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Standing Committee on Justice, Human Rights,
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Mr. John Maloney

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• (1820)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): Order, please.

I'd like to convene the subcommittee on solicitation laws. It's a subcommittee of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

It's our eighth meeting, and we have as our witnesses this evening, from the Salvation Army, Danielle Shaw, director of government relations, and Dianna Bussey, director of correctional and justice services; and from the Evangelical Fellowship of Canada, Janet Epp Buckingham, who is director of law and public policy.

The routine we usually go through is a ten-minute presentation by each of the organizations, followed by a seven-minute period of questioning from our members. Then we move on to a three-minute round. We try to encourage our members to ask very succinct questions, and our panellists to respond similarly. We don't want to limit your response, but we do like to try to keep it with the seven minutes. It goes very quickly; that's for sure.

I would ask perhaps Danielle Shaw, or the Salvation Army, to commence, and then we'll move on to the Evangelical Fellowship of Canada.

Ms. Danielle Shaw (Director, Government Relations, Salvation Army): Good evening. Thank you.

We appreciate the opportunity to be here with you tonight, and to present our observations and recommendations concerning solicitation laws in Canada.

I am the government relations director for the Salvation Army in Canada, and my colleague Dianna Bussey is the director of the Salvation Army's correctional and justice services in Winnipeg. She has direct involvement with some of our sex-trade worker education programs, as well as what are commonly referred to as john schools.

Just to give you some background, the Salvation Army is an international movement that is currently active in over 100 countries. We've been working with people engaged in prostitution since the mid-1800s, when we established rescue homes for victims of the white slave trade in England, and joined forces with other concerned citizens and organizations in advocating for legislative reform to prevent the exploitation of young women in brothels.

We have recently made an international commitment to combat intranational and international human trafficking into prostitution

through a commitment to actively engage in holistic care of men, women and children who have been trafficked; actively campaign for the eradication of the social and economic factors that lead to trafficking, and of the social and cultural attitudes that make it acceptable in certain parts of the world; and actively work with all those communities that suffer, in any way, as a consequence of trafficking or prostitution.

We appreciate that there are important distinctions between international human sexual trafficking and domestic prostitution. We believe, however, that there are important similarities between people affected by trafficking and those engaged in domestic prostitution, and that the commercial sexual exploitation has similar effects on the physical, emotional, and spiritual health of both groups of people.

Recognizing the harmful effects of prostitution on people engaged in prostitution—and by that term, we mean the workers themselves, those who purchase sexual services, and the surrounding communities—the Salvation Army currently operates five education programs for people working in prostitution, as well as those who purchase sexual services. In addition, we come into contact with people engaged in prostitution through our emergency and transitional shelter programs, our addictions treatment programs, our community and family services offices, and our church congregations.

The debate concerning prostitution is often framed according to one of two perspectives: that of law enforcement agencies and law-abiding citizens seeking to control crime and nuisances within communities and ensure community safety, or that of the sex-trade worker movement seeking to legitimize prostitution and protect the safety of people engaged in prostitution. Too many groups tend to understand prostitution as a choice—either a bad choice that must be addressed as criminal behaviour, or as a legitimate choice—that women, in particular, are entitled to make, and that should be respected, even if we would not make those choices ourselves. With all due respect to any subcommittee members who may identify with one of these perspectives, we believe they are both inadequate.

Our perspective on prostitution is rooted in our values as a Christian denomination and social service agency engaged in outreach and the provision of support and services to people engaged in street-level prostitution, as well as to those who purchase sexual services. Believing that no one is beyond redemption, we seek to reach out in love and compassion to people engaged in prostitution and to people who purchase sexual services. We reject the notion that street-level prostitution is a victimless transaction.

Most of the people who participate in our programs are involved in street-level prostitution, and many of them are engaged in what is often referred to as survival sex. Academic literature on prostitution suggests, and our experience confirms, that these are among the most marginalized, disadvantaged, and broken people, and that they are more likely to be drug-addicted, exposed to violence, and at risk of catching sexually transmitted infections.

Our perspective and recommendations are coloured by the particular people we come into contact with, and should not be interpreted as applicable to all people engaged in prostitution.

Although many speak of international human sexual trafficking as an affront to human dignity, a violation of human rights, and an inexcusable form of exploitation, we tend to treat domestic prostitution as a choice people engaged in prostitution make freely, and with full awareness of the consequences.

In our view, prostitution in Canada should be understood in much the same way as international human sexual trafficking; that is, as an affront to human dignity, as a violation of human rights, and as a form of exploitation, and not as a choice that people make. It is our belief, based on our experience with people engaged in prostitution, that although people involved in street-level prostitution in Canada may be perceived to be making a free choice, they often enter into prostitution because of a lack of alternatives, and are forced to remain in prostitution by the same lack of alternatives—or by pimps, a boyfriend, or a friend who benefits from their subjugation.

Although people engage in and are affected by prostitution in different ways, and some may exercise a greater degree of choice than others, there is almost always some element of exploitation—whether it's sexual, psychological, emotional, financial, or otherwise—inherent in this. Most of the people we have worked with have indicated that if they are given the choice, and the support necessary to implement that choice, they would exit prostitution.

Significant efforts have been made to reduce the harm suffered by people engaged in prostitution; however, we have noted that those involved in our programs are often unaware of the services available to them, and are, therefore, not accessing them. Many people do not become aware of these services unless or until they are charged with a prostitution-related offence and are required to participate in a diversion program.

Increased collaboration between law enforcement agencies that come into contact with people engaged in prostitution and the community-based agencies that provide support and referrals could serve to enhance the awareness of the services out there for those folks.

Even if people engaged in prostitution are made aware of the resources available to exit, a noticeable shortage of housing and

addiction-treatment facilities for women engaged in prostitution is a particular challenge and obstacle for people seeking to exit.

Our brief contains a number of observations about the impact of existing laws or law enforcement mechanisms on people engaged in prostitution. Time won't permit us to go through all those observations and articulate them, but they are there in our brief.

I will jump to our recommendations. Although our brief contains a fairly lengthy summary of recommendations, we'd just wish to highlight a few of those recommendations right now.

We did note, in our brief, that law enforcement strategies have different impacts on different people. They tend to affect women disproportionately; law enforcement efforts are often directed more toward women than toward men, and the consequences are often more harsh for the women than for the men.

Having said that, and notwithstanding the observations we've made about existing law enforcement practices, we would not support the decriminalization of prostitution-related activities at this time. We do believe that direct engagement in street-level prostitution by the workers themselves should be treated primarily as a social problem, rather than as a moral or criminal problem. In our opinion, though, if we're going to increase law enforcement efforts, they should be directed toward those who recruit people into prostitution, keep them there, and benefit from the prostitution of others, rather than toward those who are directly engaged in prostitution.

Second, we believe that community, government, and law enforcement attempts must deal with both supply and demand, addressing both the role of people engaged in prostitution and the role of people who pay for sexual services in perpetuating prostitution.

Third—and this is our experience—creative partnerships between law enforcement agencies, community-based organizations, and social service agencies have been developed, and should be further developed, to generate effective outreach, education, prevention, and exit programs. Such services should not be restricted to people directly engaged in prostitution, but should also include those who pay for sexual services.

With respect to mandatory participation in diversion programs, which have become a part of law enforcement criminal justice strategies—diversion programs that provide information, education, and referrals to support services, and that require regular follow-up, are one way of shifting from punishment to prevention and exit, particularly for those charged with communicating offences, and should become a standard part of law enforcement practices.

Finally, we wouldn't be a normal NGO if we didn't raise the issue of funding. Funding is always a challenge for the services we provide; in our opinion, increased resources—particularly in the form of core funding—should be allocated to facilitate outreach to, and education of, people involved in prostitution, those at risk, and those seeking to exit prostitution.

Thank you very much. We'll look forward to your questions.

•(1825)

The Chair: Thank you very much.

Ms. Buckingham.

Ms. Janet Epp Buckingham (Director, Law and Public Policy, Evangelical Fellowship of Canada): Thank you, Mr. Chair, and thank you to the subcommittee for the opportunity to speak to you today.

The Evangelical Fellowship of Canada is a national association of churches, church-related organizations, and educational institutions, and includes 40 denominations from across Canada.

Our concern for the protection and assistance of street prostitutes stems from the Biblical mandate to care for the vulnerable. We view street prostitutes as victims of sexual exploitation. As well, we believe that God created all people in his image and loves each person. All people, therefore, have inherent worth. They should not be treated as objects or playthings.

Many Canadian evangelicals minister to street sex workers across the country, and we have drawn on their expertise and experience in preparing this submission.

We understand the mandate of this subcommittee is to address solicitation laws under the Criminal Code. Our concern is that this mandate is too narrow. The criminality of solicitation is only one part of what should be an overall strategy to address prostitution in Canada.

Within this narrow context under investigation by the subcommittee, our recommendations are, in brief, that solicitation should not be decriminalized, but that increased penalties would be appropriate for johns and pimps; and, because we don't benefit directly from this kind of funding, I can more generally make a plea for more funding to be made available for safe houses and programs offering exit strategies for street sex-trade workers.

