years later. It was during this time that prostitution and forced marriages began to take root. Sometimes it was even the Native chiefs who offered their wives up to be trafficked. Even today there is a link between mining and petroleum sites and the sex trade of Native women (Gazette des Femmes, September 25, 2015).

It is difficult to accurately identify the number of indigenous women who are victims of sexual exploitation because of the lack of statistics classifying origin or ethnicity. In fact, the data published by Statistics Canada provide information on victims' characteristics such as their sex and age, but do not allow the proportion of Native victims to be determined (Société québécoise de droit international, May 13, 2017).

According to Kate Quinn, Director of the Center to End Sexual Exploitation in Edmonton (CEASE), Native women make up 5% of the population in Alberta, a province in Western Canada, but make up 60% of all persons prostituting in the streets.

In Winnipeg, Manitoba's capital, journalist Emmanuelle Walter estimates that

70% to 80% of street prostitution is made up of Native women (Walter, 2014) although they only make up 4% of the female population in Canada (Gazette des Femmes, September 25, 2015). She also states that 14% to 60% of Native youth engage in prostitution in various parts of the country.

According to data from the Native Women's Association of Canada (NWAC), 54% of female disappearances and homicides occurred in the western provinces compared to 70% of disappearances and 60% of homicides in urban areas (Radio Canada, June 1, 2017). According to E. Walter, many of these victims disappear into sexual exploitation networks (Gazette des Femmes, September 25, 2015).

Thanks to years of work by families of the missing victims, civil society and international organizations, a National Commission of Inquiry into Missing and Murdered Indigenous Women and Girls was established in 2017 in Yukon Territory in the northeast of the country. It aims to understand the systemic causes of all forms of violence against Native women in Canada, particularly sexual exploitation (Société québécoise de droit international, May 13, 2017). It held its first hearings in May 2017 in the city of Whitehorse where many families of victims were able to testify.

Krista Reid, president of Whitehorse Aboriginal Women's Circle, admits that the task is a considerable one since "it's never been done before, there are numerous systemic problems and multiple legislations and different ministries are involved." (Radio Canada, May 29, 2017).

For many years, police services and the Canadian judiciary have put in place different initiatives to face this societal phenomenon. For example, the RCMP created the Human Trafficking National Coordination Centre (HTNCC) that serves to

link various organizations together. Its goals

- Create tools and directives for legal and security professionals in order to help advance investigations,
- Maintain international partnerships,
- Coordinate national human trafficking training and awareness programs to be used by police, prosecutors, border police, immigration services, and NGOs,

In this framework, the HTNCC strives to point out the extreme vulnerability that Native women face in human trafficking for sexual exploitation purposes.

### **Prostitution and Health**

Physical, sexual, or psychological violence is a determining factor in bringing women into and getting them to remain in the prostitution system, as well as creating a major obstacle in finding a way out (*La CLES*, June 2015).

According to the Council on the Status of Women and La CLES, 80% to 90% of prostituted persons want to leave the sex industry. This desire to leave can come about at different moments and for diverse reasons, but it is often motivated by extreme and daily violence or due to serious and/or reoccurring health problems (Government of Quebec, 2016; La CLES, June 2015).

According to the Canadian Institute for Health Information (ICIS), the general Canadian health system is regulated by the provinces. Its organization therefore varies according to where it is located.

While victims of sexual exploitation have access to health care, as everyone else without differentiation in treatment and a variety of treatments/services (listening and support, prevention of HIV/AIDS, emergency shelter, food distribution, and general health care), victims maintain that these resources do not meet their specific needs sufficiently. Among the victims

interviewed by La CLES in Quebec, a number of them have notably mentioned geographic dispersion of the services as a problem (La CLES, June 2015). Indeed, it appears that prostituted persons often need to consult numerous different services to address their needs, medical, psychosocial, economic, etc. This difficulty constitutes a real obstacle for these individuals who, in addition to negative experiences with healthcare and social workers, do not feel they have access to adapted services and treatments. When prostituted persons meet with doctors the majority fear being judged, being labeled, or, for minors, being turned into Youth Protection, La CLES adds that First-Nation generally women are very considered in the medical, social, and law enforcement spheres.

As such, a large majority of women interviewed readily admit that the medical services should absolutely be improved and adopt a specialized approach to better address the needs of prostitution victims. For example, the knowledge and skills of individuals intervening on behalf prostituted persons should be acquired through trainings on the current system of prostitution as well as victim's needs. At the same time, direct links between health, social and law enforcement services should be created in an effort to streamline services for victims. Additionally, it is crucial to create the means to allow victims to meet and communicate in an effort to reduce isolation, create support groups while exiting the system and multiply specialized safe spaces including more confidential and secure emergency spaces (La CLES, June 2015).

The government of Quebec drafted a 2016/2021 strategy to prevent and combat sexual violence. It provides for the deployment of staff in a number of cities in Quebec, whose role will be to support

prostituted persons in their exit route, assisted by informational tools to better understand the current situation of the prostitution phenomenon (Government of Quebec, 2016).

### What Initiatives Does the Future Hold?

What solutions are being implemented by the Canadian government to combat sexual exploitation? What training is available to law enforcement in order to improve their expertise in investigating human trafficking?

