Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: JPS/006/2015)

On February 19, 2015, the Department of Justice and Public Safety received your request for access to the following records/information:

"I am requesting under the Access to Information Act:

all correspondence with and from the Department of Justice regarding the 2011 report on sexual exploitation entitled It’s Nobody’s Mandate and Everybody’s Responsibility."

On March 23, 2015, you were advised that the 30 day time limit for responding to your request had been extended for an additional 30 days and we expect to respond to your request by April 21, 2015.

I am pleased to inform you that your request for access to these records has been granted in part. Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

20. (i) The head of a public body may refuse to disclose to an applicant information that would reveal
(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

and

21. The head of a public body may refuse to disclose to an applicant information
(a) that is subject to solicitor and client privilege; or

and

22. (i) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to
(e) reveal law enforcement intelligence information;
26. (1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, where the disclosure could reasonably be expected to
(a) threaten the safety or mental or physical health of a person other than the applicant, or
(b) interfere with public safety.

and

30. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

and

55. Where a person speaks to, supplies information to or produces a record during an investigation by the commissioner under this Act, what he or she says, the information supplied and the record produced is privileged in the same manner as if it were said, supplied or produced in a proceeding in a court.

As required by subsection 7(2) of the Act, we have severed information that is exempted from disclosure and have provided you with as much information as possible. Pages 30-39 have been severed in their entirety in accordance with Section 26(1)(a) and Section 26(1)(b) of ATIPPA. Pages 62 & 65 have been severed in their entirety in accordance with Section 21(a) of ATIPPA. Pages 67-69 & 82-83 have been severed in their entirety in accordance with Section 55 of ATIPPA.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Commissioner.

For records that are refused on the basis of section 21 (legal advice), you may appeal directly to the Supreme Court Trial Division within 30 days after you receive the decision of the public body, pursuant to section 60. You may also contact the Office of the Information and Privacy Commissioner who may decide to initiate an appeal pursuant to subsection 60(1.1).

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
Sir Brian Dunfield Building
3rd Floor, 2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL
A1B 3V8

Telephone: (709) 729-6309
Facsimile: (709) 729-6500
In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

If you have any further questions, please feel free to contact the ATIPP Coordinator by telephone at 709-729-7906 or by e-mail at ncrke@gov.nl.ca.

Sincerely,

Paul Noble, Q.C.
Deputy Minister
From: MacLeod, Heather
Sent: Wednesday, September 01, 2010 11:37 AM
To: Jacobs, Heather; Lake-Kavanagh, Jackie
Cc: MacLeod, Heather
Subject: FYI here is the next version of the terms of reference for the sex trade study

FYI here is the next version of the terms of reference for the sex trade study

In addition to your comments I have now met with the RCMP as well as Health and Community Services and received formal input from Labrador and Aboriginal Affairs Child Youth and Family Services as well as the Community Youth Network and the St. John's Native Friendship Center the Sexual Assault and Crisis Center, The Provincial Transition House Association as well as the Provincial Advisory Council on the Status of Women.

I also meet with the Clerk and he will brief the Premier on the project

Attached please find an information note I have done up for Minister Dunderdale's approval.

It would be great if you could also brief your Minister on the work.

My meeting with the RCMP went extremely well and they are very supportive. They talked a lot about need to continue funding programs for family resource centers and jump start and all programs that give youth girls and boys the ability to have inclusion and acceptance so that if this is not happening at home they don't get persuaded to engage in inclusion activities that have criminal intent.

Thank you for your continued support on this matter

Bye for now
Heather
Schedule A

Terms of Reference
The Sex Trade
in
Newfoundland and Labrador

The objectives for the work are to:

Primary

- Recommend policies, services, programs and co-ordination models that could be enhanced, added or changed to provide optional life-style choices, safer sex trade working conditions and/or to reduce or prevent sex trade activities in the Province;

- Ensure the situation and recommendations are provided independently for Aboriginal communities, as these communities will have culturally different circumstances and service needs;

- Ensure the recommendations are provided by gender.

Secondary

- Identify the current policies, programs and services that are available to sex trade workers;

- Provide information on the reasons and factors behind why people in Newfoundland and Labrador engage in the sex trade;

- Identify any evidence of interprovincial or international trafficking of persons for sex industry purposes.

- The Department of Justice will outline the relevant legal framework within the NL jurisdiction that law enforcement personnel work within, relating to matters of the sex trade, sex industry and trafficking for sex trade purposes;

- Ensure that provincial, federal, Aboriginal governments, community organizations, police forces and resource based companies (if appropriate) are included in the development of the work;
Definition of the Sex Trade

- For purposes of the report current sex trade activities will be defined as on the street and club activities, escort and private services, massage parlors, trafficking of persons for sex trade, trading of sex for goods and services as well as financial compensation, pornography, sexual exploitation and any other relevant activities associated with the sex industry in NL.

Methodology

- For the protection of the sex trade workers the information gathering process for this study will be done by discussing the issue with current front line delivery workers and other service providers in our communities. The reason for this methodology is to ensure for the protection of those involved in the sex trade as well as the researcher undertaking the work.

- The compilation of information from front line service providers will need to be directed by an interview guide. Once developed the guide will need to be reviewed and approved by the Women’s Policy Office and the Royal Newfoundland Constabulary.

- In undertaking the work Child Youth Family Services, the Royal Newfoundland Constabulary and/or the Royal Canadian Mounted Police will need to be contacted if there is any suspicion or evidence that children or youth are at risk due to the lifestyle choices of their care giver.

Background:

The report responds to issues raised to the Government by the Royal Newfoundland Constabulary (RNC) and the Community Youth Network outlining the need for better and coordinated provision of treatment, optional life-style choices and preventative services for the current sex trade workers in the St. John’s area.

The RNC also supports the need for improved safety for sex trade workers and the need for the prevention of the growth of the sex trade in NL.

Sex workers - whose work is legal under Canadian law - are entitled to the protection of the law including the enforcement of their security, employment and other legal rights, like those of any citizen. These workers need significant supports to provide them with options to get out of this trade.
In April 2010 Treasury Board has approved the WPO to provide grant funding to the Community Youth network to undertake a study of the current situation and make recommendations on how to improve coordinated services for these workers.

The study will look at the situation of the sex-trade Province-wide, and include remote and rural locations where resource development projects are occurring on land, and on sea, as well as any activities happening in Aboriginal communities.

The results of the report will inform the Status of Women, Aboriginal Affairs, Justice and Labor Ministries who are working in partnership with other provincial, federal and territorial jurisdictions which are raising the need to deal with and prevent the trafficking of persons for sex trade and for other labor purposes into and within Canada and within Newfoundland and Labrador.

The Province's economic circumstances are improving, especially in the high paying oil and gas and mining industry towns. With these high incomes and improved economic circumstances there is an opportunity for economic benefits relating to the sex trade of young girls, women and others to be exploited by individuals or organized crime. This report will recognize that it is usually women or girls who are involved in the sex trade however the report is to include young boys, men or transgender people who also may be involved in the sex trade in the Province.

Many reports prepared on this topic also identify that poverty and addictions are the main impetus for individuals being involved or being vulnerable to sex trade activities. It will be important therefore to identify any links between the sex trade and issues such as a growing drug trade.

Challenges

A primary challenge in completing this work is that sex trade workers or victims of human trafficking rarely identify themselves as victims. US social workers who deal with approximately 100 human trafficking victims a year identified that it often takes two months of work with a trained therapist or social worker for a victim to understand they are a victim of a crime. This two month delay was identified as being due to factors such as:

- Psychological coercion by the trafficker
- Various mental health disorders experienced by the victim, including dissociative, post traumatic stress, depressive and/or anxiety disorders, and trauma bonds with traffickers, also loosely known as "Stockholme Syndrome"
In situations where individuals do identify themselves they may not come forward for a variety of reasons, such as:

- isolation
- financial need
- addictions
- fear of criminal charges
- being returned to their place of origin
- fear of reprisals to themselves or loved ones by traffickers
- mistrust of government authorities
- lack of understanding of their rights
- lack of information about services offered
- fear of reprisals to themselves by other sex trade workers, drug dealers etc.

Some NGO's consider all prostitution to be sex trafficking. Both sex trade and trafficking involve selling/providing sex acts, some instances of the sale/provision of sex acts in Canada may constitute human trafficking under the Canadian Law.

There is an interplay and overlap between sex trade and sex trafficking. For the purposes of this report we are primarily interested in better understanding how we can provide better coordinated service to sex trade workers and prevent its expansion as an economic way of life.

Coordination of services to sex trade workers and victims of trafficking vary greatly across provinces. British Columbia is the only Province to have a designate office on human trafficking and it reports to the Deputy Solicitor General. An Action Coalition has been formed in Alberta with Provincial departmental officials, representatives of community agencies and survivors or trafficking and the general public. In Manitoba the Human Trafficking Response Team was organized by the Salvation Army with representation of the provincial government, federal officials, law enforcement and front line community service workers. In Quebec a committee is chaired by the Minister of Justice to establish a provincial model to respond to victims needs most notably shelter, psychological intervention, and regularization of immigration if required. This model is being developed to help shelters and other stakeholders collaborate with government ministries and partners.