I'd like to look first at the effects of prostitution. Prostitution violates human dignity by distorting human sexuality and commodifying sexual intimacy. It harms its participants, both physically and emotionally. Prostitutes are in constant danger of assault by johns and pimps, and often have no legal recourse for wrongs inflicted upon them. They have a high risk of contracting sexually transmitted diseases, which may lead to serious long-term health complications, such as infertility or AIDS.

Prostitution perpetuates the exploitation of the vulnerable. The majority of those who enter into the sex trade are juveniles. People are also led into, and kept in, prostitution by coercive means.

In its conclusions, the Badgley committee—which, admittedly, was a few years ago, but I believe its research is still valid—documented the role played by pimps in introducing and coercing young females into a life of prostitution, and of locking them into this way of life by drugs, violence, and threats of violence.

This physically and emotionally harmful practice exploits those who are already vulnerable, and keeps them trapped in cycles of abuse and exploitation. Despite the commonly expressed desire among street prostitutes to leave the trade, most prostitutes remain in the sex trade, because they feel they have no safe and viable exit strategy.

It is disconcerting that prostitution is often referred to as a form of work, or industry, into which women willingly and freely enter. Prostitution is, rather, a form of sexual exploitation into which individuals are drawn, often under the influence or manipulation of another individual, and most often with the belief that they have no options.

Any policy position developed without this underlying understanding will fail to address the roots of the problem, and will ultimately fail those individuals suffering under the exploitative sex trade across Canada.

The Canadian government has always formally discouraged prostitution, enforcing laws rooted in the assumption that this exploitative practice harms its participants and is detrimental to Canadian society as a whole. We believe that the ultimate goal of laws addressing prostitution should be the elimination of this form of sexual exploitation in Canada.

● (1830)

Now looking at law enforcement and the impact of law enforcement on prostitutes, unfortunately, across Canada our law enforcement approach is detrimentally unbalanced, targeting for apprehensive and prosecution and already vulnerable population of street sex workers while overlooking the johns and pimps who are perpetuating and benefiting from the ongoing exploitation of the vulnerable.

Over 90% of all solicitation and prostitution-related charges across Canada are sex workers themselves, generally, because they are the easiest to target. And if the penalty is a fine, prostitutes owe not only their pimps but also the state. Not surprisingly, this fosters an adversarial relationship between sex workers and law enforcement officials. This discourages prostitutes from contacting the police when their safety is in jeopardy, closing off their only channels for reporting assaults or seeking protection for violence or abuse.

We do not, however, recommend decriminalizing solicitation, as the current law allows for police intervention that removes prostitutes from the streets, and if approached appropriately can serve as the first step in an exit strategy. If solicitation is decriminalized, this removes one avenue to remove vulnerable men, women, and children from a situation in which they are being exploited.

The widely discussed harm reduction approach to prostitution uses it as an inevitable and ever-present profession that is carried on within an often hazardous work environment. With all due respect, this is sexual exploitation of some for the pleasure and profit of others. Harm reduction is not an adequate substitute for accessible exit strategies that enable prostitutes to leave the sex trade immediately and for good.

In addition, those who work with street prostitutes indicate that prostitutes themselves are not in favour of so-called red light districts. They see this option as trapping them in a life they do not want.

Finally, looking at what happens in some other countries, analysis of responses to prostitution in countries such as Australia, Ireland, the Netherlands, and Sweden indicates that legalization has not reduced or limited sexual trafficking, and there is evidence that it has increased flows. Tolerance zones in both the legalized and regulatory regimes have failed to deliver the hoped for benefits, and only coherent, coordinated, multi-stranded, and well-resourced interventions linked to a clear longer-term policy direction make a positive difference. And I would like to table several reports on Australia, Ireland, the Netherlands, and Sweden from which our conclusions are drawn.

One reasonably successful model is Sweden. In Sweden, prostitution is officially acknowledged as a form of exploitation, so it was included in a bill addressing violence against women and children. The Swedish government prosecutes men who seek to purchase sex rather than prosecuting the prostitutes. Sweden has also provided government-sponsored programs to help people exit prostitution. It is believed that this has halved prostitution in Sweden since it was introduced and has greatly cut down on trafficking.

To reiterate our recommendations, we recommend that solicitation not be decriminalized at the present time. We recommend increased penalties for johns and pimps, and we recommend more funding to be made available for safe houses and programs offering exit strategies for street sex trade workers.

Thank you very much.

• (1835)

The Chair: Thank you, Ms. Epp Buckingham.

Mr. Hanger, our first round. Seven minutes.

Mr. Art Hanger (Calgary Northeast, CPC): Thank you, Mr. Chairman.

I'd like to thank the witnesses for their presentations today. I think they have been included as quite valuable for the committee to look at and I'm pleased that you're here.

I'm very interested in comments pretty much made by I guess all the witnesses today in reference to law enforcement as a means to curb prostitution. Also, for the present solicitation laws, all of you stated that they are unbalanced because they do pick on the street workers. How do you propose to balance it out? What other legislation would you suggest there be to balance it out? And I'm not talking about just the prostitution that's on the street, but broadly—there are escorts and massage parlours, and solicitation is going to take place. But whether the police charge a john or whether they charge a prostitute, that conversation must take place. So what are you suggesting there be to sort of balance this out?

• (1840)

Ms. Danielle Shaw: Well, the communicating provision deals primarily with communication that takes place in public places. Again, because we deal with people involved in street-level prostitution, one recommendation would be that the law be applied equally. If we are going to continue to prohibit communicating for the purposes of engaging in prostitution, then the law should be applied equally to men and to women, and consistently to men and to women.

Mr. Art Hanger: Let me interrupt right there, if I may.

I worked on the street as what they call a “stick”. My job was to have prostitutes, in certain street terminology, “crack” to me. My job as a police officer was to say not a word, but to have the prostitute come to offer her services to me, without me soliciting one single thing. Now, maybe an astute john might understand that it's the girl who's going to be under the charge if she solicits. That's the way the present law is, I believe. If there's no form of communication in that sense, how do you propose on balancing that out? That's going to be very significant as to how that transaction takes place.

Ms. Danielle Shaw: I think we have a conundrum in our legal treatment of prostitution because prostitution per se is not illegal: exchanging sex for money in itself is not illegal, it's the communicating, the related activities.

Apart from educating law enforcement officials, encouraging them to apply the law equally—and Dianna will tell you that the problem I've mentioned is a problem in Ottawa and not as much of a problem in Winnipeg.... I think applying the law equally, more consistently, is part of what needs to take place.

We've observed inconsistencies. I don't think you need an additional law to fix that. It has to be a policy change or a change in practice.

Mr. Art Hanger: I guess I'm lost here, because I understood the law to be.... I testified in court on some of those situations when a prostitute would approach me, and the question asked by the defence or by the prosecution was, “In your opinion, officer, with this exchange in conversation, what was taking place?” My comment to the court was, “I believe this woman was soliciting me for the purpose of prostitution.” End of story. So it's directed that way; it's not the other way around. I haven't seen too many charges laid against johns, I guess, is the question.

Ms. Danielle Shaw: Well, prior to 1985 the law only criminalized the conduct of the people involved in prostitution, the workers themselves, not men and women, let's say. Let's assume that the men are the clients. The law has since changed. So now the conduct of both the men and the women is criminalized.

Ms. Dianna Bussey (Director, Correctional and Justice Services, Salvation Army): I think what we're saying is that we see a discrepancy in the number. The sex trade worker, that's the prostitute, is targeted more often than the customer, the john.

Ms. Janet Epp Buckingham: I think even from your example, it's clear that from a police perspective it's much easier for a police officer to stand and wait to be solicited by a prostitute. I have certainly heard anecdotally of more creative ways that female police officers have found the johns who will approach them, but they have to stand on a street corner, dressed provocatively, for that to happen.

That is happening, but it is more difficult. That is why I think there is the inequality, because it is easier for a male police officer to stand and wait to be solicited. So it does require a different approach, basically.

Mr. Art Hanger: Well, we haven't talked much about massage parlours or escort services. They too have the violence behind. It's not all rosy. None of it is, as far as I'm concerned. Those areas are seldom touched by the police. It's almost like they're over there, out of sight, out of mind, almost. Unless a complaint is laid or something specific happens, nothing ever occurs. So there's a great inequity there.

Yet massage parlours are places men frequent in relative safety. So there is no application of the law. Do you think there should be an application of the law?

• (1845)

Ms. Dianna Bussey: First of all, as to what you were originally saying, the work the police have to do ahead of time to target the operations on the inside is phenomenal compared with addressing it on the street.

Mr. Art Hanger: I know.

Ms. Dianna Bussey: Whereas the street prostitution is complaint-driven, there are not as many complaints on the inside that you see referenced as well.

I can't really address the application.

Mr. Art Hanger: If we're going to—

The Chair: Thank you, Mr. Hanger. We're going to have to move on.

Ms. Epp Buckingham, would you care to make a comment on Mr. Hanger's question?

