

Submission to the Standing Committee on Justice and Human Rights National Consultation on Human Trafficking in Canada

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Introduction

I lost 10 disadvantaged years of my life to the licensed sex industry. When I was finally able to break free, I did not have to worry about being a victim of physical or sexual violence on a daily basis any longer. But this did not mean that the violence had ended. I have had to spend over 10 years restoring and rebuilding my life and, while healing has occurred, I will carry the scars of what has been done to me for the rest of my life.

As defined by the Criminal Code of Canada, trafficking in persons occurs when someone “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” 279. 01 (1).

Human trafficking cannot be separated from prostitution. The majority of trafficking cases in Canada are for the purposes of sex trafficking. My own life experiences, the life experiences of those that I know from the sex industry, and every single young woman that I have mentored at BridgeNorth has proven this statement to be true: where prostitution is allowed, human trafficking flourishes. This remains the sole issue at the heart of this discussion: by decriminalizing or legislating the buying of sexual services, the government creates an environment in which human trafficking can and will occur.

Janice G. Raymond with the Coalition Against Trafficking in Women International wrote 10 Reasons for Not Legalizing Prostitution. Her reason number seven offers a compelling argument:

“With the advent of legalization in countries that have decriminalized the sex industry, many men who would not risk buying women for sex now see prostitution as acceptable. When the legal barriers disappear, so too do the social and ethical barriers to treating women as sexual commodities. Legalization sends the message to new generations of men and boys that women are sexual commodities and that prostitution is harmless fun.” (Budig, n.d.)

The Role of PCEPA: A voice for those who cannot speak for themselves.

The current Law, the *Protection of Communities and Exploited Persons Act* otherwise known as PCEPA, is a revolutionary law in its own right. Following the example of the highly successful Nordic model, it stands as a current leader in the illustration of how, as a country, one can tackle the abuse of those who are most vulnerable.

PCEPA helps define exploitation for the purpose of bringing to justice those who would profit from the slavery of others. The current legal landscape with PCEPA in place, is one that is positive for trafficked people. As previously stated, evidence shows that wherever prostitution is sanctioned, accepted or allowed, human trafficking flourishes – especially where it is commercialized and institutionalized.

PCEPA removes the stigma and marginalization that was previously placed upon trafficked women and girls. Prior to the change in law, I, myself, did not understand the gravity of the situation that I was in. I did not fully understand that I was a victim. I see this same phenomenon in other women who are involved in the sex industry whether by circumstance or coercion. Not only were we being exploited and victimized, but we felt and continue to feel the guilt and shame for the fault was laid at our feet. PCEPA helps to define women's rights as citizens, and establish the inherent value in society, allowing an avenue for escape from a life of abuse. PCEPA is a worthy model because it supports anyone who wishes to exit the sex industry, whether there by circumstance, coercion or choice.

With my experience in aiding individuals who are transitioning away from the industry, I have seen that with PCEPA it is much easier to find the women and girls that are being trafficked, and easier to identify them as victims and survivors. Understanding and exiting is made possible with the language and the law supporting the truth that these people are being exploited, victimized and trafficked. As stated before, this is crucial as many of the victims would not even know to identify themselves as such and have no hope for a better future - a choice with no options is no choice at all.

PCEPA, due to the good work it does, should be strengthened and enacted to its full capability across Canada.

Canada in this era of change has an opportunity to set a precedent for the rest of the world in leading the advance towards a slavery free planet. Countries who have seen the success of Sweden's model in 1999 and have adopted their own versions of this direct front against exploitation include South Korea 2004, Iceland 2008, Norway 2009, Northern Ireland 2015, France 2016, Republic of Ireland 2017, with variations in Finland, while Italy, Israel, and Luxembourg are considering this method.

The world has begun to notice the injustice, namely human trafficking, hidden within society at present. Canada has the opportunity to continue as an example of what justice in action looks like in tackling this fight against the exploitation of its citizens and visitors. PCEPA sets the foundation where in future Canada can be regarded for its forward-thinking model and resulting ground-breaking progress towards a slavery free reality.

There is still an element that does need to be better addressed, and that is the criminalization of the victim – distinguishing between victim and choice. The law has provisions for specific locations where sex cannot be sold i.e. around schools and daycare centres. What is made evident, is that there continues to be a misunderstanding around the fact that every time sex is sold, it is not always done by choice. This means that victims of human trafficking could potentially be charged for something they were coerced to do. The language of our laws and the enactment of them needs to be made clearer in protecting those who are not willing in selling sex whether by coercion or circumstance.