Non-government victim support services have been helping sex trade workers or victims of trafficking for many years. Some groups are dealing with traffic specific victim services such as the Salvation Army.
Recommended Contacts

Stakeholders and individuals that may therefore need to be contacted include:
The Department of Justice and The Department of Justice’s Ministerial Committee on Violence against Women
The Provincial Advisory Council on the Status of Women
The Women’s Center’s Located in 8 locations in the Province
Shelter’s including the Native Friendship Centre’s in NL
The Nunatsiavut Government
Innu Health Authorities
The Next Generation Guardians
Innu Governments
The Nunatsiavut Status of Women Office and Minister
The Labrador Métis Nation
The Federation of Newfoundland and Labrador Indians
The Newfoundland Aboriginal Women’s Network
The Mlápukèk First Nation
Other Aboriginal Women’s Offices and Organizations
The Salvation Army
Choices for Youth
Street Reach
AIDS Committee of Newfoundland and Labrador – Needle Exchange Program
The Newfoundland and Labrador Housing Agency and their Community Associations
Victim Services
Citizenship and Immigration Canada
The Department of Health and Community Services
The Regional Health Authorities
Front Line Health and Social Workers
Mental Health Providers
The Department of Child Youth Family Services
The Labour Relations Agency
The Department of Labrador and Aboriginal Affairs
Dr. Fran Shaver and her work, Professor and Chair Department of Sociology and Anthropology at Concordia University
Status of Women Canada
COMPASS
The Sexual Assault and Crises Center
The 10 Violence Prevention Regional Coordinating Committees
The Port Authority
White Rose, Hibernia and Hebron Partners

Contacts with the Aboriginal government’s and organizations as well as industry partners will need to be done in collaboration with the WPO. The WPO will assist with contacting Provincial Departmental officials.
Various background documents will also be required to be reviewed to inform the work including:

- 2010 Federal Provincial Territorial Status of Women Minister’s Presentation on Human Trafficking.
- The United Nations Report on Human Trafficking
- Human Trafficking Reference Guide for Canadian Law Enforcement
- The Salvation Army Training Manual Recognizing and Serving Victims of Human Trafficking
- House of Commons Subcommittee on Solicitation laws: Report Submitted “Safety and Security and the Well Being of Sex trade Workers”
- 2010 Children and Youth Family Services Act
- Child Care Services Act
- Youth Criminal Justice Act
- Young Person’s Offences Act
- Criminal Code of Canada

Timelines:
A draft report must be provided by February 26th, with a final report submitted by March 31st, 2011.

The Report Requirements
The report will need to identify for men, women and Aboriginal communities:

- The types of policies, services, programs and coordination models required to:
  - provide safe sex trade activities
  - assist those interested in pursuing optional life style choices
  - reduce and prevent the growth of the sex trade, and
  - assist those who wish to leave the sex trade.

- A description of the current types of sex trade activities occurring in NL including activities in urban areas, as well as in other regions on the Island and in Labrador, including Aboriginal communities.

- Regions to be covered include Western, Central, Southern, Northern and Eastern NL as well as Labrador West, Upper Lake Melville, Labrador’s north and south coast, and the Straits.

- The locations of the sex trade activities, province wide.
• The approximate age and gender of the sex trade workers.

• The place of origin of the sex trade workers.

• The identification of any evidence of human trafficking of persons for sex trade activities including places of origin within this Province, at sea, or from other places, such as, Atlantic Canada, Quebec, Ontario or elsewhere.

• The types of policies, services and program or coordination services that are currently offered to sex trade workers and victims of trafficking by community groups?

• The types of policies, services and program and coordination services that are currently offered to sex trade workers and victims of trafficking by provincial or federal departments and agencies in NL?

• The identification of what life circumstances or vulnerabilities create or are the primary risk factors associated with pursuing sex trade activities in NL, such as:
  • Addictions
  • Poverty or economic ability
  • Social and cultural exclusion due to poverty and other factors
  • Victimization
  • Belonging and self esteem issues
  • Mental health and learning disabilities
  • Lack of services
  • Involvement and linkages to other high risk activities, such as substance abuse
  • Under education
  • Lack of family support
  • Desiring a better life and facing limited economic opportunities
  • Gender
  • Age

• In Aboriginal communities the root causes of sex trade activities for young Aboriginal women and men are often identified to include survival sex or trading sex for basic living requirements such as food, housing, money. Other reasons for engaging in this activity includes:
  • Lack of awareness, acknowledgement and understanding of what sexual exploitation is.
  • Lack of housing options
  • Situations of family and relationship violence and sexual abuse
  • Parents affected by generational trauma
  • FASD
- Poverty
- Isolation and a need for a sense of belonging
- Cultural racism
- Substance abuse
- Gaps in service provision
- Lack of mental health support services
- Discriminatory policies and legislation

- The types of policies, programs, services and coordination required to provide optional life style choices/supportive intervention for sex trade and trafficking activities such as:
  - Toll free lines
  - Safe housing
  - Addictions treatments
  - Access to nutritional food
  - Victim services supports
  - Survivor mentoring and leadership
  - Educational and training needs
  - Poverty reduction services
  - Violence prevention services
  - Self esteem
  - Support workers and access to on call support systems to handle complex case management

- Any other special needs to reduce prevent or reduce risks for those involved in sex trade activities associated with Aboriginal people in both urban and Aboriginal community settings.

- The location for these required services, programs including coordination services i.e. geographic location and if these services should be delivered by a community group or a government department of agency.

The Report Requirements:

The information collected will be provided to the Women's Policy Office in the format of a draft report with background information and draft recommendation relating to:

1. Understanding the Province's sex trade and sex trafficking situation.
2. The relevant legal framework within the NL jurisdiction that law enforcement personnel work within relating to matters of the sex trade, sex industry.
3. The policies, services, programs and coordination models that currently exist to deal with current sex trade workers.
4. The current gap in these polices services and coordination models.
5. Recommendations on what services, programs and coordination models are needed to ensure that future growth in these activities are prevented.
6. The identification of who should be responsible for the implementation of the recommendations.
7. The needs and strategies that will address the situation for Aboriginal people for Aboriginal women and men in urban setting, as well as in Aboriginal communities in Newfoundland and Labrador.
8. Identify any evidence of interprovincial or international trafficking of persons for sex industry purposes.
9. Recommendations on what services or programs are needed to assist those who wish to leave the sex trade.

Communication Messages
The Minister Responsible for the Status of Women will be the public spokesperson for the project. The Minister will reiterate the following messages:

Key Messages for Minister
- Individuals in our province are involved in the sex trade; these are primarily women
- Many of these individuals have complex needs, and work and engage in risky behaviors
- Any work being done is to ultimately provide people with safe and accessible options and rehabilitation services or life style changes
- For the safety of all those involved, we cannot discuss details at this time

Contacts for the Work
Heather MacLellan
Joe Smythe,
Chris Fitzgerald
Jackie Lake Kavanagh
Wanda Legge
Linda Ross
TBD
Karen Miller

Women’s Policy Office, 729-5017
Royal Newfoundland Constabulary
Royal Canadian Mounted Police
Department of Justice
Department of Health and Community Services
President of the Provincial Advisory Council on the Status of Women
Child Youth Family Services
St. John’s Native Friendship Center
Information Note
Women's Policy Office

Title: Sex Trade in Newfoundland and Labrador

Background:

- Treasury Board approved the Women's Policy Office to issue a grant to Community Youth Network (CYN) to provide a report on the status of the sex trade in NL. The CYN is an organization currently providing street level services to this population.

- The Province's economic circumstances are improving, especially in the high paying oil and gas and mining industry towns. With these high incomes and improved economic circumstances there is an opportunity for economic benefits relating to the sex trade of young girls, women and others to be exploited by individuals or organized crime.

- The report responds to issues raised to the Women's Policy Office by the Chief of Police of the Royal Newfoundland Constabulary (RNC) and the Community Youth Network in 2009, outlining the need for:

  better and coordinated provision of treatment, optional life-style choices and preventative services for the current sex trade workers in the St. John's area, and improved safety for sex trade workers and the need for the prevention of the growth of the sex trade in NL.

- The study will look at the situation of the sex-trade Province wide, and include remote and rural locations where resource development projects are occurring on land, and on sea, as well as any activities happening in Aboriginal communities.

- The results of the report will inform the Status of Women, Aboriginal Affairs, Justice and Labor Ministries who are working in partnership with other provincial, federal and territorial jurisdictions that are raising the need to deal with and prevent the trafficking of persons for sex trade and for other labor purposes into and within Canada and within Newfoundland and Labrador.

- Many reports prepared on this topic identify poverty and addictions as the main impetus for individuals being involved or being vulnerable to sex trade activities.