Ms. Janet Epp Buckingham: I think the experience that all of us bring to this issue is really more with the street prostitutes, but the principles remain, I believe, for people who are working in these other areas of prostitution; they are still victims of sexual exploitation and they are trapped. For them, there may be even fewer exit strategies because they are living in a home and are in a particular situation. So I would argue that they are still victims of sexual exploitation and deserve to have some attention paid to them and to their concerns.

The Chair: Thank you.

Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Good evening. Thank you for your presence here today and for your involvement with women. Unfortunately, we had you waiting, because of a vote in the House.

The goal of this subcommittee is to improve the safety of people who engaged in prostitution in the community, and to recommend changes.

In the course of your work, do you see a link between prostitution and violence against women?

[*English*]

Ms. Dianna Bussey: Yes, I certainly see the violence, especially when it comes to street prostitution. Over the years, I've spoken to many women involved in street prostitution and without exception almost all have experienced violence. Quite often I hear comments from these women to the effect that they have come to the point

where they see themselves as expendable. I've heard them say such things as, "Well, I am out there so that the children on the street don't get hurt. It's okay for me to get the violence that comes from this, but hopefully I'm saving some other women or some other child from it." That indicates to me the violence these women experience on a day-to-day basis, which I don't believe I'm exaggerating.

[*Translation*]

Ms. Paule Brunelle: Do you think this violence is prompted by johns, by pimps? Who are the people abusing these women?

[*English*]

Ms. Dianna Bussey: I see it as coming from all of those. In some cases, it's from other workers on the street, but more often from the johns, the customers. That is likely the usual case. But it's also from boyfriends or pimps; the women themselves don't use the term pimp very much, but call them boyfriends. It also also through connections with the drug traffickers, the people who are selling.

[*Translation*]

Ms. Paule Brunelle: In this committee we have heard that the fact that communication is illegal was actually endangering prostitutes and that they had very little time to look and properly assess their client, and they were therefore putting themselves in dangerous situations. The suggestion has been made to us to decriminalize communication to help improve the safety of prostitutes. What do you think of that?

• (1850)

[*English*]

Ms. Dianna Bussey: Initially, when I think about it, I wonder if that's not the case to some degree, but I don't believe that decriminalizing it would actually address the issue of violence. As I understand it, decriminalization would still give this amount of a non-entity to both the john and the prostitute. So I'm fairly certain that it would not take away the violence. There would still be people who would work as prostitutes who perhaps would not be able to work in a decriminalized environment, meaning people who have other criminal charges, or whatnot, or other issues that would be going on.

So I think that might be a small piece of it, but not enough to warrant decriminalization. I think there would still be the violence there.

[*Translation*]

Ms. Paule Brunelle: Would anyone else like to answer the question?

[*English*]

Ms. Janet Epp Buckingham: What we have heard from women who are trying to exit from prostitution is that they fear the legitimization of prostitution. They fear it being seen as a legitimate business. They're in it because they're being exploited, and if it becomes a legitimate business they will be stuck. That's what they have expressed to us. They will then be trapped in this with really no way out. There are sort of both sides of it. They're not happy, and they don't see this as their long-term future. This is something they want out of, and if it's just a business they won't be able to get out.

[*Translation*]

Ms. Paule Brunelle: Do I still have a moment?

[English]

The Chair: You have two minutes.

[Translation]

Ms. Paule Brunelle: I wasn't aware of the Evangelical Fellowship of Canada. I don't know if it exists in Quebec. I know that it has been said that you believe prostitution leads to family breakdowns. Is this true? On what basis do you say such a thing? Is it strictly a moral aspect of your philosophy? What does it mean exactly?

[English]

Ms. Janet Epp Buckingham: At this point, I have not addressed this as a family-based issue. Our organization is church based, and we do have members in Quebec as well, although not as many. Our approach to this is that prostitutes are very vulnerable, and they are being exploited. Many of them are from backgrounds where they have been abused in their own families. They are young people who have run away from home and are living on the street because they fear violence within their own homes. They end up on the streets and get drawn into a life of prostitution because they feel they have no other options, or they may be too young to work at a legitimate job. Often the prostitution is a result of a breakdown and fracture within the family itself. We're not really addressing this as a moral issue so much as an issue that these are vulnerable people who need to be helped off the streets and into lives where they can fulfill their dreams and aspirations.

[Translation]

Ms. Paule Brunelle: Thank you.

[English]

The Chair: Merci.

Madam Davies, seven minutes.

Ms. Libby Davies (Vancouver East, NDP): Thank you very much.

Thank you for coming today. I'm sorry we were late; we were all caught up in the House.

If I could begin with you, Dr. Buckingham, from the Evangelical Fellowship, you obviously have a point of view, which you've put forward here today. You say you've heard this and this from prostitutes. I think you said they were in prostitution because they were exploited, which actually didn't quite make sense to me.

I'm curious to know if the Evangelical Fellowship actually operates or provides street-based services. What programs do you operate?

• (1855)

Ms. Janet Epp Buckingham: As I indicated in my introduction, we have about 70 different ministry organizations under our umbrella, many of which are engaged in direct street-level ministries. The Salvation Army is one of our affiliated organizations, but there are also many outreach ministries for people who are living on the streets—homeless ministries.

I meant to have with me one of those people today, but he was unable to make it due to bad weather. I'm communicating what was told to us when we communicated with the street workers themselves—I don't know this personally, I'm a policy person—

who are directly engaged with sex trade workers, about what they understand are the needs and aspirations of those who are living on the streets, and what would help them.

Ms. Libby Davies: Could you name a program we might be familiar with that you operate in, say, the east side of Vancouver?

Ms. Janet Epp Buckingham: Yes, the Union Gospel Mission would be the one in Vancouver, along with Sanctuary in the Toronto area. They're the ones we've spoken with in the last week, but it is Mission Services of London, Ontario, and they're operating in most of the major communities in Canada.

Ms. Libby Davies: If I could maybe ask a question of the Salvation Army representatives, in your brief and as you made your presentation today, you said you think street-level prostitution should be treated primarily as a social rather than a moral or criminal problem, although you don't support decriminalization. Then you go on to say that you think increased law enforcement should be directed to people who recruit and so on, and that

For those who are charged with communicating offences, whether people engaged in prostitution or those who purchase sexual services, mandatory participation in diversion programs...

First of all, I want to ask you a couple of things. Should the communicating law be kept or should it be repealed? If you think it should be kept, how do you believe it is actually assisting women in the sex trade? Is it helping them or is it harming them?

Secondly, in terms of mandatory participation in diversion programs, what evidence do you have that basically mandatory treatment or whatever you might call it...? I know that when it has come to things like the drug court, for example, the evidence is showing that it has had a very minimal effect. On the whole idea of mandatory—some people use the word “coercive”—programs, in which you basically are taking someone who is already in the criminal justice system and you're using the threat of jail or something else as leverage to divert them, there is some evidence showing that the impact of that is quite minimal. I'm just wondering why you favour that approach, and what evidence you have that it actually is working? Or do you have that experience?

Ms. Danielle Shaw: There were two questions, the first one being

• (1900)

Ms. Libby Davies: The communicating law.

Ms. Danielle Shaw: Yes, why would we advocate that the communicating provision not be repealed? Admittedly, we're walking a bit of a fine line in this brief. We have observed that there are inconsistencies in law enforcement. We have said, quite rightly, that insofar as workers are concerned, we don't think their involvement in prostitution should be treated primarily as a criminal problem. We believe the better approach or more holistic approach is social intervention strategies plus law enforcement.

This brief was based on my consultation with those who are involved in the provision of services, Dianna being one of them. The reason why we didn't go so far as to say to repeal the communicating provision altogether is that sometimes that is unfortunately the only way or the primary way we come into contact with the people. We do have outreach programs, but the communicating law in a sense brings people to us.

Ms. Libby Davies: But then they're people who have been charged.

Ms. Danielle Shaw: Correct.

Ms. Libby Davies: Surely just the fact that it brings you into contact with them is not a good reason for keeping a law. You're basically saying you want women to be criminalized so that you can have contact. I don't follow that.

Ms. Danielle Shaw: Right. I may not have stated it as well as I would have liked.

It brings people to the service providers who can provide them with alternate supports, but there are also pre-charge diversion programs. People do come into contact with law enforcement agencies, but they're not always ending up with a criminal record. First-time offenders will go through a pre-charge diversion program. Unfortunately, the conditions are a bit too strict. Anyone who has a prior offence may not go through pre-charge but may go through post-charge.

As the EFC said, we don't think decriminalizing communicating is going to provide that much help to the workers themselves. It's not going to do that.

Ms. Libby Davies: Do you think it's helping now? The other side of this is that that communicating law is having some effect. What effect is it having in a positive way? I really don't know. The overwhelming reality out there is that the communicating law is creating an enormous amount of harm, so to keep it for contact.... There are lots of services that gain contact without needing section 213, so I'm having trouble following your argument. Anyway, you gave your point of view.

On mandatory services, then, what's your rationale for that?