Prostitution – and in result, trafficking – affects the most vulnerable in society, those who are already at a disadvantage due to socio-economic status, family life, and/or being part of a minority group. Of the Canadians in the industry, Indigenous individuals, women, children, and the LGBTQ+ community are disproportionately represented. Today, those in power have an opportunity to stand up for those who cannot stand for themselves, and that is why the current law, *The Protection of Communities and Exploited Persons Act* (PCEPA), is so critical.

Understanding the realities of human trafficking within the sex industry.

The truth of the matter is that the sex industry is one where misogyny, violence, racism, and poverty are inherent, and women are devalued. In this industry as a trafficked person, I saw young girls being selected and moved from massage parlours to massage parlour, from city to city and hotel to hotel. I saw women come in covered in bruises, forced to make a nightly quota, and pregnant against their will to bond them to their trafficker. I saw non-status women with no access to healthcare. I saw traffickers in massage parlours, strip clubs, hunting for their prey. I saw traffickers use these facilities to stockpile “their” women, so they could go and get more victims. I saw young women and girls required to recruit other young women and girls.

A client asked another girl that I knew, if he could pay a bit more to ejaculate on her face and was quite insistent about it. She commented that he must really enjoy doing this on a regular basis with his girlfriend, since he was so keen on having it happen. His response was, “No! I would never ask her to

do that.” What was most revealing were not his words, but the tone of voice he used when he said them. He was horrified at the thought of even asking his girlfriend to perform such an act. This girl was not given the same dignity or respect that he gave his girlfriend. This girl was also very aware that the only reason why she was even given a choice to refuse was because she was young and white. Other girls were not so fortunate.

I knew a girl who was in her late 20s when I met her at the licensed body rub parlor where I was working. She had a Scotian “boyfriend”, who was really her pimp. She had been trafficked since her youth in hotels, motels, cars etc. She was older now and “retired” to the massage industry. She had been with us for about 8 months before she suddenly disappeared. After being missing for 3-4 months she called me at the spa to tell me that she was “a whore and went out with one of the managers.” I asked her if she was ok and the phone line hung up. About 3 weeks after that, she came back to the spa. She had been found with one of the manager’s friends at a hotel after one of her shifts by her pimp, he took her to “pimp court” where she was “found guilty of an offence against her pimp that deserved serious punishment” Her son was removed from her, she was locked into a room, her leg was broken. She was only given food sparingly at the beginning, she endured the humiliation and degradation we hear of in POW prisons. She attempted to return to the spa but was not allowed to, because she could have outed a manager. I never saw her again. She never thought she could approach the authorities for help. No one, at any time, said people like her could go to the authorities for help. Her life held no value, she was cared for by no one.

Research by Melissa Farley of Vancouver women in prostitution shows that 75% had suffered physical injuries from the violence in prostitution including stabbing, beatings, concussions, and broken bones. Not only that but 60% were raped 5 times or more. The consequences are numerous including possible suicidal ideation and attempts, drug addiction, lower self-esteem, anger, PTSD, STI and infections, malnutrition, lack of hygiene and physical ailments and loss of motivation. A study of Vancouver prostitution reported 36% incidence of attempted murder (Cler-Cunningham and Christenson, 2001). All of this makes prostitution the most dangerous form of work in today’s society, with more injuries than the highest risk jobs like the armed forces, firefighting, forestry, and mining. Keep in mind that human trafficking for sexual purposes exists within the confines of prostitution, so any of these statements are true of victims of human trafficking as well.

Today, I am able to advocate for those still in a position of slavery as I once was. It was not an easy journey for me, and it is not for them either. I see and work with people with lifelong battles stemming from their exploitation. These battles include but are not limited to addictions, trauma and trauma induced fears, abandonment, abusive relationships, unrealized dreams for their lives. Our lives have been uprooted, our family’s lives are entirely different and have been changed negatively forever.

Moving Forward

The problem with trafficking in Canada distills down to a matter of simple economics – supply and demand. A hypersexualized culture that objectifies and degrades women and young girls as merely sexual objects, significantly contributes to the demand of the buying and selling of individuals as objects of sexual gratification. This demand drives the market for a supply of women and girls, boys and men, which is met by traffickers who exploit their victims. Traffickers see the industry as a low risk, lucrative business opportunity where the income is on average \$280,000 annually per trafficked person. (https://www.canadianwomen.org/wp-content/uploads/2017/09/CWF-TraffickingReport-Auto-1_0.pdf). Because trafficking is lucrative, it continues to flourish. This crime needs to be cut off at the source, ie. the demand.

The following is a table displaying the information collected in The Chicago Alliance Against Sexual Exploitation. They interviewed 110 men, who had bought sex in the Chicago area, and asked them what sort of actions could be taken to deter those who would buy an exploited individual.