Status:
• The WPO is working in partnership with the Department of Justice, Aboriginal Affairs, the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police in developing the Terms of Reference to guide the work.

• The report will inform Government about the status of this industry, if there are any trafficking of women or others into or out of this Province for sex trade purposes, how we can provide better rehabilitative services for this population and other measures to attempt to reduce the growth of this business in NL.

• The report is due March 31st, 2010.

Prepared by: Heather MacLellan
Assistant Deputy Minister
Women’s Policy Office
Executive Council
Lake-Kavanagh, Jackie

From: Lake-Kavanagh, Jackie
Sent: Tuesday, November 23, 2010 12:51 PM
To: MacLellan, Heather
Subject: RE: Draft Interview Guide for the Sex Trade Study from the CYN

I must check with Rhonda again. She was going to organize a lime.

Jacqueline Lake-Kavanagh  
Director of Policy and Strategic Planning  
Department of Justice  
Government of NL

c: 709 729-0284  
c: 709 687-7674  
f: 709 729-3999

From: MacLellan, Heather
Sent: Tuesday, November 23, 2010 12:48 PM
To: Lake-Kavanagh, Jackie
Subject: RE: Draft Interview Guide for the Sex Trade Study from the CYN

Any word re briefing for the Minister?

From: Lake-Kavanagh, Jackie
Sent: Tuesday, November 23, 2010 12:07 PM
To: MacLellan, Heather
Cc: Jacobs, Heather
Subject: RE: Draft Interview Guide for the Sex Trade Study from the CYN

Heather,
I've reviewed the interview guide and have nothing additional to offer. If these questions can be answered, then it will be a very informative piece of work for all of us.
Thanks for making this available for review.
Jackie

Jacqueline Lake-Kavanagh  
Director of Policy and Strategic Planning  
Department of Justice  
Government of NL

c: 709 729-0284  
c: 709 687-7674  
f: 709 729-3999

From: MacLellan, Heather
Sent: Wednesday, November 17, 2010 5:03 PM
To: Lake-Kavanagh, Jackie; Johnston, Robert; 'chris.fitgerald@rcmp.gov.ca'
Cc: Jacobs, Heather; MacLellan, Heather
Subject: Draft Interview Guide for the Sex Trade Study from the CYN

All:
Here is the first draft of the Interview guide that has been prepared by CYN to direct interviews with service providers for the sex trade report.

I have also sent the draft guide to our NL Stats Agency for their input as well.

I look forward to hearing from you on any comments you may have on this matter.

Also for your information we have heard back from almost all the Aboriginal governments and organizations and they are interested in being included in this study and

Leslie MacLeod the former President of the Provincial Advisory Council on the Status of Women has been hired to complete the interviews and write the report.

Thank you
Bye for now

Heather MacLeod
December 7, 2010

Heather MacLellan
Assistant Deputy Minister
Women’s Policy Office
Executive Council

Dear Ms. MacLellan:

RE: Legislative Framework Related to Prostitution (NL) 2010

Attached is a summary of identified laws which have application in this Province, relating to the sex trade industry and sex trade matters. The list may not be exhaustive.

We specifically bring to your attention litigation taking place concerning the Criminal Code of Canada provisions relating to keeping a bawdy-house, living off the avails of adult prostitution and communicating for the purpose of prostitution, which is more fully explained on page 1 of the attachment.

We trust this is of assistance to the Women’s Policy Office.

Yours truly,

Susan F. Marrle
 Solicitor

SMjd
Encl.
LEGISLATIVE FRAMEWORK RELATED TO PROSTITUTION (NL) 2010

An outline of identified laws relating to the sex trade industry and sex trade matters which have application in NL.

CRIMINAL CODE OF CANADA

- 3 Main Criminal Code Prostitution related Provisions:

  210 keeping a bawdy house provisions (focus on keeper, prostitute and customer).

  212 procuring a prostitute.

  212(1)(j) living on the avails of prostitution.

  213(1)(e) communicating for the purpose of prostitution.

Note: On September 28, 2010 these above provisions were struck down by the Ontario Supreme Court of Justice in the Bedford v. Canada (A.G.) 2010 ONSC 4264 case as contravening the Charter of Rights and Freedoms. The decision however was initially stayed for 30 days. The Ontario Court of Appeal\(^1\) extended the stay until April 29, 2011 or until the appeal is argued, whichever is earlier. A “stay” means that the laws remain in place for now. That being said it is very unlikely that charges will be laid under those 3 provisions in any province in Canada until the matter is settled by either a statutory amendment by the Federal Government or the appeal of the matter heard and a decision of the Ontario Court of Appeal rendered.

- Street disturbance provisions:

  175 causing a disturbance, including fighting, indecent exhibition, loitering and other public nuisances in a public place.

  177 prohibits loitering at night on another person’s property.

  180 common nuisance.

- Unwanted confrontation provisions:

  264 prohibits criminal harassment through repeated unwanted communication or threatening conduct such that the individual fears for his or her safety.

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\(^1\) Bedford v. Canada (AG) 2010 ONCA 814 (December 2, 2010) Rosenberg, J.A.
prohibits committing an indecent act in a public place.

offence of public nudity.

* Provisions that offer protection to prostitutes:
  (Provisions available to charge pimps and customers who cause harm to prostitutes):

  s.264.1 (uttering threats);
  s.279 (kidnapping/forcible confinement);
  s.269 (unlawfully causing bodily harm);
  s.266 (assault);
  s.267 (assault with a weapon or causing bodily harm);
  s.268 (aggravated assault);
  s.269.1 (torture);
  s.271 (sexual assault);
  s.272 (sexual assault with a weapon, threats to a third party or causing bodily harm); and
  s.273 (aggravated sexual assault).

  Both s.322 (theft) and s.343 (robbery) have been used to punish clients of prostitutes who refused to pay for sexual services or stole property from a prostitute.

  s.346 (offence of extortion).

* Human Trafficking

s.279.01 introduced in November 2005 prohibits trafficking in persons:

279.01 (1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an offence of an indictable offence and liable

(a) to imprisonment for life if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence, or

(b) to imprisonment for a term of not more than fourteen years in any other case.

(2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

Section 289.02 punishes individuals who benefit economically from trafficking in persons and carries a maximum penalty of ten years' imprisonment.
Provisions that offer protection to children in sex trade industry:

151, 152 & 153 offences against sexual exploitation of minors (under age 16 except s.153(2) age 16 or more but under 18);

170 & 171 address procuring minors (under the age of 18);

172.1 offence of luring a child via computer;

173(2) offence of indecent exposure;

280 offence of non-parental child abduction.

RELEVANT PROVINCIAL LAWS:

Labour Laws:

The *Labour Standards Act* is a law of general application the purpose of which is to establish minimum terms and conditions of employment for persons who are the subject of a contract of service. Contract of service is defined in s. 2(b) and excludes certain occupations (not applicable in this case). The Act does not apply to persons who are independent contractors.

These minimum terms and conditions include:

<table>
<thead>
<tr>
<th>Vacation/vacation pay</th>
<th>s. 7</th>
<th>s. 13</th>
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<tbody>
<tr>
<td>Public holidays</td>
<td>s. 14</td>
<td>s. 17</td>
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<tr>
<td>Hours of work:</td>
<td></td>
<td></td>
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<tr>
<td>Standard Week</td>
<td>s. 21</td>
<td>40 hrs regs s. 5</td>
</tr>
<tr>
<td>Day of rest</td>
<td>s. 22</td>
<td>24 hrs each week, usually Sunday</td>
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<tr>
<td>Daily max hrs</td>
<td>s. 23</td>
<td>16 hours per day</td>
</tr>
<tr>
<td>Rest period</td>
<td>s. 24</td>
<td>1 hr after 5 hrs of work</td>
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<tr>
<td>Minimum wage</td>
<td>s. 27</td>
<td></td>
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<tr>
<td>Employment of children</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definition</td>
<td>s. 45</td>
<td>under 16</td>
</tr>
</tbody>
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46. An employer shall not
(a) employ a child to do work that is or is likely to be
   (i) unwholesome or harmful to the child’s health or normal development, or
   (ii) prejudicial to the child’s attendance at school or to the child’s capacity to benefit from instruction given at school;
(b) employ a child to work:
   (i) for more than 8 hours a day,
   (ii) for more than 3 hours on a school day unless a certificate covering that day as been issued under section 8 of the School Attendance Act,
   (iii) on a day for a period that, when added to the time required for attendance at school on that day, totals more than 8 hours,
   (iv) between the hours of 10 p.m. of 1 day and 7 a.m. of the following day,
   (v) in circumstances that would prevent the child from obtaining a rest period of at least 12 consecutive hours a day, or
   (vi) occupations that are prescribed as hazardous occupations or undertakings;

(c) employ a child who is under the age of 14 years unless the work is prescribed work within prescribed undertakings; or

(d) employ a child while a strike by employees or a lockout of employees by the employer is in progress.