Ms. Dianna Bussey: I can speak back to when I discussed Winnipeg. I talked about the Winnipeg situation. The programs we offer are pre-charge, so when the women come into contact with the police, if they are arrested or detained by the police, we have a program in place so that at the time of that detention, we attend the police station and we are able, as a bunch of agencies, to sit down with that person and talk to them about what happened, where we can go from there, whether we can provide them with some services, what they might need, and we give them a ride home.

So hopefully it is changing to some degree their usual experience with law enforcement, and it's building some relationships there.

Ms. Libby Davies: Is there a certain length of time that a person has to be involved in the program, and are they monitored in terms of whether they're fulfilling certain commitments? How does that work?

The Chair: Last question, please. Go ahead.

Ms. Dianna Bussey: It depends on the program. Usually they are involved with us for at least a few months. It's up to them. If the women would like, we will stay involved with them for as long as they like.

Ms. Libby Davies: Can they leave at any point?

Ms. Dianna Bussey: Yes.

The Chair: Thank you.

Dr. Fry.

Hon. Hedy Fry (Vancouver Centre, Lib.): Thank you very much.

I'm interested to hear your presentations, because I know that the Salvation Army has had a long history and does very good work.

However, I was interested in something you said. You kept using the term...you said "We reject the premise that street-level prostitution is victimless". Every time you talked about the things that you found negative, you kept saying "street-level prostitution", so it's obvious that you have differentiated between street-level prostitution and other forms of prostitution. And since we have not spoken about other forms of prostitution, I think for me the question then is—you obviously see a difference—what is the difference, and do you have a different solution for people who are not in the street level, for example the call girl, the escort service, those who engage in a different way?

Do you have a different solution for them? That's the first thing,

The second thing is I think I'm going to follow up on what Libby says: of course it's not victimless, because you're first and foremost criminalizing...the person everyone says is the victim is now being criminalized. No matter how much you do with johns, you're still criminalizing the persons you suggest are victims. So my question then is, do you see decriminalization as an option? That's my second question.

I agree with everyone on the holistic nature in which we must look at this, but I suppose being a physician, I come from a place where everyone talks a lot about prevention of disease, and that's great. And if we put in good preventive measures, 20 years, 15 years down the road there will be a whole lot of people who are not sick. But in the meantime, what do we do with the people who are sick?

So I want to ask this question based on a model that asks how we prevent people from getting into prostitution. How do we deal with the people who are there right now? It's not easy to suddenly say to someone, I want you to quit and I'm going to help you, I'm going to give you all these wonderful things if you quit. We know that's not easy, so let's not pretend it is.

So what do we do about reducing harm to people in the sex trade while we are dealing with issues of prevention on the one hand, and on the other hand exit strategies and rehabilitation, where the person opts to do it? So in those very words, "where the person opts to do it"...because we know that for a lot of people in prostitution, most of them are there because they are on drugs and that's the reason they keep staying there. And there are a whole lot of other reasons.

I want to know if in your experience you've found anyone who was not there for any of those reasons—and I think this would probably be at the escort service level. How do you view that?

Those are a lot of questions. I agree with the holistic nature, but I want to talk about not brushing away harm reduction, but recognizing the reality of its need. And what do you see as the difference in street prostitution, which is obviously dangerous, and how do you view decriminalization of the prostitute herself or himself?

•(1905)

Ms. Danielle Shaw: You asked about the differentiation we made between street-level prostitution and other forms of prostitution. The only reason we focused on the street level is that the vast majority of people we come into contact with are engaged at the street level. So we're speaking out of our direct, hands-on experience.

We do come into contact with people who are working in exotic dance clubs, escort agencies, and other areas. We would see that form of prostitution as exploitation as well. We would argue that the various exit strategies that are necessary for those engaged in street-level prostitution should also be available for those engaged in other forms of prostitution.

The exit strategies might be a bit more complex for people involved in street-level prostitution, if they have drug addiction problems or they're homeless or whatever. But clearly, we would suggest that these same options, the same harm reduction measures, should be available to both groups.

Again, we made the distinction primarily because of our experience with a certain subgroup.

How do they prevent this, and what about the people who are there now? I think Dianna can comment on that a bit better than I can.

Hon. Hedy Fry: Don't forget the decriminalization of the prostitute.

Ms. Danielle Shaw: Right.

Ms. Dianna Bussey: What can we do best with those who are out there right now? In my experience with the women I come into contact with, the majority of them have severe addiction issues. When it comes to harm reduction for those things, anything—

Hon. Hedy Fry: You support it?

Ms. Dianna Bussey: Yes.

The treatment programs available for them are not accessible. Well, they are accessible to them, but not in a timely fashion. It really is population needs.

Hon. Hedy Fry: But you and I know that you can take a horse to water but you can't make it drink. You can take someone to treatment, and if they're not ready for treatment as an addict, that will not happen.

•(1910)

Ms. Dianna Bussey: Right.

Hon. Hedy Fry: So I'm trying to be very pragmatic and very practical about the reality of people's lives. So it's fine to say, "Let's take everybody and give them exit strategies". And it's fine to say, "Let's not deal with harm reduction, because if we could get them to treatment faster, it would solve it". We know it won't; I practised medicine for 23 years, and know it won't. So there are those realities.

Obviously, I'm glad to hear that you see harm reduction as an issue.

The other one you haven't answered is the issue of criminalizing the prostitute. How does it solve anything at all by continuing to victimize someone who's already victimized? I would like an answer to that.

Feel free to jump in, Dr. Buckingham.

Ms. Danielle Shaw: From our perspective, as we've stated in our brief, criminalizing and re-criminalizing the behaviour, the conduct, the activity of the prostitutes themselves is clearly not the best way to deal with prostitution.

Because of the type of organization we are and our own constituency, it is difficult for us to advocate decriminalization, whether or not that would be the best or most practical solution. We're just constrained somewhat by our organization.

What we have attempted to say in our brief—and we obviously haven't said this very clearly—is that we don't think decriminalization is the panacea. At the same time, we acknowledge that the communicating offence is probably is not the best way to deal with this issue.

In terms of our programs, harm reduction is a component. We are not pushing every single person who comes through our program to exit prostitution; we're clearly respecting the choices that people make. If we can reduce harm, great. For those who want to exit, we support that as well.

Hon. Hedy Fry: Do I have time still?

The Chair: If Dr. Epp Buckingham has a comment, I think we should go there.

Ms. Janet Epp Buckingham: I'll try to be short.

You were looking for long-term resolutions. I would come back to Sweden. In fact, Sweden has decriminalized on the prostitute side but retained criminalization of solicitation on the john side, or customer side. As I understand it, it has made Sweden a less favourable place for sexual trafficking, which we know is a problem here. But if you let it be known that prostitution is going to be treated more seriously on the user side, that can really help to cut down on both prostitution and sexual trafficking.

I recognize that criminalizing the victims seems very counter-intuitive and inappropriate, but in some of these situations, women are virtual slaves. They're sex slaves. A police officer having a way to get a woman out of that situation.... It's very difficult to think about how you can work to get a woman out of a situation of virtual slavery, in some situations. I recognize there should be a better way, though.

Hon. Hedy Fry: But that's a temporary measure. It could last for two days.

The Chair: Thank you, Dr. Fry.

Hon. Hedy Fry: When I come on again I want to pursue that discussion.

The Chair: Mr. Hanger is next for a three-minute round, please.

Mr. Art Hanger: Thank you, Mr. Chair.

Hon. Hedy Fry: There are statements made by the police board in Sweden and others that say it isn't working.

The Chair: Dr. Fry, I think we're moving on.

Hon. Hedy Fry: Sorry, Mr. Chair.

The Chair: We'll be back.

Mr. Art Hanger: That's okay, Mr. Chair. I think Ms. Fry's comments are really worth following through on. I'm going to sort of move in that direction as well.

If you take the money out of this situation.... There's organized criminal activity pushing hard to keep this revenue flow going, and they're going to do everything possible to put girls on the streets and exploit them to the maximum. But if the money doesn't come from those seeking that service, because they are fearful of being charged, or fearful of being exposed to the community, is that the biggest part of this equation that has been overlooked?

Do you feel, from your research or your knowledge, that a lot more girls would be safer out there, and fewer would be involved maybe even in prostitution? I would like your opinions on substantial enforcement against pimps or procurers, and substantial enforcement against those seeking that service.

Ms. Dianna Bussey: On the customers or the johns, last summer, I believe, the sergeant in charge of the morals unit of the police in Winnipeg actually went on TV to tell people that they were going to do a sting operation in this area at this time on these days, and they still arrested 33 guys. It seems that even if that information is out there, it's not a deterrent.

• (1915)

Mr. Art Hanger: Did they charge them?

Ms. Dianna Bussey: Yes. They were pre-charged.

Mr. Art Hanger: What does that mean?

Ms. Dianna Bussey: The ones who were eligible, the ones who had never been in trouble before, went through a john school program.

Mr. Art Hanger: So they didn't get a heavy fine or six months in jail.

Ms. Dianna Bussey: No.

Mr. Art Hanger: It was just a slap on the wrist, basically.

Ms. Dianna Bussey: Hopefully it was more of a deterrent than going to court. They will be armed with more information to make better choices next time.