The HTNCC has developed a toolkit for all law and security officials to inform them about the law on sexual exploitation and its application. The HTNCC has also developed an online training platform implemented by the Canadian Police Knowledge Network (CPKN) for law enforcement agencies.

According to Larissa Maxwell, Director of Anti-Human Trafficking Programs for the Salvation Army in British Columbia, support and assistance to the survivors of prostitution is relatively new in Canada. There is still a long way to go. Programs should necessarily set up secure and hidden housing, create more adapted health programs (for addiction, sleep troubles, mental and physical health problems) and provide a financial support. However, this type of program is rare in Canada and the Salvation Army would be one of the few organizations able to offer such specialized solutions for survivors, from support to socio-professional reintegration (Flare, January 29, 2018).

Moreover, it seems absolutely essential to reinforce the penalties against procurers who receive a reduced or very light sentence. According to L. Maxwell, it is now essential to tackle the root of the problem: the sex buyers of prostituted people (*Flare*, January 29, 2018). Indeed, according to certain NGOs, including *Persons Against* 

Non-State Torture, the new legislation is poorly enforced and the police do not seem to focus on cracking down on buyers of sexual acts as the most effective way of eliminating sexual exploitation.

For their part, prostitution survivors agree that there is a need to invest significant work in prevention and the education the general public. It is necessary to change attitudes and the unequal conception of relations between women and men, still very present, even in the most developed countries. Social workers and educational staff need to be trained so that they can identify situations of sexual exploitation and assist victims to exit. Finally, it is necessary to raise awareness in the private, sector whose employees are likely to participate indirectly in trafficking by allowing, for instance, a customer to purchase a hotel room accompanied by a prostituted person.

As part of the "Agissons ensemble" project, tools for young people have been prepared by the youth sector of Young Women in Montreal (YWCA) with the collaboration of school stakeholders, youth centers, and community organizations. The objective is to counter the recruitment of minors in the sex trade through prevention work in schools, and particularly in disadvantaged areas of the city (Bulletin CATHII Info, Summer 2018).

In addition, La CLES, YWCA, and the Comité d'action contre la traite humaine interne et internationale (CATHII) have joined forces for a major sexual exploitation awareness campaign surrounding the Formula 1 Grand Prix event in Montreal in May 2017, a gathering sadly known for its objectification of women's bodies and increased recruitment in prostitution (La CLES, May 30, 2017).

The 2018 report of the Global Slavery Index also points to a real need for coordination between Canadian services

and authorities. If the country wants to eradicate trafficking for the exploitation purposes on its territory, it should start by developing and adopting a new National Action Plan with an adequate budget. This new strategy should focus on human rights and thus give priority to measures of reparation and assistance to victims, without any discrimination (Société québécoise de droit international, May 13, 2017). All provinces should put in place a coordinating body to develop a provincial anti-trafficking strategy, such as the newly created Provincial Coordinating Office Against Trafficking Persons in Ontario.

For example, La CLES consults with police services in order to share their expertise and fight more effectively against sexual exploitation, as well as to collectively assist victims in order to direct them towards the appropriate support organizations (La CLES, June 14, 2017).

In April 2018, a federal multiparty parliamentary group to fight modern slavery and human trafficking was established. Its members, who are experts on the issues of trafficking, can inform other parliamentarians about the realities of trafficking, both in Canada and internationally (Bulletin CATHII Info, Summer 2018).

The Quebec Ministry of Public Security recently implemented a Prevention and Intervention Program on Sexual Exploitation of Youth, which came into effect on February 14th, 2017 and is scheduled to end on March 31st, 2021. This program is included in the plans laid out in the Government Strategy for Preventing and Countering Sexual Violence for 2016-2021 period. It finances projects to prevent the sexual exploitation of young people as well as actors who intervene with minors in vulnerable situations or who are victims of prostitution. More specifically, it aims to better understand the problem of

prostitution, to learn to identify people at risk, to help them and to increase the intervention capacity of specialized services.

In conclusion, Canada is the first country in the Western Hemisphere to recognize prostitution as a system of violence and has given real hope to the fight against this exploitation by penalizing those who purchase sexual services and protecting prostituted persons. However, there are a few efforts that still need to be made on the repression of exploiters and reinforcing protection of victims. Lastly, many civil society actors today continue to worry about the positions taken by the Canadian government and the resolution it adopted in April 2018, which would pave the way for the decriminalization prostitution, with no regard for the thousands of victims still being exploited.

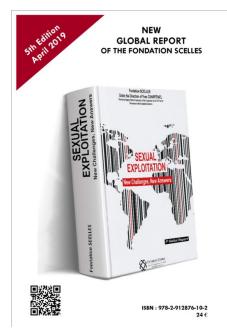
<sup>&</sup>lt;sup>1</sup> See Chapter « Canada », in: Fondation Scelles, Charpenel Y. (under the direction of), *Prostitution – Exploitation, Persecution, Repression (4<sup>th</sup> Global Report)*, Ed. Economica, Paris, 2016.

<sup>&</sup>lt;sup>2</sup> Differently to criminal acts, the procedure for this type of infraction aims to be simpler and faster. There is neither a jury present nor a preliminary investigation performed, and the person found guilty is liable to pay a fine up to CAD 5,000 (USD 3,751) and a maximum prison sentence of 6 months (on some occasions, 18 months).

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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The International Observatory on Sexual Exploitation (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the International Observatory on Sexual Exploitation are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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