Regulations s. 47 No regs re children

It is an offence to fail to comply with the Act (s. 76.1). Pursuant to s. 62(1)(f) the Director of Labour Standards is authorized to prosecute offences under the Act but requires the consent of the Minister of Justice. There have been no prosecutions under the Act in many years.

* Child Protection Legislation (NL)

Section 14 of the Child, Youth and Family Services Act identifies a child being in need of protective intervention where the child "is, or is at risk of being, sexually abused or exploited by the child's parent;" and "is, or is at risk of being, sexually abused or exploited by a person and the child's parent does not protect the child;"

It is that portion of the legislation that would provide protection to children who are involved in prostitution and their parents are not protective.

Section 71 of the legislation is the penalty provision of the legislation. It states: "A person who by commission or omission willfully contributes to a child being in need of protective intervention is guilty of an offence and liable on summary conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment."

Prepared on: December 3, 2010
Child, Youth and Family Services Act

Child who needs to be protected from contact with someone

21. (1) Where there are reasonable grounds to believe that contact between a child and another person would cause the child to be in need of protective intervention, a director or social worker may apply to a judge for an order to prohibit contact between the child and that person.

(2) The date set for hearing the application under subsection (1) shall be not later than 2 days after the application is made and notice of the hearing shall be served on the day the application is made.

(3) Notice of the time, date and place of the hearing shall be served on

(a) the person against whom the order is sought;
(b) the child, where 12 years of age or over; and
(c) a parent of the child.

(4) Where a judge is satisfied that there are reasonable grounds to believe that contact between a child and a person named in an application under subsection (1) would cause the child to be in need of protective intervention, the judge may do one or more of the following:

(a) prohibit the person against whom the order is sought for a period of up to 6 months from contacting or interfering with or trying to contact or interfere with the child or from entering a place where the child is located;

(b) prohibit the person against whom the order is sought for a period of up to 6 months from residing with the child or entering premises where the child resides, including premises that the person owns or has a right to occupy;

(c) where the judge believes the person against whom the order is sought may not comply with an order under paragraph (a) or (b), order that person to
   (i) enter into a recognizance, with or without sureties, in an amount the judge considers appropriate, or
   (ii) report to a judge, or to a person named by the judge, for the period of time and at the times and places the judge directs; and

(d) impose those terms and conditions that the judge considers appropriate for implementing the order and protecting the child.

(5) Before an order to prohibit contact between a child and another person expires, a director or social worker or a person named in the order may apply to a judge and the judge may

(a) vary the order;
(b) rescind the order; or
(c) extend the term of the order for one period of up to 6 months.
(6) At the request of a director or social worker, a peace officer shall assist in enforcing an order made under subsection (4).

(7) An order made under this section may be made at any time, including before, at or after another hearing.

1998 cC-12.1 s21

Liability for an offence

74. Unless specifically stated otherwise, a person who

(a) fails to comply with or otherwise contravenes a provision of this Act or the regulations for which a penalty has not been specifically provided; or

(b) fails to comply with an order made under sections 20 and 21 of this Act,

is guilty of an offence and liable on summary conviction to a fine not exceeding $5,000 or to a term of imprisonment not exceeding 3 months or to both a fine and imprisonment.
Hello all,

As you may be aware, the Women's Policy Office has initiated a research project on the reality and needs of sex trade workers in this province. Leslie MacLeod is the research consultant for this project and has asked me help her in connecting with Justice staff who would have some contributions and might be able to meet with her for this purpose. She has provided the interview guide (attached). If you or one of your staff would be able to help her on this research, she may be able to gather some unique perspectives. Please advise if you will be able to assist with this request.

Thanks
Jackie

Jacqueline Lake-Kavanagh
Director of Policy and Strategic Planning
Department of Justice
Government of NL

c: 709 729-0288
ct: 709 687-7674
f: 709 729-3949

Hi Jackie,

Lovely connecting with you this morning. Hope you have a wonderful holiday.

Here are the interview documents. Looking forward to meeting whoever has time and info to contribute to the puzzle.

Cheers,
Leslie
Leslie MacLeod
CASEY Research Assistant
Community Youth Network - St. John's, NL
(phone) 709-754-0850
(fax) 709-754-0842
PO Box 26067
St. John's, NL A1E 0A5
casey@cyn-stjohns.nf.ca
www.cyn-stjohns.nf.ca

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information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Research 2010-2011

Interviews

Interview Process:

- interviews will be conducted by phone or in person
- interviewer will email interview guide for review prior to the scheduled interview
- interviewer will provide an overview of the research
- Interviewer will take hand written notes of key points during the interview
- interviewer will type the notes into a draft report
- Report will be sent to respondent for review & feedback
- Report will be revised and finalized
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Lake-Kavanagh, Jackie

From: Lake-Kavanagh, Jackie
Sent: Wednesday, December 15, 2010 12:05 PM
To: Gambin, Dean
Subject: FW: research documents
Attachments: Interview Guide.doc; Interview Process.doc

Dean,

Please see the attached message. I am also wondering if a staff representative from the Clarenville Centre might be able to participate in this request. Can you advise?

Tks

Jacqueline Lake-Kavanagh
Director of Policy and Strategic Planning
Department of Justice
Government of NL

t: 709 729-0284
ci 709 687-7674
f: 709 729-3999

From: Lake-Kavanagh, Jackie
Sent: Wednesday, December 15, 2010 12:01 PM
To: Goulding, Pamela; Cumby, Fran; Petten, Newman
Subject: FW: research documents

Hello all,

As you may be aware, the Women’s Policy Office has initiated a research project on the reality and needs of sex trade workers in this province. Leslie MacLeod is the research consultant for this project and has asked me help her in connecting with Justice staff who would have some contributions and might be able to meet with her for this purpose. She has provided the interview guide (attached). If you or one of your staff would be able to help her on this research, she may be able to gather some unique perspectives. Please advise if you will be able to assist with this request.

Thanks

Jackie

Jacqueline Lake-Kavanagh
Director of Policy and Strategic Planning
Department of Justice
Government of NL

t: 709 729-0284
ci 709 687-7674
f: 709 729-3999

From: Leslie MacLeod [mailto:caseycvns@cphs.nf.ca]
Sent: Wednesday, December 15, 2010 11:20 AM
To: Lake-Kavanagh, Jackie
Subject: research documents

Hi Jackie,

Lovely connecting with you this morning. Hope you have a wonderful holiday.
Here are the interview documents. Looking forward to meeting whoever has time and info to contribute to the puzzle.

Cheers,
Leslie
Leslie MacLeod
CASEY Research Assistant
Community Youth Network - St. John’s, NL
(phone) 709-754-0850
(fax) 709-754-0842
PO Box 26067
St. John's, NL A1E 0A5
casev@cyn-stjohns.nf.ca
www.cyn-stjohns.nf.ca

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Marrie, Susan

From: Harris, Phyllis A.
Sent: Friday, January 07, 2011 11:25 AM
To: Marrie, Susan
Subject: RE: legal framework

Susan,

Did you want to have a quick chat about this early next week?

Phyllis

Policy Advisor, Public Prosecutions
Department of Justice
Government of Newfoundland and Labrador
P.O. Box 8700
St. John's, NL
Canada
A1B 4J6

Tel. 709.729.2357
Fax 709 729 2129

From: Marrie, Susan
Sent: Tuesday, December 21, 2010 12:05 PM
To: Harris, Phyllis A.
Subject: FW: legal framework

Thanks,
Susan

Susan F. Marrie
 Solicitor-Civil Division
 Department of Justice
 4th floor Confederation Building
 P.O. Box 8700
 St.John's NL
 A1B 4J6
 Phone: (709) 729-0291
 Fax: (709) 729-2129

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From: MacEwan, Heather
Sent: Monday, December 20, 2010 3:19 PM
To: Marrie, Susan
Subject: FW: legal framework

Susan

Hope all is well

Is this something you could add to the legal framework you provided to us

Leslie is the lady undertaking the study

Thank you

Heather

From: Leslie MacLeod [mailto:casey@cyn-stjohns.nf.ca]
Sent: Monday, December 20, 2010 2:20 PM
To: MacEwan, Heather
Subject: legal framework

Hi Heather,

Hope you are having a good start to your week.

I recently learned about "Prohibitive Contact Orders" which are issued by the Provincial Court. They are used to prohibit contact between an adult and exploited or abused children and youth. This was not included in the legal framework document produced by Justice.

I was planning to discuss the order with someone in the legal department at CYFS - but am wondering if that would be a problem in terms of protocol? Would it be better for you to ask Susan to write something about these orders?