Mr. Art Hanger: I'm surprised at your comment, in a way, because it sounds rather weak. If you're serious about this problem, would it not be better to have a crackdown in a substantial way on those engaged in...? I don't care if it's receiving, pimping, or procuring, would it not be better if that were the target, through enforcement?

Ms. Dianna Bussey: I would agree with that. It would be better for the procurement, pimping, and what not that way.

Mr. Art Hanger: What about the girls? Would it be better for them too?

Ms. Dianna Bussey: For them to be even more targeted than they are now...?

Mr. Art Hanger: If you're going after the procurer, obviously they're going to be very reluctant to try to engage in that kind of activity by recruiting young gals. They would be much safer all the way around.

Ms. Dianna Bussey: Right. I'm not sure if I understand you.

Mr. Art Hanger: Maybe I'm not being quite clear enough.

The Chair: Ms. Buckingham, do you have any comment on any of those questions?

Ms. Janet Epp Buckingham: I was going to comment that we have seen a change in behaviour since we became more serious about drinking and driving offences. Those kinds of stronger penalties have made a difference. We have that role model for cracking down on johns and pimps, and having stiffer penalties for that kind of behaviour, with a greater emphasis on law enforcement in that area.

Mr. Art Hanger: You must be talking about Sweden. Certainly you're not talking about Canada. We have immigration laws here that look at prostitution, dancing, and all these other issues surrounding prostitution as being legitimate. They even bring the girls in from overseas.

Ms. Janet Epp Buckingham: No, my comment was that if we did have a change in the law, a crackdown on johns and procurers, we could effect the same kind of change that we have seen in drinking and driving.

Mr. Art Hanger: All right. Thank you.

The Chair: Madame Brunelle.

[Translation]

Ms. Paule Brunelle: It would seem that people get involved in prostitution at a much younger age. Perhaps you have noticed that young people who are running away from home end up working as prostitutes.

There is also the issue of globalization of the sex trade. More and more immigrants and destitute women are getting involved.

Do you think we should legislate on this point? Is there a way to legislate in order to adequately protect youths and immigrants? Have you noticed, in the course of your daily work, that there are more and more young prostitutes? Is there an increasing number of immigrant women among prostitutes, or is that fact so hidden that wouldn't be able to reach out to them through your help networks?

[English]

Ms. Dianna Bussey: Most of the women I have worked with began in prostitution as youth. They were young people when they started.

Among youth in Winnipeg, there certainly has been a rise in the last year or so, or what people would think is a rise, in those numbers, or whether they're just more visible at this point. So I do believe there still continues to be youth involved in prostitution.

I can't speak as far as Winnipeg is concerned when it comes to the globalization of having, perhaps, people from eastern European countries coming into Canada. That is definitely happening in other cities within Canada; I've heard of that.

My point on that is that this is why we at the Salvation Army do see these two areas coming together, the human sex-trade trafficking and then domestic prostitution, because I believe they end up in the same place, and quite often women who have been trafficked start to identify themselves like domestic women who have been here. They see themselves in that way. I think that's where it becomes very difficult to identify who's who in that. That's why I think both domestic and international trafficking do go together.

I'm not sure if I answered your question.

• (1920)

Ms. Danielle Shaw: We have provisions in our existing criminal law, as well as provisions, which I'm not familiar with, at the provincial levels to deal with youth involvement in prostitution. Certainly the Criminal Code deals with procuring both adults and youth into prostitution, living off the avails, and purchasing sexual services from a minor. So perhaps what is required is stronger attempts to enforce existing laws.

In terms of dealing with immigrants and protecting immigrants, there are UN protocols to deal with trafficking in persons. I'm aware that the Government of Canada is currently exploring ways of addressing trafficking in persons, legislatively, through public education, and through law enforcement strategy.

[Translation]

Ms. Paule Brunelle: Of course, laws exist, but there is an enforcement problem because even though it's illegal a large number of minors are involved.

I think you were mentioning increasing sentences for the johns and the pimps. How far are you willing to go? According to you, what type of sentence would serve as a deterrent to a john or a pimp? From what you are saying, this type of measure would at least lead to a decrease in prostitution.

[English]

The Chair: That was your last question, Madame Brunelle.

Ms. Danielle Shaw: We don't have any specific recommendation about the appropriate penalty, how severe a penalty will work. I think it depends on the person. We don't come with that particular recommendation this evening.

The Chair: Thank you very much, Madame Brunelle.

Ms. Davies?

Ms. Libby Davies: I will just be brief.

We are looking at a whole range of activities. There is street prostitution, which obviously has a lot of attention because it's very visible; but as you've heard, there are a lot of other kinds of activities where prostitution is involved but which we generally ignore. In fact, we license places, municipalities have license fees, and so on.

If our goal is to minimize or even eliminate prostitution, do you feel that the committee should be coming out with recommendations that basically we should shut down escort services, massage parlours, and various kinds of clubs where there might be some evidence of prostitution taking place? Should all of those be closed down, as well as street prostitution? What would happen? What do you think the impact would be if we took that kind of very strong

approach in terms of criminal sanctions and prohibition? If we wanted to eliminate prostitution, that's what we'd have to do. Would it work?

Ms. Danielle Shaw: I don't think simply shutting down massage parlours and escort agencies tomorrow is going to solve things. You may find a much more underground trade happening. There's supply and demand there now, so we can't change everything tomorrow.

Absolutely, in an ideal world, we would love to see the elimination of sexual exploitation of people; we would love to see that. We would love to see those who are sexually exploiting others, whether they are pimps, johns or clients, dealt with in a way that prevents them from perpetuating that exploitation.

But I don't think we're going to find any perfect solution. I think we can find perhaps better solutions and get closer to them. Simply

• (1925)

Ms. Libby Davies: So how far should we go, if that's the route we want to take? If we see that as the solution, how far should we go?

Ms. Danielle Shaw: I think we probably need more consistent law enforcement dealing with procuring offences, not just with the communicating provision. Communicating is a relatively minor offence compared with some of the others. As we said in our brief, law enforcement strategy should perhaps be directed toward those. Whether or not penalizing those more serious offences is effective, we don't have that information; that's for the committee to decide and for your researchers, I suppose, to help you figure out.

If we were to ban all forms of prostitution tomorrow, we need to think about the impact on those who are currently employed in the sex industry and what we are going to do for them. I think that's what we're trying to advocate tonight as well. Law enforcement alone is not the best way to deal with this; we need to provide alternatives for people. We need to provide them with a way out when they want out.

Unfortunately, there are many obstacles in society: insufficient funding for women's shelters, for women's addictions programs, etc. Even when we encounter people who want out, who want to get off the streets literally and into housing, or who want to deal with their addictions, the wait lists are often so long that we can't provide them with that help for the next step.

The Chair: Thank you, Ms. Davies.

Ms. Epp Buckingham, do you have a comment on that last round?

Ms. Janet Epp Buckingham: I would just agree with what Ms. Shaw has said.

Thank you.

The Chair: Thank you.

Dr. Fry.

Hon. Hedy Fry: I want to go to something you said, which is what I think is at the heart of where I'm coming from as a physician. I don't know if you know that the Canadian Medical Association has recently considered this issue to be one of the most urgent and pressing ones in Canadian society, and they see it as a public health issue.

By public health, I don't mean the narrow issue of people getting sick, but public health in the broad sense of something in which there is a need to prevent; there are social and health ramifications, environmental issues, people's well-being, and so on. They believe this is a problem. I have a hard time not coming from that perspective, because that's what I've been so long.

I hear you, and I think I agree with you that there is no perfect solution.

I want to talk about Sweden. I've heard a lot of people come here and tout the fact that the Swedish law, which began in 1996 and then was added to in 1997, is great. What does the Swedish law tell us? The Swedish law basically has done exactly that; it has banned the buying or the procuring of sex. You cannot buy or procure sex. The person who was a prostitute is actually de-criminalized. So they've done this. They've de-criminalized the prostitute. Do you remember we talked about that, decriminalizing the victim? So they've decriminalized the victim, and they've criminalized the john.

Since 1996 and 1999, there has been a look at this, an evaluation of what has happened. The National Police Board, interestingly enough, is one that has brought forward the most damning comment on that particular Swedish policy. The respondents were the police board, the health boards, and the workers themselves. What has happened, in fact, is that while statistically street prostitution has dropped, it went onto the Internet, and sex-trade workers or prostitutes are now hiding to do their work. As a result, they are accepting their client in a hurry, and this is leading to a higher-risk client. They're finding that because it is unlawful to do, they cannot go to the police, as they used to do in the past, and say, "Look at this man. He's abusive. He has beaten me." They can't do that any more, because if they are said to be working in the trade, their children are taken away from them because they're considered to be unfit mothers. They don't have access to social services, the health board said, because they're not supposed to be doing this.

The point, though, is that they're doing it because the demand is there. People are still demanding the service. What they're doing is they're going underground. They have greater risk of being harmed. They can't report to the police to help them with dangerous clientele. They can't have access to social services and housing, because they're not supposed to be doing this job, and if they do, their children will be taken away from them. So they have said that the only people who think this works well is the government and the feminists, who have always seen them as victims, and the laws they set up to protect them are harming them even more.