Potential Consequence	Percentage of Interviewees
Photo And/Or Name In Local Paper	87%
Jail Time*	83%
Photo And/Or Name On Billboard	83%
Photo And/Or Name On Internet**	82%
A Letter Sent To Family Saying You Were Arrested for Soliciting a Woman in Prostitution	79%
Having Driver’s License Suspended	76%
Greater Criminal Penalties in General	75%
Car Impounded**	70%
Larger Amount of Money (more than \$1,000) For A Fine	68%
Having To Do Community Service	58%
Being Required To Attend Education Classes for “Johns”	41%

Note that 87% of interviewed individuals said that publicising their information would be enough of a deterrent to keep them from repeating the crime. This presents a hopeful avenue for abolishing the lucrative market, and also sheds light on the fact that most buyers of

sex feel shame and are aware of the inherent harm in their actions. Many admit to the fact that countless of those they purchase are likely trafficked individuals.

([https://www.rapereliefshelter.bc.ca/sites/default/files/imce/Deconstructing_the_Demand_For_Prostitution%20\(3\).pdf](https://www.rapereliefshelter.bc.ca/sites/default/files/imce/Deconstructing_the_Demand_For_Prostitution%20(3).pdf))

The demand for the purchase of sex needs to be challenged. Without the demand there would be no need for sexual exploitation, no market for traffickers to earn profit. As seen in the table, many respondents said that jail time would be a deterrent. This suggests that criminalizing the purchase of sex is an effective way to challenge the demand.

Some would argue that criminalizing those who buy sex would just send the market underground and out of reach of aide, and to this faulty ideal, S.M. Berg’s response (collected in the research by Melissa Farley) proves quite convincing:

“Basing public policy measures on the extortionist threat of increased violence in an already very violent environment is no way for a civil society to operate. Also, legalization has not only *not* stopped the violence prostituted people face, it has actually made it harder for victims to 'prove' they were forced and increased the number of people involved with the sex industry overall, hence expanding the number of people affected without stopping the violence.”

Close to home lies another area in dire need of change: the system which has given license to Massage and Body Rub parlours, and Holistic spas, whose purpose is to provide massage services to appeal to an erotic appetite. This license does not, in fact, legalize sexual acts. However, Bruce Robertson, director of licensing services at the city of Toronto was not wrong when – in speaking about the holistic licenses – he said, “In hindsight, it’s also opened a door for people to hide behind. Illegal activity in both licensed and unlicensed premises has become ‘more of a problem’ in Toronto and acknowledges that the city’s approach is not working” (Peter Kuitenbrouwer and Natalie Alcoba, 2011). The reality is that the women working in this industry, whether Body Rub parlours or the Holistic facilities, are in fact coerced or forced to also perform sexual acts. The massage licensing industry creates a front behind which prostitution can and does occur and is perceived as being legalized. “It is easier to hide trafficking in a country where other kinds of prostitution are legal” (Kvinnofronten).

From my personal experience, these licensed facilities are simply fronts for brothels. It was through licensing that others believed they had every right to my body, and that I had no rights at all. I have seen and witnessed heinous acts being committed against my fellow human beings. Two girls I worked with were murdered, others committed suicide, some overdosed. Rape and sexual assaults were a regular occurrence.

Licensing massage parlours creates a storefront that advertises massages, but in fact, is actually selling sexual services. The creation of the storefront makes legal and illegal activity much more accessible and is something that anyone can drive by every day on their way to work. The accessibility increases the demand for more girls and women in this industry. The increase in demand creates a need for increased supply. Ultimately, it is trafficked victims who will quickly fill in that supply.

Racism is rampant in this industry as some women are not considered as “desirable” as others. Parlor operators say “women of colour, indigenous women and older women are considered less desirable.” To compete with their “white” counterparts, they have to do “more for less”. They have to charge less for the same service or be willing to do more to get the clients. Yet, they are still expected to meet the same quota of all the other girls working in the parlour.

Women and girls who work in licensed body rub parlours are exposed to violence on a continual basis at the hands of their “clients” and the owners and managers of the establishment. The violence is such a part of their lives that the women come to expect to be physically hurt to satisfy “clients” desires or

wants. For them, it is considered a good day of work if this can be kept to a minimum. The violence includes acts like slapping, punching, biting, choking and spitting. This is not an exhaustive list by any stretch of the imagination.

The licensing system is in direct conflict with our current laws. It normalizes violence and objectification. It legitimizes racism, misogyny and abuse. It turns pimps and traffickers into third party profiteers and it notions to exploiters that Canada is open for business. As the licensing system acts as a mask for organized crime and repeated abuse, the government is strongly suggested to take another look at these laws in the effort to help stanch the flow of the crime hiding behind them.