Cheers,

Leslie

Leslie MacLeod
CASEY Research
Community Youth Network - St. John's, NL
(phone) 709-754-0850
(fax) 709-754-0842
PO Box 26067
St. John's, NL A1E 0A5
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Marrie, Susan

From: Maclelan, Heather
Sent: Monday, December 20, 2010 3:23 PM
To: Marrie, Susan
Cc: Leslie MacLeod
Subject: RE: legal framework

Thank you Susan and I hope you have a nice xmas

From: Marrie, Susan
Sent: Monday, December 20, 2010 3:23 PM
To: MacLellan, Heather
Subject: RE: legal framework

Heather,
I will look into it.

Susan F. Macle
Solicitor-Civil Division
Department of Justice
4th floor Confederation Building
P.O.Box 8700
St.John's,NL
A1B 4J8
Phone:(709) 729-0291
Fax. (709) 729-2129

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From: MacLellan, Heather
Sent: Monday, December 20, 2010 3:19 PM
To: Marrie, Susan
Subject: FW: legal framework

Susan

Hope all is well

Is this something you could add to the legal framework you provided to us

Leslie is the lady undertaking the study

Thank you
Heather

From: Leslie MacLeod [mailto:casey@cyn-stjohns.nf.ca]
Sent: Monday, December 20, 2010 2:20 PM
To: MacLellan, Heather
Subject: legal framework

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I recently learned about "Prohibitive Contact Orders" which are issued by the Provincial Court. They are used to prohibit contact between and adult and exploited or abused children and youth. This was not included in the legal framework document produced by Justice.

I was planning to discuss the order with someone in the legal department at CYFS - but am wondering if that would be a problem in terms of protocol? Would it be better for you to ask Susan to write something about these orders?

Cheers,
Leslie

Leslie MacLeod
CASEY Research
Community Youth Network - St. John's, NL
(phone) 709-754-0850
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casey@eyn-stjohns.nf.ca
www.cyn-stjohns.nf.ca

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Don,

Paul suggested providing Pam G with a copy of the report if she hasn't already seen it. Have you, but any chance, spoken to her on this, or provided a copy?

Thanks

Jackie

Jacqueline Lake Kavanagh
Director of Policy and Strategic Planning
Department of Justice
Government of NL

c: 709 729-0184
w: 709 687-7974
f: 709 729-3949
W. A. Smith, Assistant Commissioner  
Commanding Officer, "B" Division  
Royal Canadian Mounted Police  
P. O. Box 9700  
St. John's, NL  A1A 3T5

Robert Johnston  
Chief of Police  
Royal Newfoundland Constabulary  
1 Fort Townshend  
St. John's, NL  A1C 2G2

RE: It's Nobody's Mandate and Everyone's Responsibility: Sexual Exploitation in the Sex Trade in Newfoundland and Labrador

We recently received the above-noted report which was commissioned by the Women's Policy Office. Could you please review same and provide us with your thoughts at your earliest convenience. We may wish to schedule a meeting to discuss further.

Yours truly,

[Signature]
Paul Noble  
Assistant Deputy Minister
11 October 2011

Mr. Paul Noble
Assistant Deputy Minister
Public Safety and Enforcement
Department of Justice
PO Box 8700, Confederation Bldg.
St. John’s, NL A1B 4J6

Dear Mr. Noble:

RE: Report - It’s Nobody’s Mandate and Everyone’s Responsibility: Sexual Exploitation In the Sex Trade In Newfoundland and Labrador

Thank you for your letter dated 11/08/05, in reference to the captionally noted report which was attached.

I have reviewed this report and I support the recommendation of a collaborative working committee of relevant government departments and agencies to develop directions for work in this area, and to provide the Minister of Justice with information on this issue.

I have also read the remaining recommendations within the report that reference the need for training, education, establishment of amalgamated provincial units and collaboration within police services. In considering these recommendations I have consulted with our Integrated Child Exploitation (ICE) Team, as well as those members who currently deliver the training for Collaborative Sexual Assault Investigation/Interviews involving children. Through these consultations, I have learned that we currently provide first responder training to our members regarding ICE investigations, and we work with our partners in the Royal Newfoundland Constabulary (RNC) as required in conducting these investigations. In fact, our Regional Tech Crime unit has provided support to assist our policing partners in some matters. It is also my understanding that the RNC currently have positions within their ranks who engage in these investigations as well. I am also aware that there exist current parameters to allow communication companies to honor Law Enforcement Requests (LER) for IP addresses. While some companies adhere to these guidelines, others are more cautious about releasing information without judicial authorization.
As mentioned, I agree with the formation of a collaborative working committee as outlined in this report; however, I would suggest that it may be prudent to have this committee meet, assess the issues and provide commentary to address concerns raised within the report, prior to moving forward with the remaining recommendations.

Yours truly,

R.T. Noble, Chief Superintendent, M.O.M.
Criminal Operations Officer, "B" Division
Royal Canadian Mounted Police
Newfoundland and Labrador

RTN:cr
Don,
I ran into Heather MacLaLLand at mtg at Cabinet Secretariat today. She said Angela Crockwell (one of the report authors) called asking for the report and said her group wanted to ask for budget money for implementation. Heather said she wanted me to get together with her to figure out next steps. I don't know what your thinking or commitments are on this, but I'm not thinking that's my call to sort this out with Heather.

JLK
Department of Justice
Government of Newfoundland and Labrador
P.O. Box 8700
St. John's, NL
Canada
A1B 4J6

Sent Via BlackBerry

to advise us safety/security
concerns on part of RNL +
RCM but that she needs
to deal w/ Lab. Sec. first
prior to releasing.
Noble, Paul

From: MacLellan, Heather
Sent: Sunday, October 23, 2011 8:45 PM
To: Noble, Paul; Lake-Kavanagh, Jackle
Subject: FW: CASEY Research

Paul just wondering how you are making out with this review.

TY
Heather

From: Angela Crockwell [mailto:acrockwell@thrivecyn.ca]
Sent: Wednesday, October 19, 2011 9:42 PM
To: MacLellan, Heather
Subject: CASEY Research

HI Heather, I am wondering where you are in terms of being able to release the research report. As you can appreciate our CASEY members are anxious to read the report and we would like to share the report with all the people who helped to contribute to it.

Also I am wondering if there are any existing plans to move forward with the recommendations and specifically relating to providing staffing for CASEY, and if there is anything I can do to support that recommendation moving forward. Awareness of CASEY is growing and so is interest in the issue and our work which is great, but it is also difficult to meet the demands for training and presentations without any dedicated resources.

Angela Crockwell
Executive Director
Thrive, CYN St. John's
108 LeMarchant Rd PO Box 26067
St. John's, NL A1E 0A5
709-0868 (ph.) 754-0842 (fax)

11/10/24

106 - The Assessment from a safety perspective - the report is not

10/24/2011
51
Hi Heather,

I have received comments from the RCMP but not yet from the RNC. I will prod them.

Paul

Paul Noble | Assistant Deputy Minister
Public Safety and Enforcement
Department of Justice
Government of Newfoundland and Labrador

709-729-7357 | pauln@gov.nl.ca

---

From: MacLellan, Heather
Sent: Sunday, October 23, 2011 8:45 PM
To: Noble, Paul; Lake-Kavanagh, Jackie
Subject: FW: CASEY Research

Paul just wondering how you are making out with this review.

TY
Heather

---

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Sent: Wednesday, October 19, 2011 9:42 PM
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Angela Crockwell
Executive Director
Thrive, CYN St. John’s
108 LeMarchant Rd PO Box 26067
St. John’s, NL A1E 0A5
737-0865 (ph.) 754-0842 (fax)
Noble, Paul

From: Burrage, Don
Sent: Wednesday, October 26, 2011 12:04 PM
To: MacLellan, Heather
Cc: Noble, Paul; Lake-Kavanagh, Jackie
Subject: Sex Trade Study

Heather,

As requested, we have conferred with the RNC and RCMP. Neither force has any security concerns with respect to the release of the Report.

I assure that since the Women’s Policy office commissioned this Report that you will be pursuing the issue of its release, as well as what to do with the Recommendations, with Cabinet Secretariat. Needless to say, we are happy to engage further once direction has been given. Until then, our review has been limited to the question of whether there are security concerns.

Kindest regards,

Don

This might be a copy look through file to check
Thanks Heather.

Jacqueline Lake Kavanagh  
Director of Policy and Strategic Planning  
Department of Justice  
Government of NL

\[+709 729-0284\]  
\[ct 709 687-7676\]  
\[f 709 729-3549\]

Jackie:

I will be meeting with Julia on the report.

The direction on releasing reports is based on a number of factors.

My Minister wants to know what the priorities for attention should be relating to the recommendations however before we release.

I will need your input on what you see as priorities and then some discussion with HCS and HRLE and CYFS what they see as priorities so we can brief our Ministers.

Our Ministers may then wish to discuss the priorities with their colleagues.

I would hope we would have the priorities identified within the next 30 days so we could then get something to our Ministers in a timely manner.