The police have said something very important. They said that in fact purchasing sexual service is not a crime. So you cannot even take the john and charge him with a crime, because the only person who can say that in fact he did have a sex act is the prostitute, and she can't do that because she's not supposed to be doing it, and she's terrified of doing it. So they can't bring anybody to justice. In fact, what seemed a very simple and good solution isn't.

So I don't want a simple and good solution. I want to talk about exactly what you said, no perfect solution. I want to talk about the fact that what we need from people like you are suggestions as to how we deal with this short-term issue now. The women who are there, how do we help them with harm reduction? How do we keep

them healthy? How do we give them what they need—housing, safety...? How do we keep them safe? How do we make sure what happened in East Vancouver doesn't happen? Women are working there right now, and you can't wave a magic wand and stop it. So how do we do that, and then how do we build something that is long-term, that's going to prevent new people from coming in, and help those who are ready to leave with an exit strategy, treating this as a proper public health issue, and dealing with immediate, medium, long-term suggestions?

• (1930)

So I would like to hear how you see us doing this. What do you think we should currently do, not criminalizing the prostitute at this time, but really giving them what they need in terms of social services, housing, and the ability to have a safe environment in which to work?

And I know the argument. Everyone has said that when you did harm reduction for people on drugs, what you were doing was condoning the use of drugs. No, you weren't. It was like saying to somebody who has something wrong with them, "I'm not going to give you medication because I'm really telling you that it's okay to be sick, because if you weren't sick, you wouldn't get medication." That's a spurious argument. It's a ridiculous argument.

The Chair: Could we just zero in on the questions?

Hon. Hedy Fry: I would like some answers from you on how we can deal with the conundrum. What are the short-term immediate measures, and how do you see us rolling out something long-term?

Ms. Dianna Bussey: One thought on it is of relationships. The more women out there who are currently working and with whom we can build a positive relationship—maybe through that police officer, as well as that outreach worker, health professional, and all those—the better off they are and the more likely it is that they are able to take those steps to get out. They need some kind of a positive relationship, and as many as they can possibly get, to take down those barriers with enforcement that say they're going to be thrown in jail if they tell the person that they had a bad date last night or something. That's not usually happening. If they're going to report something like that, I haven't had it happen where they get arrested for that. But just some sort of a positive relationship has to be built at the start.

Ms. Danielle Shaw: From an organizational standpoint, a second thing is to open up the public purse. We need designated funding to reach out to people involved in prostitution. It's difficult to mix street-level sex trade workers with our general shelter populations. There need to be safe houses, there need to be things like that, so that there's a bed for if people want to leave now, so that there's a place for them to go now.

Hon. Hedy Fry: But then you're counting on them leaving?

Ms. Danielle Shaw: No, but if the beds aren't there and they want to leave, we can't help them now. We have to send them back to the streets or back to their workplace.

Ms. Janet Epp Buckingham: Lastly, there must be a focus on the youths. One hears over and over again that people get involved in this when they're juveniles, even at an age when it's illegal. I think there need to be programs in place so that there are immediate alternatives for young people who are being lured into this and think they have no options.

The Chair: Thank you, Dr. Fry. I think we've ended that round.

Just as a quick question on a different tack, have your workers on the street ever been harmed? Are they at risk? Are they seen as meddlers, either by the sex trade workers or their pimps?

• (1935)

Ms. Dianna Bussey: The outreach workers? No, we haven't been where we're working in Winnipeg. They tend to think the outreach workers are police officers or something like that, but no. Again, it's about relationships. We try to build a relationship with the women so that they know who we are. We haven't had any problems.

The Chair: And no problems with the pimps? Okay, great.

Ms. Danielle Shaw: We have outreach programs as well in Regent Park in Toronto. Again, if you're present in the community and get to be known in the community, it tends not to be a problem.

The Chair: Thank you very much. I appreciate your comments here this evening and wish we could go on longer, but we have another panellist and we're already a little bit late.

I'm just going to perhaps adjourn for about three minutes while our new panellists come forward, and then we'll start again.

Thank you very much once again.

• (1935)

_____ (Pause) _____

• (1939)

The Chair: We want to come back into session again, please.

Ms. deVries, thank you very much for attending. We apologize for the lateness of the hour. Unfortunately, we had a vote that upset our schedule.

Ms. Maggie deVries (As Individual): I did have warning of the lateness, so that's fine.

The Chair: Would you care to make a presentation of approximately ten minutes? We will follow that with questions and answers. We'll have seven-minute rounds and then, time permitting, we'll have a three-minute round.

Please proceed.

• (1950)

Ms. Maggie deVries: We can't just say it's hurting you to do it and therefore we ban you from doing it. That's not a solution for adults and it just places women in greater danger.

I think there are people for whom selling sex is a reasonable option. They're making that choice out of a whole range of choices, and I just don't see why they shouldn't have the right to do that.

Sex work ranges from way over here, where people are making a lot of money and controlling their work a lot in choosing their clients, to way over here, where people are being held captive, the door is locked, the man comes through the door, and the girl is 12,

11, 10, or 9. We can't deal with this whole range of reality as if it was just one reality here in the middle.

I wrote a book about my sister and I'd like to read this aloud. It's in this page I want to read to you where I worked really hard on trying to figure out what I thought about this whole issue. I found it very difficult, because Sarah was extremely unhappy in her life. Sarah hated herself. She hated the way she was living. She suffered, as I mentioned, terrible violence, yet I didn't see her ready to stop at any point. She didn't take advantage of services very much. This is what I decided I thought about this, and I thought I'd just read it to you because I said it best here.

I'll start with a quote from Sarah herself. Sarah wrote this in May 1997, less than a year before she was murdered:

Sometimes I start to take my clothes off and I feel a lump start to form in my throat. It starts to burn as I try to swallow it back down. I swear whomever I'm with can see it clear as day. It hurts my throat. They must hear me trying to swallow. My mouth and throat are so dry. I try to avoid eye contact at all times. It makes it easier for me.

As I lie on my back, I find that men's nipples look like two eyes and that their belly hangs down like a nose. The belly button is a mouth. Sometimes these faces are hairy, bald, wrinkly, smooth, fat, lean, dark, white, hot, cold, dry, sweaty.

That's the end of Sarah's writing. This is mine:

When I hear women talk, as Sarah does in the above journal entry, about the pain and humiliation they felt when they sold sex, I tend to jump to the conclusion that sex work is bad and should be abolished. However, that is not a useful conclusion. Sex work exists now, has always existed and always will exist. And many sex workers, including those who work on the street, do not do drugs. Some find sex work provides them with a better income to support their families than any other work available to them. Even those involved in survival sex [which is closer to this end of that spectrum] do have some freedom to choose and cannot be forced to change their lives. While they may be having sex for money because it is their only means of survival, of keeping a roof over their head, of getting food and feeding their drug habit, they are not slaves.

It is important to draw a distinction between survival sex and sexual slavery. None of the women I've interviewed were being held against their will. They were doing the best they could with a tough situation; life circumstances had limited their choices. But they did not need to be rescued in the way that one would rescue people who were being held captive. They needed more choices, more connections with the larger world, more services, more education, greater safety. When we equate one thing with another, such as saying that all prostitution is sexual slavery, we limit our capacity to draw distinctions, to understand the actual permutations of people's lives. And we deny their agency.

My sister was engaged in survival sex. Her choices were limited as long as she could not see a way out of that life. She was locked tight inside her addiction. But she had dignity. Within the scope of her life, she made choices every day. She had the right, I believe, to sell sex whether she hated it or loved it. She had the right to do drugs, to be a drug addict. She could only leave that life if she did so freely. I don't think there is any way we could have helped her except by increasing her freedom.

• (1955)

I just have one last, very brief point. I'm not a sex worker; I've never sold sex in my life. I can only speak as someone who's had some contact, but I urge the committee to travel to Vancouver to hear from women who are right now selling sex on the street every day, and to Montreal to hear from women there and talk to them. I think you are probably doing this, but I just have to say it.

There's Stella in Montreal and there are PACE, WISH, and PEERS in Vancouver. Don't talk just with people who work at agencies but with the actual women who are out there, women who would never be able to come here and talk to you but would have a lot of great value to contribute if you went to them.

The Chair: Thank you, Ms. deVries.

We will be in Vancouver at the end of March and in Montreal as well on March 29 and 30.

Mr. Hanger for seven minutes.

Mr. Art Hanger: Thank you, Mr. Chairman, and thank you very much, Ms. deVries, for your testimony.

I would like to pass on my condolences to you and your family in reference to the loss of your sister in that horrible situation that existed at the Picton farm. I just think that's one of the most devastating kinds of crime around, and I sympathize with all those families who've had to suffer through all of that and continue to suffer through a very bad thing.

I appreciate your candid reflections about your sister. Could you tell me a little bit more about her? Do you mind doing that? She was obviously into prostitution some time very early in life, I think you mentioned.