To help combat the culture that allows for such corrupt ideas as those which allow the classification of women as an object to be used: education is paramount. The government should strive to set in place a method of educating young boys on the harm prostitution inflicts on the victim, and also on themselves, their sexuality, and their future relationships. Young people should understand the reality of the harms of the industry to keep them from the false perception that sexual exploitation is acceptable or normal.

In addition to this, the government should make extra effort to target those who profit from the exploitation of victims. When third parties are mentioned, the assumption is that they are a manager, driver, or security guard for the woman – there to advocate for her and protect her – and are there upon her request. Extensive research and experience from numerous survivors contradicts this, as the reality of the matter is that third parties are traffickers who profit off of the abuse, poverty, and situation of the women. My friends and contacts from the industry agree that they would not want to work with a third party even if they had their best interests in mind, as it would mean splitting the profit with someone else. Evidence shows that third parties are exploitative in nature, and often end up keeping all of their victim's profit, as well as employing physically and physiologically abusive techniques to keep them from leaving the industry. The government should take steps to criminalize any and all individuals who would stand to profit from the sale of exploited persons.

In conclusion, human trafficking and sexual exploitation is a dangerous thing for society to accept in any shape or form. It goes without saying that slavery in any form debases the worth of a human being and breaks the fundamental rights, freedoms and safety of citizens and visitors to this country. Canada has an opportunity to take a step in the right direction and is strongly urged to continue to enforce PCEPA and work towards an even brighter future as an implementer of a Canadian version of the Nordic model to help combat sexual exploitation today.

Recommendations for the Study of Human Trafficking in Canada.

1. Peer services need to be recognized and valued. This is what is most being asked for by the victims of human trafficking and others wanting to exit. Peer to peer programs need a funding base and to remain neutral to the justice system.
2. Enforce our current prostitution laws PCEPA as it denounces the demand of paid sex which will reduce the supply and sale of sex, therefore reduce trafficking.
3. Renew and revise our National Action Plan. Currently the lack of consistency across the country is exacerbating the problem. Traffickers are exploiting the pockets of inconsistency.
 - a. Implement a 24-7 National Crisis Line that is highly advertised and accessible with referral to services throughout Canada and develop a system to collect reliable and evidence-based information about the incidence of human trafficking in Canada.
 - b. Provide access to funds for NGO's who support human trafficking victims enabling them to better provide for victim/survivor needs.
4. Create consistency in our nation by linking the licensing and the different levels of government. This cannot be left solely up to the municipalities. The inconsistencies across the country exacerbates the problems.
5. Conduct a complete review and study on licensed facilities nationally. To not do so, and continue to license these facilities, is irresponsible and neglectful. Important factors to consider would be:
 - a. Better scrutinize the Owner/Operator licensing application process and ensure loss of license upon refraction.
 - b. Create comprehensive training for licensed individuals to help inform of rights, options and alternatives.
 - c. Establish multidisciplinary inspection teams including survivors/experiential women of the industry, and social workers.
 - d. Allow license to be valid at any location to allow women to seek safer working conditions should they find themselves trapped in a more violent spa.
6. Address gaps in services that would allow trafficked persons to feel they could even attempt to exit. A few key gaps are:
 - a. Housing needs
 - i. First stage housing is essential. Currently there are no true first stage housing options.

- ii. Transitional housing - needs to be safe and more accessible.
 - iii. Special Priority housing staff though OW needs to be quickly trained in regards to new policies that now include trafficked victims.
 - b. Set up therapeutic supports and trauma informed counselling and healing options for survivors to help restore belief in personal self-worth and value, including culturally relevant services such as healing lodges. Invest in living skills courses such as budgeting skills, stress management, tattoo branding removal, addiction services etc.
 - c. Provide victims assistance, translators, legal assistance, temporary residents permit.
6. Increase training for law enforcement, crown attorneys and judges in order to increase a better understanding of the harms and long-term impacts of this crime. The laws need to be implemented consistently throughout the country resulting in more convictions.
 7. Repeal previous prostitution and related convictions for historical cases.
 8. Development of greater social awareness and educational campaigns throughout the country that will change public perceptions, attitudes and norms about prostitution and human trafficking.
 9. Take proactive measures to tackle the supply and demand by:
 - a. Not licensing or legalizing - this attracts demand.
 - b. Educate young people in the realities of HT - teaching them that exploiting others is not ok, especially in the realm of prostituted persons.
 - c. Provide and promote education and alternative programs for youth gang involved and schools that deglamorize pimp culture and humanize victims.
 10. Implement consequences that actually deter, most severely for those who buy children - jail times, hefty fines, names in local papers, driver's license suspended - as previously stated.

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