In addition to better access to services for sex trade workers both of our Departments have an interest in looking at the issue of human trafficking at the FPT level and we may wish to identify an existing mechanism for this matter. On the matter of improving access to services and rehabilitation for sex trade workers we will need HRLE and HCS to get involved.

\[\text{St.20(1)(a)}\]

At this point in time I am not seeing that we need to respond to all recommendations but we do need to look at what makes sense from our departmental expertise on what needs to be done.

So I see next steps as a preliminary meeting with departmental representatives to have a preliminary discussion about priorities, then a briefing with our Ministers and then final decisions about release.

Hope this helps

Heather
Heather,
I think Don’s last e-mail to you was that we would take direction from the Clerk/Cabinet Secretariat once the decision was made about release and recommendations. I’m hoping to meet with him today, and this will likely be his question. Has there been direction on this?
Thanks
Jackie

Jacqueline Lake-Kavanagh
Director of Policy and Strategic Planning
Department of Justice
Government of NL

t: 709 729-0184
c: 709 687-7674
f: 709 729-3949
Sorry heather, I meant Cabinet Secretarial.

Jacqueline Lake Kavanagh
Director of Policy and Strategic Planning
Department of Justice
Government of NL

c: 709 729-0284
ci 709 687-7674
f: 709 729-3949

From: Lake-Kavanagh, Jackie
Sent: Wednesday, January 04, 2012 4:28 PM
To: MacLellan, Heather
Subject: Sex Trade Report

Heather,
I met with Dan today, and he asked that you let us know what the Cabinet Direction is before we proceed on this.
Thanks
Jackie

Jacqueline Lake Kavanagh
Director of Policy and Strategic Planning
Department of Justice
Government of NL

c: 709 729-0284
ci 709 687-7674
f: 709 729-3949
Stokes, Raylene V. M.

From: MacLellan, Heather
Sent: Tuesday, June 19, 2012 4:58 PM
To: Stokes, Raylene V. M.
Cc: MacLellan, Heather; Webb, Belinda
Subject: FW:
Attachments: Information Note Feb 5th 2012.doc

Raylene some correspondence relating to the report in question.

From: Woodrow, Denise
Sent: Tuesday, February 14, 2012 11:25 AM
To: MacLellan, Heather
Subject:

Denise Woodrow
0163

From: MacLellan, Heather
Sent: Monday, February 13, 2012 9:08 AM
To: Marrie, Susan
Subject: RE: [removed] Non-responsive

Susan:

Ok there is a matter relating to sex trade report.

I meet with jennifer berlin to see if we must release it or if we can keep it internal as it was done as technical report to inform minister and fปก work, etc. please see attached BN

Jennifer said the next step would be for you, her and I to get together.

Thank you
Heather
Information Note
Women's Policy Office

Issue: Summary of Meeting January 23rd, 2012 – Advice on Responding to the Information about the Sex Trade.

Background:

The Women's Policy Office, in consultation with the Royal Newfoundland Constabulary, prepared a Terms of Reference to direct a study to examine the situation of the sex trade in Newfoundland and Labrador. The information was intended to help address the need for services for those who are involved, and vulnerable, in sex trade work in Newfoundland and Labrador.

The information was collected for four technical and background purposes:

1. To inform Minister’s of Justice, Labor and Status of Women on the situation of human trafficking for the purposes of sex in Newfoundland and Labrador so as to inform the development of a national strategy on the issue;
2. To include Aboriginal communities;
3. To inform social impacts related to economic growth, and
4. To inform affiliated policies, services and programs of Government.

The Community Youth Network was re provided a grant to undertake the report and the Newfoundland and Labrador Statistics Agency provided guidance for the development of the questionnaire that was used to interview informants.

To protect the safety of the sex trade workers, they were not directly interviewed, instead those who provide direct health, housing, justice or other supportive services to these workers were interviewed. Approximately 100 service providers or ex sex trade workers were interviewed province wide.

The following departments and agencies were also invited to provide comments on the Terms of Reference:

- HCS
- HRLE
- LRA
- NHA
- Justice
- Natural Resources
- Labrador and Aboriginal Affairs
- Child Youth Family Services
- Cabinet Secretariat
- Royal Canadian Mounted Police

Bruce Cooper and Wanda Legge
Lynn Vivan-Book and Donna O'Brien
Wayne Fowler and Kevin Williams
Len Simms and Cynthia Ling
Heather Jacobs and Jackie Lake Kavanagh
Tanya Noseworthy and Tina Williams
Sean Dutton and Tracy Evans
Sheree MacDonald
Ashley Gogan
The report outlined that people who work in the sex trade often do so as work of last resort, and for the following reasons:

- Poverty
- Addictions
- Limited family supports
- Mental health and learning disabilities
- Poor choices and judgments
- Victims of sexual, physical abuse and incest and victims of complex trauma
- Vulnerable Aboriginal women and youth

**Current Status:**

A meeting was held with the following individuals on January 23rd to discuss the best ways to move forward with the information provided:

- The Royal Newfoundland Constabulary: Bob Johnson
- Health and Community Services: Beverley Griffiths, Angela Batstone
- Advanced Education and Skills: Cynthia King
- Community Youth and Family Services: Jennifer Barnes, Michelle Hunt
- Cabinet Secretariat: Tara Kelly (not able to attend)
- Women's Policy Office: Heather MacLellan, Belinda Webb, Michelle Smith and Leanne Lane

The following recommendations were discussed by those who attended:

- That it is important for Government to recognize that those who work in the sex trade are some of the most vulnerable segments of our society. All those who work, or are impacted by the sex trade, are vulnerable and they should all be considered for services.
- That it is important for Government to provide a mandate to departments and agencies address the safety, health and rehabilitative issues associated with sex trade work.
- That Government may wish to establish a small working committee to come forward with a set of priorities for action that could include the following priority actions such as:
That before any final recommendations are made the Women's Policy Office needs to hear back from Aboriginal Affairs and the Labor Relations Agency on the information.

That the Deputy Minister of the Women's Policy Office should convene a meeting of affiliated Deputies to discuss the final go forward recommendations.

Prepared by:  Heather MacLellan  
Deputy Minister  
Women's Policy Office.  
January 29th, 2012
Hi Kim,

I reviewed the draft response and have a few questions/comments. Will we chat on Monday? Or, do you want to chat now? It is up to you.

Raylene

---

From: Dunphy, Kim  
Sent: Friday, September 07, 2012 2:55 PM  
To: Stokes, Raylene V. M.  
Subject: FW: Legislation relating to the Sex Trade Report

Reg and I are on the same page...  
Dave is not quite there...  
See my original email at bottom  
Kim

---

From: Dunphy, Kim  
Sent: Friday, September 07, 2012 1:01 PM  
To: Bennett, Reg  
Subject: FW: Legislation relating to the Sex Trade Report

Thoughts on Dave's comments?  
Kim

---

From: Norman, David  
Sent: Friday, September 07, 2012 12:49 PM  
To: Dunphy, Kim  
Subject: Re: Legislation relating to the Sex Trade Report

Are we comfortable saying:

And also:

Sent Via BlackBerry
Regarding the labour standards component, as I indicated on our meeting, you should follow up directly with Rachelle Cochrane with LRA.

From: MacLellan, Heather  
Sent: Tuesday, August 14, 2012 3:57 PM  
To: Dunphy, Kim  
Subject: Legislation relating to the Sex Trade Report

As discussed please find what justice provided to me on this matter.

TY
Heather
Good morning Heather,

Thank you for providing a copy of your draft response. I have made a few minor changes to this letter for your consideration. If you are okay with content, it may be useful to discuss with your solicitor and the RNC.

If I can be of any further assistance, please do not hesitate to contact me at any time.

Thanks,

Steve

Stephen Ring
Solicitor
Public Safety and Enforcement
Department of Justice
(709) 729-2691
(709) 729-2129 (fax)
November 28, 2012

CONFIDENTIAL

Paul Noble
Lori Anne Companion
Bruce Cooper
Darrin Pike

Len Simms
Dave Norman
Sean Dutton
Bruce Gilbert

Deputy Ministers:

Attached please find a response prepared by Deputies, or their representatives, this summer to a draft report prepared for the Women’s Policy Office to inform government policy needs on the sex trade in Newfoundland and Labrador. I would ask you to review your response (attached) to determine if any updates about the recommendations or the key messaging are required from your perspective.

If a member of your staff or your assistant could call me with your response by Friday afternoon at 2:30 at 729-5098, I would appreciate it very much.

Sincerely

Heather MacLellan
Deputy Minister

Attachment

Cc: Jackie Lake Kavanagh
    Colleen Simms
Sexual Exploitation and the Sex Trade Report in NL Report

Recommendations for Ministers

The report provides 22 recommendations to government that fall into the following categories:

- Mandate, Coordination and Collaboration
- Improved Justice Services
- Education and Training
- Policies and Programs
- Increased Funding for the CYN to Expand

*Please note:

Items requiring more exploration, review or information are identified in the recommendations column in italics. Items accomplished to date are bolded.

