November 18th, 2026

To: The Honourable Sean Fraser, P.C., M.P. Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Re: Appreciation for the defence of the Protection of Communities and Exploited Persons Act (PCEPA)

Dear Minister Fraser:

On behalf of the National Council of Women of Canada (NCWC), we are writing to thank you for defending the Protection of Communities and Exploited Persons Act (PCEPA) and for upholding Canada's commitment to protecting women, girls, and other vulnerable people from sexual exploitation. In *R v Kloubakov* (2025 SCC 25), the Supreme Court of Canada upheld the material benefit and procuring offences, and the Attorney General of Canada has defended the Act against a broader challenge before the Court of Appeal for Ontario.

PCEPA reflects an important principle: prostitution is not simply a form of work, but a system that can involve coercion, violence, trafficking, and other forms of exploitation. The Act recognizes that the purchase of sexual services creates demand for prostitution and that those who profit from, procure, or exploit others must be held accountable. Its purpose is to protect human dignity and equality, discourage prostitution, and reduce the harms disproportionately experienced by women and children.

Those harms fall hardest on women and girls who are experiencing poverty, homelessness, substance-use challenges, racism, disability, migration-related insecurity, or a history of violence and abuse. NCWC believes PCEPA is essential because it responds to these realities. It directs criminal responsibility toward those who create and profit from exploitation (sex buyers, pimps, traffickers, and others who commercialize prostitution) rather than toward the people being exploited. This approach helps reduce demand, largely shields people who sell their own sexual services from prosecution, and affirms that no person should be treated as a commodity available for purchase.

Critics of the Act argue that the material benefit offence can catch bodyguards, drivers, and receptionists, and so leaves women working alone. This was part of the reason the Supreme Court struck down the former "living on the avails" offence in *Canada (Attorney General) v Bedford* (2013 SCC 72). In *Kloubakov*, the Court answered the argument as it applies to the current law. It held that the material benefit offence does not capture someone who provides a safety service on fair terms, outside a commercial enterprise. The criminal law, therefore, is not what stands between a woman and a bodyguard. Licensing and cost are.

In Ontario, the Private Security and Investigative Services Act, 2005 requires anyone whose paid work is primarily protecting people or property to hold a provincial security guard licence. Getting one means completing at least 40 hours of approved training, passing a ministry test, and meeting the Act's criminal record requirements. Working as a guard without a licence is an offence. Close protection is also expensive. Ontario security firms advertise it at roughly $45 to $150 or more an hour. At the lowest of those rates, a six-hour shift costs $270 before she has earned a dollar.

That changes what "bodyguard" means in this debate. The man who fills the role in practice is unlicensed, and he is paid out of what she earns. In many cases, that is the very arrangement the material benefit offence was written to catch. We are not arguing that *Bedford* was wrongly decided, since the ruling rested on more than this one example. Our point is narrower. When a safety measure is offered as a reason to change the law, someone should check whether it can lawfully and affordably exist. In Ontario, the licensed bodyguard this argument depends on is out of reach for the women it is meant to protect.

NCWC's objection is to the recognition of prostitution as work, not to the rights of the people involved. We support an approach that upholds their dignity, safety, and human rights without legitimizing the system that exploits them. We firmly support every person's right to protection from violence, access to justice, and access to appropriate health, social, housing, legal, and exit supports.

We therefore encourage the Government of Canada to continue defending PCEPA, to support its consistent enforcement across the country, and to invest in the services and community-based supports that help people leave situations of exploitation and rebuild their lives with safety, dignity, and meaningful choices.

Thank you again for your leadership in defending this important legislation. NCWC looks forward to working with the Government of Canada to strengthen protections for women, girls, and all people at risk of sexual exploitation.

Sincerely,

Penny Rankin President
National Council of Women of Canada

Michelle Abel Vice-President
Children and Youth/Global Affairs NCWC

www.ncwcanada.ca

CC: The Right Honourable Mark Carney Prime Minister
The Honourable Rechie Valdez Minister of Women and Gender Equality (WAGE)
James Maloney MP, Chair, Standing Committee on Justice and Human Rights

Established in 1893 and incorporated by an Act of Parliament in 1914 the mission of the National Council of Women of Canada is directed to empowering all women to work together towards improving the lives of women, families, and society through a forum of member organizations and individuals.

Fondé en 1893 et incorporé par une loi du Parlement en 1914, le Conseil national des femmes du Canada vise à donner aux femmes les moyens de travailler ensemble pour améliorer la vie des femmes, des familles et de la société, dans un forum qui réunit des organisations membres et des individus.