Ms. Maggie deVries: Sarah was adopted. She came into our family when she was 11 months old, and she was multiracial: she was part black, part aboriginal, part Mexican, and part white. She grew up with our family in West Point Grey in Vancouver, a very white neighbourhood, and at school she struggled with racism and with a sense of alienation, I think, not really understanding where she fit in.

At the same time she was an extremely creative, dynamic, fun-loving child. She loved to swim, to ride horses, to do gymnastics, and to draw. She drew endlessly and she loved to write. When I was working on the book, I discovered 14 letters Sarah had written to me when she was between the ages of seven and 14, ones I had forgotten receiving from her. She wrote journals and poetry throughout her whole life until she died.

People ask me to talk about Sarah and I end up not really telling them about Sarah. I try to offer them an explanation for where she ended up, which isn't the same thing at all.

My parents split up when Sarah was nine. She was the youngest, eight years younger than me, so she had the least stability in our family and she needed the most stability because of her beginnings, which had been very unstable.

She was very dramatic, and I think the downtown drew her, and our family didn't keep a tight enough hold on her. One thing I learned through interviewing women who knew Sarah when she was a kid and they were kids was the sense of connection girls—I'm sure boys have it too but in this case girls—found with each other that they weren't finding with their families. When Sarah went downtown, she met other girls who felt exactly like she felt in the world; she'd never before met girls or people like that before. It was a very strong connection, I think.

Also, it sounds strange to say it, but I suspect she felt some sense of excitement from a certain glamour and perceived sense of power that may have been part of the experience of being very beautiful and having all these adult men drawn to her, whereas at home she had to wash the dishes. It was just a whole other reality.

One woman said to me that Sarah was the girl they all wanted to be in terms of sex workers downtown: "We all wanted to be like Sarah". I remember, as a somewhat messed-up teenager myself, the lure of the dark side, but my dark side was only a very pale grey compared to Sarah's.

Another thing I've learned about her life downtown was that she was deeply loved and respected by many people. I talked to one woman who got out of that life when she was in her late teens, and she keeps Sarah's picture on her desk. She said she'd be dead if it wasn't for Sarah, because Sarah sent her home. Every time she went back, Sarah just turned her around, put her back on the bus, and sent her back home, yet Sarah was never able to do that for herself.

She had two children, and my mother is raising her children in Guelph. Jeanie is 14 and Ben is 8, and they're wonderful children. They've always lived with my mother.

Those are some things about Sarah.

● (2000)

Mr. Art Hanger: How old was she—

Ms. Maggie deVries: When she disappeared?

Mr. Art Hanger: No. Before that time, when she would find this allure downtown, and what happened to her down there.

Ms. Maggie deVries: She started running away from home just before she turned 14, and I think she was selling sex very quickly after that.

Mr. Art Hanger: Was she forced into it?

Ms. Maggie deVries: I don't believe so. I have never found any evidence of that. I think from what I heard from a lot of women talking about their teen years was that while certainly lots of girls are forced into prostitution—and perhaps more now than then, I don't know for sure—it's simply a reality of life that if you aren't going to live at home when you're a teenager, you have to get money somewhere. If you're a teenage girl, then you can either commit crimes or you can sell sex, and Sarah sold sex.

Mr. Art Hanger: What would you think of laws that would raise the age of sexual consent to 16?

Ms. Maggie deVries: Actually, the other day I was trying to figure out exactly what the age of consent is.

Mr. Art Hanger: It's 14.

Ms. Maggie deVries: It's 14. But isn't it 14 with a 16-year-old, but not...?

Mr. Art Hanger: No.

Ms. Maggie deVries: I thought it was only between people with a two-year gap.

Mr. Art Hanger: Yes, two years, right.

Ms. Maggie deVries: So a 16-year-old can have sex with a 14-year-old, but a 17-year-old can't, legally.

Mr. Art Hanger: Yes, that is true.

Would you see some advantage in having that age raised to 16?

Ms. Maggie deVries: I don't see an advantage to telling 14-year-olds... No. I don't know.

Mr. Art Hanger: Look at it from this perspective. Say your sister had been out on the street or found by police or authorities with a man who was considerably older, and because it was a consensual matter—

Ms. Maggie deVries: But it is not consensual if he is older than 16, right? It's statutory rape.

Mr. Art Hanger: No. The age of sexual consent is under 14....

Ms. Maggie deVries: But I thought if you're 14 you can consent to sex with a 15-year-old or a 16-year-old but not with a 17-year-old. So if a 17-year-old had sex with a 14-year-old, wouldn't that be statutory rape?

Mr. Art Hanger: No. It would be if they were 13, under 14. It is under 14.

Ms. Maggie deVries: So then what does the two-year gap mean?

• (2005)

Mr. Art Hanger: That means that someone who would be 14 and 15 and who would be engaged in that act would then be subject to apprehension, if you will, regardless of whether there was consent or not.

Ms. Maggie deVries: I'm a little bit confused about how the law works. But I certainly think it should be illegal for an adult to have sex with a 14-year-old or a 15-year-old. I can say that categorically.

Mr. Art Hanger: Yes, but that is not the case.

Ms. Maggie deVries: Okay. I believe that should be the case.

Mr. Art Hanger: Good. Thank you.

The Chair: Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle: Good evening. I want to thank you for your testimony. It's a pleasure to meet you. I was very touched by what you said, because you bring us back to the basic. It is important to remember that underneath the legislation, underneath all of these problems we hear about, there are women and men involved.

I would like to explore some solutions. You talked about your sister's experience, that she had to move to neighbourhoods that were more and more dangerous to do her job. You are telling us that we should repeal communication provisions, which really endangers sex trade workers.

When we're talking about prostitutes moving to more dangerous areas, it begs the question of creating designated areas. We already mentioned it, neighbourhoods or houses where prostitution would be allowed. Do you think that if there were designated areas, it could lead to increased safety for prostitutes as well as services for them? And at the same time, perhaps it could improve relations with police officers. Some may say that when you have designated areas, it is easier for police officers to contain violence, traffic of drugs, and all the rest.

On the other hand, in some countries where prostitution is being completely legalized and it is possible to designate areas where

prostitution can take place, there has been an increase in prostitution and problems. There still exists an underground network.

According to your sister's experience and what you have noticed yourself, do you think that it would be a solution to have designated areas, in the form of neighbourhoods or houses where prostitution would be allowed?

[*English*]

Ms. Maggie deVries: I think that could certainly be a solution. I tend to be very careful about naming solutions because I don't feel qualified to do that. The solutions need to be worked out with sex workers themselves. It's very dangerous for me to say, "Yes, this is what should happen and it should be the same as in Amsterdam, or it should be this or that", when I'm not knowledgeable enough to be able to make that kind of decision. At the same time, there need to be places where women are able to work in safety, where women are able to control their own work and their own lives, where they aren't subject to the control of criminals, or where they aren't being exploited in other ways. It is hard for me to say categorically, yes, to your question.

Another thing is when I went back and learned about what had happened in the west end of Vancouver with the neighbourhood group that organized, CROWE. I was quite angry about what they had done and about how it had affected my sister's life. At the same time, I believe the way we have things now pits neighbourhoods and sex workers against each other, and there's no way for them to work it out, given the current climate and the current laws.

Neighbourhoods need to see that sex workers are part of the community. They aren't another group that belongs out there. They are part of the community. But it's an enormous expectation that communities are going to suddenly change their thinking to such a radical degree, and even if they do, I'm not sure how they can work things out so that sex work can happen in their neighbourhoods in a way that is acceptable to the sex workers and to other members of the community.

In order for any solution to work, we're all going to have to change our thinking profoundly in North America. I like to think that's possible, but sometimes it doesn't seem very likely because our attitudes against sex workers are so deeply ingrained. As long as we maintain that thinking, whatever solutions we come up with are going to have problems built into them, it seems to me.

I didn't answer your question properly, but that's because I can't.

• (2010)

[Translation]

Ms. Paule Brunelle: You gave me a very good answer. The problem is complex. Public reluctance to the existence of neighbourhoods set aside for prostitution is understandable. Destitute families have a very hard time finding affordable housing in many neighbourhoods throughout urban centres. Often, poverty is what makes people end up in older neighbourhoods. When parents are trying to raise a family and they find needles and condoms in their neighbourhood, it's hard. There is resistance. It can sometimes be difficult to reconcile the sex industry with people trying to raise a family. It's not a natural environment, shall we say. It's a very complex problem, and I am looking for solutions.

[English]

Ms. Maggie deVries: I would just say that part of the reason... Because of the bad relationship that exists between sex workers and society at large, the rest of society, I think that sex workers—and I shouldn't even speak so generally—but some sex workers don't feel respected, don't feel that they're seen as human beings. They see no reason to pick up a condom because of the bad relationship that exists.

If people are treated with dignity and respect, they often respond in kind. So anything that can be done to improve relations between that community and the rest of society would have a powerful, positive effect all the way around, it seems to me.

[Translation]

Ms. Paule Brunelle: You are saying the prostitutes have a right to dignity and safety, which is very important, in my opinion. We will have to take this into account when the time comes to legislate on these issues. Thank you.