Community Youth Network Recommendations

<table>
<thead>
<tr>
<th>Recommendations</th>
<th>Key Messaging</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Provincial Cabinet to develop and adopt a Cabinet mandate to address the issues related to sexual exploitation, including prevention enforcement, interventions and supports</td>
<td>Sex trade workers are one of the most vulnerable of all populations in NL. They often enter the sex trade for economic reasons and once in the trade they are lured by drugs and establish addictions. The work is dangerous and physical and emotional violence can be their reality on a daily basis. We will review our current policies and programs to see how this population and their needs can be</td>
</tr>
</tbody>
</table>
A Minister's Committee should be established that would include but not be limited to the WPO, Justice, CYFS, Health, Education, AES and 1BRD with a mandate to review policies, programs, services and legislation to assess the harm or potential harm they may cause individuals vulnerable to sexual exploitation. The committee should also act collaboratively to identify and respond to issues related to sexual exploitation, and provide information to Cabinet.

Establish and resource a collaborative committee comprised of relevant government departments and agencies, members of the Coalition Against the Sexual Exploitation of Youth, the RNC, and the RCMP.

The committee would be mandated to develop directions for the work required to address the needs of those who have been exploited or are vulnerable to exploitation, including prevention, enforcement, interventions, and supports based on best practices, and provide information to the Ministers' Committee, government departments, and best integrated into provincial policing, health, housing and violence prevention programs to establish a mandate for this work. We currently have excellent internal coordinating capability on matters relating to vulnerable populations and we will be looking at how we can add this population to the processes.
agencies, community organizations, and the police.

**Collaborative Response:** develop a collaborative response to sexual exploitation between the police, community agencies, and government services.

**Sexual Exploitation Investigations:** mandate the enforcement of sexual exploitation and provide the dedicated resources required to conduct collaborative, reactive, and proactive investigations, with consequences for non-compliance.

The RNC have already adopted a collaborative response intelligence policing model which is working effectively.

The RNC and RCMP work collaboratively together on files regarding sexual exploitation and with other policing agencies around the world.

The Chief of the RNC is satisfied with the results of the implementation of this new collaborative response model.

Need to discuss further with Justice.

The RNC have already adopted a collaborative response intelligence policing model which is working effectively.

The Chief of the RNC is satisfied with the results of the implementation of this new collaborative response model.

The addition of a Child Exploitation officer with the RNC in Budget 2012-13 is in addition to the $269,100 already contributed to the unit for staffing. The RNC has units in Corner Brook and St. John’s.
Need to discuss further with Justice.

Budgets 2008 and 2010 provided funding to the RCMP for an Integrated Child Exploitation Unit based in Gander.

**Sexual Exploitation Education and Training:** educate the police, prosecution, and judges about sexual exploitation, sexual assault, and human trafficking, and further develop skills necessary for identifying, interviewing, and responding to potential victims, as well as prosecuting offenders.

Crown prosecutors attend Ontario Crown School every year. One of the courses is on sexual and domestic violence which covers many legal aspects pertaining to this issue such as trial preparation/strategy issues including preparing witnesses and assessing reasonable prospect of conviction, sentencing and Crown policies. The course also includes a panel discussion with judiciary.

The RNC provides training to its members to find ways to support victims of crime. This training is adaptable to the needs in the community.

**Special Initiatives for Victims Office:** establish an office within the Department of Justice responsible for the coordination and accountability of police, crown, probation, and victim services’ responses to individuals

The RNC and public prosecutions continually provide education and training to their employees.

S.20(1)(e)

Victim Services Newfoundland and Labrador is a free, voluntary and confidential justice service for victims of crime. All victims are treated with courtesy, compassion and respect and should have as
<table>
<thead>
<tr>
<th>Improved Justice Services</th>
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<tr>
<td>Internet Child Exploitation: create two amalgamated provincial child exploitation units (located in St. John's and Corner Brook) with the mandate, training, and resources required to conduct proactive and reactive investigations, as well as to respond to related emerging issues.</td>
</tr>
<tr>
<td>Funding for these units were announced in budget 2012. Corner Brook has been established and St. John's will be operational in September</td>
</tr>
<tr>
<td>Budget 2012 announced $370,600 to support the RNC Internet Child Exploitation Unit.</td>
</tr>
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</tbody>
</table>

| Law Enforcement Requests: ensure that telecommunication companies are required to comply with Law Enforcement Requests for IP addresses suspected of accessing child pornography |
| This is a federal responsibility |
| The Federal Government is currently reviewing Bill C30 which would require telecommunication companies to provide law enforcement agencies with IP addresses. |

| Judges: make it mandatory for judges to look at and hear all the |
| Judges must follow case law and are aware of emerging trends. |
| Evidence Presented in Trials Involving Child Pornography and Other Forms of Sexual Exploitation | Judicial Independence is Paramount.  
**Need to discuss further with Justice.** |
|---|---|
| **Court Venues:** Ensure all court proceedings in the province are held in respectful surroundings; in particular, stop the current practice of holding court in barrooms. | The Circuit Court system currently only has one community where they sit in a bar, Hopedale, which is closed while the court sits.  
**S.20(1)(a)** |
| **Psychological Support:** Provide mandatory entry, maintenance, and exit debriefing to everyone in the justice system who is involved with evidence related to child pornography and sexual exploitation, and ensure this support is normalized within the workplace culture. | Currently these services are voluntary but the recommendation warrants further review.  
**S.20(1)(a)** |
| **Education and Training:** **Professional Training and Education**  
Train current service providers, including social workers, counselors, | The Government of NL supports a culture of continuous training and professional development.  
We will ensure that we will review current appropriate training |
health care providers, youth workers, addictions services, and educators in the skills required to identify and work with individuals who have been or are vulnerable to being sexually exploited.

Develop and implement curricula specific to sexual exploitation in relevant post-secondary faculties and programs, including police training, medical school, and schools of nursing, social work, education, and women's studies.

Ensure training materials are inclusive, culturally appropriate, and respectful of diversity.

Currently there is joint training between CYFS and the RNC on matters relating to joint victim identification.

Health Care

Ensure health care providers are educated about sexual exploitation.

Education is required to accomplish this goal.
and have the skills to provide health care to exploited individuals in

Enact legislation enabling access to anonymous STI/HIV testing.

Diseases such as AIDS and HIV are currently reportable diseases under the provincial Communicable Disease Act. This is an issue of public safety, however the province will explore what other jurisdictions in Canada do regarding this issue.

Education is the first step in addressing this issue.

Who leads

Policies and Programs

Collaborative Exiting Program: provide funding for a collaborative, peer driven, long-term program with a mandate to assist individuals with exiting the sex trade. The program would provide the following supports:

- Immediate emergency support
- Immediate emergency funds for relocation
- Peer support and peer counseling
- Trauma counseling
- Addictions support
Pre-employment support

Assistance in navigating mainstream services, programs, and supports

Support would be available for the life of the individual and would be non-judgmental, inclusive, respectful, culturally appropriate, accepting of chaos and diversity, and able to respond to emergency situations
Noble, Paul

From: Lake-Kavanagh, Jackie
Sent: Friday, April 19, 2013 1:10 PM
To: Noble, Paul; Ring, Stephen R.
Subject: Fw: Report on Sex Trade
Attachments: WP-2-2012 - OIPC Response Letter/2 (2).doc

13-05-02

Department of Justice
Government of Newfoundland and Labrador
P.O.Box 8700
St.John's, NL
Canada
A1B 4J6

From: Bill Janes [mailto:billj@rcn.gov.nl.ca]
Sent: Friday, April 19, 2013 12:17 PM
To: Lake-Kavanagh, Jackie
Cc: Robert Johnston <rojohnston@rcn.gov.nl.ca>
Subject: Report on Sex Trade

Jackie

Spoke with Rachelle Cochrane of WPO who indicates due to an appeal to the privacy commissioner there is some pressure now to release a redacted version of this report.

WPO is in contact with Privacy Commissioner on this issue. I advised Rachelle that we still do not support release of any part of this report.

Attached is WPO's first response.

Bill

From: Robert Johnston
Sent: Thursday, February 14, 2013 9:17 AM
To: Wendy Zdebiak
Cc: Bill Janes
Subject: FW:

Wendy,
FYI and further discussion.
Chief

From: MacElliott, Heather [mailto:hmacellott@gov.nl.ca]
Sent: Thursday, February 14, 2013 9:13 AM
To: Robert Johnston
Subject:

As discussed

5/1/2013
80
"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

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Lake-Kavanagh, Jackie

From: Bill Janes <billjl@rrc.gov.nl.ca>
Sent: Friday, April 19, 2013 12:18 PM
To: Lake-Kavanagh, Jackie
Cc: Robert Johnston
Subject: Report on Sex Trade
Attachments: WP-2-2012 - OIPC Response Letter2 (2).doc

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Bill,
I will check in with Rachelle on this.
Jackie
Department of Justice
Government of Newfoundland and Labrador
P.O.Box 8700
St.John's, NL
Canada
A1B 4J5

From: Bill Janes [mailto:billj@mc.gov.nl.ca]
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Subject: Report on Sex Trade

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Lake-Kavanagh, Jackie

From: Lake-Kavanagh, Jackie
Sent: Wednesday, May 01, 2013 8:39 AM
To: Noble, Paul
Subject: RE: Report on Sex Trade

Sure. I've asked Kim to coordinate with Carolyn to arrange a meeting with Rachelle.

