

Summary of proposed legislation for human trafficking and sexual exploitation prevention

January 25, 2022

Context

Amendments to existing legislation and new legislation are being considered to strengthen Manitoba's response to sexual exploitation and human trafficking. The legislative proposals are intended to support Manitoba's sexual exploitation prevention strategy (Tracia's Trust).

The proposed legislation is also based on legislation passed in Ontario in 2021.

As a priority bill, the legislation will be introduced in the Legislative Assembly in the spring of 2022 (mid-March).

Amendments to The Child and Family Services Act

- ▶ Changes to enable “no contact” protective order clauses for children who are in care (application by a CFS agency) or not in care of a CFS agency (a judge may make a no contact order), and need protection from contact with someone.
- ▶ No contact orders would be in effect up to six months.
- ▶ Changes would allow for an order of a judge to be granted and enforceable by any provincial law enforcement. Similarly, at the request of the agency, a peace officer must assist in enforcing a no contact order. Those placing children at risk could then be charged and convicted under the criminal code if they breach the no contact order.

New legislation – The Hospitality Sector Customer Registry Act (2022)

- ▶ Purpose is to prevent human trafficking by requiring hotels and temporary accommodations, including online accommodation platforms, to keep a register of guests and record their names/residences, and make registers available to law enforcement to support investigations into suspected human trafficking.
- ▶ Guests would have to provide their name and address to the hotel or accommodation. Hotels and accommodations would have to keep the registries for a period of time.
- ▶ Police could access registries without a warrant by issuing an emergency demand where there are reasonable grounds that a victim of sexual trafficking is at risk of being harmed, or if it is not practical to access a registry given the urgency of the circumstances.
- ▶ Information from registries would be used to locate or identify a person suspected of human trafficking, and to support investigations (including information sharing with

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other law enforcement agencies, media releases). The information may also be used in a criminal investigation.

- ▶ If the hotel/accommodation does not comply with an emergency demand, police may apply for a judicial order for compliance.
- ▶ Guests who willingly do not provide information, and hotels/accommodations that willingly do not keep registries, are guilty of an offence and liable on summary conviction to a fine of up to \$10,000.
- ▶ A police service would have to prepare an annual report on its use of urgent demands. Annual reports would be made public.

Amendments to The Child Exploitation and Human Trafficking Act

- ▶ Potential amendments to this act to require hotel and temporary accommodations staff, and operators of taxis and on-line ride sharing platforms such as Uber, to immediately report suspected human trafficking to police.
- ▶ Under consideration: Regulatory powers to require other prescribed businesses to report human trafficking.