Jackie Lake Kavanagh | Assistant Deputy Minister
Public Safety & Enforcement
Department of Justice
Government of NL

t: 709-729-7357

From: Noble, Paul
Sent: Wednesday, May 01, 2013 8:32 AM
To: Lake-Kavanagh, Jackie; Ring, Stephen R.
Subject: RE: Report on Sex Trade

Thanks Jackie. Since Rachelle Is new to the role let's set up a meeting with her just to discuss things generally.

From: Lake-Kavanagh, Jackie
Sent: Friday, April 19, 2013 1:10 PM
To: Noble, Paul; Ring, Stephen R.
Subject: Fw: Report on Sex Trade

Department of Justice
Government of Newfoundland and Labrador
P.O.Box 8700
St.John’s, NL
Canada
A1B 4J6

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Sent: Thursday, February 14, 2013 9:17 AM  
To: Wendy Zdebik  
Cc: Bill Janes  
Subject: FW: 

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FYI and further discussion.  
Chief

From: MacLellan, Heather  
Sent: Thursday, February 14, 2013 9:13 AM  
To: Robert Johnston  
Subject:

As discussed

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Fyi, Susan.
This first came up last fall, apparently.
Again, our messaging is that we were advised by police to not release the report (former chief Johnson). Sex workers are involved in an inherently high-risk occupation. Their safety is a priority for our government. In addition to supporting an array of initiatives aimed at protecting women, generally, just a few weeks ago we matched a private donation of $20K to Safe Harbour Outreach Project which is aimed specifically at supporting sex workers.

Sent from my BlackBerry 10 smartphone on the Bell network.

Fyi...Liberal news release.

Honouring International Day for the Elimination of Violence Against Women
Honouring International Day for the Elimination of Violence Against Women
Bennett calls on Government to reinstate Family Violence Intervention Court

Cathy Bennett, Opposition MHA responsible for the Status of Women, is acknowledging the challenges many women and their families face in our province every day when it comes to violent acts in their homes and communities. Today is International Day for the Elimination of Violence Against Women, as designated by the United Nations.

"Violence against women continues to be a problem in Newfoundland and Labrador. It is imperative that leaders in society, including Government, take whatever steps possible to stop violent acts against women and children," said Bennett. "It’s time to take action on increasing the safety of women in our province; action that came too late for women like Juliane Hibbs and Loretta Saunders, women in our province who lost their lives to violence."

One in two women in Canada over the age of 16 has experienced physical or sexual violence, according to the Canadian Women’s Foundation. Provincially this marks the fifth anniversary of the purple Ribbon Campaign to increase public awareness of the ongoing problem of violence against women.

Bennett says despite drawing public attention to violence against women, provincially Government has failed to reinstate the Family Violence Intervention Court and is withholding the 2011 report on Sexual Exploitation despite the pleas from front-line workers. Bennett added that nationally the Federal Government has refused to hold an inquiry into Missing and Murdered Aboriginal Women.

"Women deserve to feel safe, and protected from violence. However both levels of Government are refusing to take violent acts against women seriously," said Bennett. "Actions speak louder than words, and women across Newfoundland and Labrador want real action to ensure their safety. Everyone in our province should stand together to protect our mothers, daughters, and sisters."

-30-

Media Contact: Carla Foote | Director of Communications | Office of the Official Opposition | 729-6151 | 691-6673 E copies @ www.liberaloppositionnl.com
E-mail Message

From: Stewart.Roberts@PSNH.COM

To: Rhonda.Gagnon@PSNH.COM

Cc:

Sent: 12/2/2014 4:09 PM

Subject: Requesting meeting re 2011 report titled It’s Nobody’s Mandate and Everyone’s Responsibilities

Attachments: Requesting meeting re 2011 report titled It’s Nobody’s Mandate and Everyone’s Responsibilities.pdf

Minister Manning asked me to forward to you - Marilyn Field - for consideration and to prepare draft letter indicating that we are not releasing the report.

RHONDA STEWART

Administrative Assistant to the

Honourable Judy Manning

Minister of Justice and Public Safety, Attorney General

Department of Justice and Public Safety

4th Floor, East Block, Confederation Building

P. O. Box 8700

St. John’s, NL A1B 4J6

729-2869 Phone

729-0469 Fax

HYPERLINK "mailto: rhondas@psnh.com" rhondas@psnh.com
November 20, 2014

Ms. Judy Manning
Minister Responsible for the Status of Women
Government of Newfoundland and Labrador
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Ms. Manning,

I am writing to seek a meeting with you as the Minister Responsible for the Status of Women on a report commissioned by government over 3 years ago. This 2011 report titled 'It's Nobody's Mandate and Everyone's Responsibilities' dealt with the issue of sexual exploitation and the sex trade in our province, as well as the associated needs assessment component to address the problems.

As you will recall, this report was withheld from the public until a media outlet obtained a leaked copy. I would like the opportunity to discuss the recommendations of this 120-page report and to receive an update on how your department is partnering with the community to arrive at solutions and shape a better way forward.

I look forward to your proposing a date when we can meet shortly to discuss this very important report and issue.

Thank you.

Sincerely,

Cathy Bennett
MHA, District of Virginia Waters
MHA, Responsible for the Status of Women
Ms. Cathy Bennett
MHA District of Virginia Waters
Office of the Official Opposition
3rd Floor, East Block
Confederation Building
St. John’s NL A1B 4J6

Dear Ms. Bennett:

Thank you for your correspondence regarding the 2011 report, *It’s Nobody’s Mandate and Everyone’s Responsibility*.

As Minister Responsible for the Status of Women, I feel it is incumbent upon me to reinforce the public safety issues that may arise from the release of any information contained in the report.

The Royal Newfoundland Constabulary (RNC) is tasked with protecting the public safety of all citizens in this province including those involved in the sex trade industry. The RNC has advised that should information contained in the report be reported by the media, the well-being of sex trade workers could be jeopardized. This concern relates not only to those individuals who chose to participate in the report, but extends to the broader sex trade community, including families and children of workers. These concerns were shared with the authors of the report, as well as with media directly.

The RNC has expressly advised that the release of any portion of the sexual exploitation report poses a specific danger to individuals connected with the sex trade industry. Furthermore, the RNC has advised that public knowledge of the very fact that a study was undertaken and that a report was generated, creates danger for these individuals. These safety concerns are very real and serious.

While the report will not be released or further discussed in the public domain, please rest assured that the Government of Newfoundland and Labrador is firmly committed to the prevention of violence against those most vulnerable, including sex trade workers. This commitment is exemplified by our decision to not release information which would put individuals involved in the sex trade at an even greater risk of violence, as well as other measures.
For example, through the Violence Prevention Initiative, the Provincial Government works in constant collaboration with departments and agencies, over thirty community partner organizations, and ten Aboriginal governments and organizations to find long term solutions to violence. This collaboration will continue through the implementation of the forthcoming Phase II of the Violence Prevention Initiative action plan.

In November of this year, the Government of Newfoundland and Labrador provided the Safe Harbor Outreach Program (SHOP) with $20,000 in matching funding in order to provide services to individuals involved in the sex trade industry. SHOP is a project of the St. John’s Women’s Centre, which is also provided with $127,625 annually in operational funding by the Government of Newfoundland and Labrador. As well, the RNC has met with representatives from SHOP in recent weeks and they have assured them, and the public, that they will investigate any complaints related to sexual violence that they receive, including those from people working in the sex trade, and will treat such matters in a sensitive and confidential manner.

The Provincial Government also provides $110,000 annually in operational funding to the Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre, whose mandate is to support victims of sexual violence including sex trade workers. In partnership with the St. John’s Women’s Centre, the Centre operates a Warn other Workers (WOW) phone line where individuals involved in the sex trade can leave information for other workers about violent or dangerous situations they should avoid.

As well, individuals involved in the sex trade who are experiencing violence may access an array of Provincial Government policies, programs and services for victims of violence, such as the Department of Justice’s Victim Services program, the Department of Advanced Education and Skills’ Victims of Violence policy, as well as the Newfoundland and Labrador Housing Corporation’s Victims of Violence housing policy.

Thank you again for your correspondence related to this issue. I hope you are assured that while the Government of Newfoundland and Labrador is not prepared to discuss the contents of this report, we will continue to develop and implement strategies to reduce and prevent all forms of violence and abuse including against sex trade workers. Every resident of the province deserves to live, work and learn in safe and supportive environments where violence is not tolerated.

Sincerely,

[Signature]
Judy M. Manning
Minister