[English]

The Chair: Thank you, Madame Brunelle.

Ms. Davies.

Ms. Libby Davies: Thank you very much.

First of all, Maggie, thank you so much for being here today and reading from your book. It was very powerful. It is very moving to hear about what happened to Sarah, because I think it does give a real sense of the reality of what she faced and what many other hundreds of women are facing. So thank you for sharing that. I'm sure it's not easy to do in front of a parliamentary committee or in a room like this, so thank you very much for doing that.

Ms. Maggie deVries: It's different from where I usually do it.

Ms. Libby Davies: I want to pick up on one of your points about what happened to Sarah, and that is where she began in the west end. I was on city council at the time and I remember very well the whole citizen movement to go after the visibility of the sex trade on the street. There was even an injunction at one point by the Attorney General that disallowed customers and sex trade workers in a certain area. The problem got pushed into other neighbourhoods.

I think what it really leads to, and I'd just like you to comment on this, is that there's been so much emphasis on the law enforcement side. I think really what you're saying to us and what your book is

telling us is that this emphasis itself has become a very harmful practice.

Even the witnesses before you gave some evidence of that as well, although they were struggling with what should replace it. That's really the question before us. If the status quo is a failure, which I think it is, then what solutions do we move toward?

I know on the drug issue the critical change was when drug users themselves began to speak out. They actually found a voice and they began to be heard. That really hasn't happened yet on this issue. In some ways we rely on you and others who are close to it, because otherwise the message isn't getting out there.

You know what the spectrum is of the problem. You've described it very well. If you could think of the spectrum of what you would like to see it move to, based on the interviews and what you know, can you give some shape to what it would look like? Where would we begin? Would we begin by throwing out the communicating law? Then where would we go before...? I don't want you to say that if you don't agree with it, but if that's a point, then where does it move beyond that? Do you have a sense of what that would look like—to offer that kind of safety and dignity that you're talking about, where there is choice and there is better control for sex trade workers?

• (2015)

Ms. Maggie deVries: The thoughts I have are more to do with things that already exist in little bits and pieces and that could be used better.

For example, as I talked about at the beginning, we already have laws against.... But women are being hurt every day and they do not seem to have any recourse. If we could as a society support women who are coming forward and saying, "I was just beaten up by this man", and if the women could actually get help.... We already have the laws in place; we just don't deal with them properly. Women are still having trouble getting the legal help they need, the policing help they need.

You wanted me to talk about how prostitution should happen. Right?

Ms. Libby Davies: What would produce...? If you could begin to design the steps that are needed to create the dignity, the safety, the choice, and the control that I think you would like to see us get to, what would that begin to look like in terms of how we change law enforcement or what other kinds of things need to be in place? I think the more we can understand what those steps are, both in the short term and in the long term, as Dr. Fry has also pointed out....

Ms. Maggie deVries: I think striking the communicating law would be a reasonable first step. But I don't know what all of the consequences of that might be.

It used to be that women could work in hotels—or whether or not they were allowed to, they did. So you could go with a client into any of the hotels in the downtown, any of the hotels that would rent by the hour, or however you worked it, and you could work there. Then you would be seen entering, there would be people around, and there would be somebody to call if there was something wrong. So situations where women are able to work indoors, in places where there are people around, so that they can get help if they need it.... I don't know if there should be designated buildings where women can work—possibly—or if there should be designated neighbourhoods, possibly.

One thing I have thought about quite a lot is that whatever system we put in place, if we are trying to control sex work, it's going to tend to create a group of people who are still outside that system. For example, are we going to create a system where women who are using drugs are not able to work within this system, or simply people who like to control their own lives completely and aren't going to go and work in a brothel, or whatever, like Sarah? I don't think she would have; I think Sarah would have kept doing what she was doing. She's a touchstone for me in thinking how would this work for her, for women like her.

So I worry about that. We create this whole system and then there is going to be another whole group of people who work outside of that system.

• (2020)

Ms. Libby Davies: Do I have a little bit more time?

The Chair: Yes, you do, for one more question.

Ms. Libby Davies: We did have Paul Fraser here. I don't know if you've heard of him, but there was a Fraser committee in 1985 that issued a very far-reaching report, and most of the recommendations were never dealt with. It was fascinating to hear him 20 years later and to see how relevant his recommendations still are today.

One of the things they did recommend was that women be able to basically work out of their own place. It wasn't so much the idea of red light districts, but the idea that through zoning, you would be able to operate.... In fact, I am sure many women do that now; it's just that it's very underground. Right? But it was the idea of providing safety and maybe some sort of licensing. So that was actually recommended 20 years ago, not a brothel per se, but it was never approved. So there are some possibilities out there.

Ms. Maggie deVries: That seems ideal in every sense, except for the one that if you're working out of your own home you can be in danger if nobody sees somebody go in, and you're at risk in that way.

As I said, whatever gives women the most control over their own body, their own work, their own money, all of those things....

Ms. Libby Davies: Would you have supported the idea—

The Chair: That was your last question.

Dr. Fry.

Hon. Hedy Fry: I want to thank you very much. I have read so much about you. I think you've captured the essence of your sister, which is that we cannot prescribe for people how they should live or pigeonhole them into ways of living that we think are best for them,

no matter how much we love them, we look down on them, or we seek as a society to control individuals.

It's like having your own children. You hope that you provide the things an individual needs to help them make safe and healthy choices, but at the end of the day, when they make ones that are not safe and not healthy, how do you protect them from harm wherever possible and allow them to be able to survive? I think that is what I heard you say and I heard your sister say in making her decisions about herself.

Libby said the right thing. Davie Street was where all the young girls hung out. The people in that area said, "This is terrible for our neighbourhood". So they moved to Mount Pleasant. Then those people thought that was terrible for Mount Pleasant, so they moved somewhere else.

I want to touch on what you and Madam Brunelle said. It has to do with the idea of dignity. I think we are asking people to come here and tell us what they think we should do. I think you make a very good point, that if we don't talk to the women themselves, we're guilty of being patronizing and prescriptive, instead of listening to women who have worked in this business say what they think and truly believe.

I'm not so much asking for prescriptive answers. I'm trying to get my head around the idea. I know we've dealt with drug addiction as some sort of horrible, scummy thing, instead of dealing with it the way we should, as a public health issue involving people who for various reasons are addicted. We have this attitude, which does not allow for the dignity of any sex trade worker, that this is a disgusting thing to do, without suggesting it is something that some people may choose to do if it were done in a safe, clean, regulated environment in which they had control.

When I say that, I know that everyone will say, "Oh, my goodness, she's saying women should". But if we go back to this initial thing about individuals having choices and the right to control their body, we have to ask that question. What answer we come up with, I don't know. I'm just asking the question because I think it must be asked for us to understand it. I'm asking rhetorical questions because you've already answered it all in what you've said.

I want to know if you can tell me this. You talked about the spectrum of the survivor, and I think that's what we're concerned about, the survivor, the person who's doing it because they have no choice and must, as opposed to the one who you said is doing it because it gets them a better income than anything else they could do. There are some answers. If you educate people, then they can make better choices.

I want to ask what the difference is between that end of the spectrum and the other end. I know I'm going to get shot down on this one by whomever. There was a TV series called *Sex and the City*. I want to know what the difference is between the survivor and the women who every night found a different man—they were obviously looking for something, whether it was love or whatever—and were given gorgeous gifts. Are we just talking about the price here? What is the difference between that end of the spectrum of being a survivor and somebody who has serial sexual relationships every evening for a meal, for fun, or for whatever reason?

When we start attaching a lack of dignity to people, I think that's the first harm. What do you think?

● (2025)

Ms. Maggie deVries: The point I started with is that consenting adults have the right to engage in whatever sexual activity they wish, whether or not it involves the exchange of money. When you're at this end of the spectrum, you're talking about fully consenting with informed free consent. When you're at this end, it's still adults making their own choices, which they have the right to make, but the sex worker is making them in a very tightly constrained world.

I would like to point out also that you can go further along the spectrum. The survival sex worker, as I said earlier, is someone who is making choices and who does have some freedom.

Sexual slavery is another degree over to the side of somebody who's being held captive and forced to engage in sexual acts of whatever kind. There is lots of that going on and it's not the same thing as survival sex. They're completely different things, I think.

It is really amazing how far the spectrum goes, but survival sex women or people are constrained by addiction or constrained by poverty, which is something that I don't think about enough, because for Sarah, poverty was an issue in her life as she was living it, but it wasn't an issue in her larger life because her family is not poor and she didn't have to do it.

I know women who started out selling sex at 13, whose mothers were sex workers, whose families were extremely poor and it would just seem that every force in the world was pushing them in that direction. In Sarah's case it was different from that. However, poverty is a huge component.

There was a march on Monday, February 14, in Vancouver, a march for the missing and murdered women. I spoke at that and went on the march. Then I dropped by PACE, the office, and while I was there a woman I know came in, a woman I've seen quite a few times there and whom I really like. She's a very warm, engaging, funny woman who does a lot of different things in her life. She was dressed in her work clothes. She was wearing a very short skirt and all of that and she told a story.

She was just about to go back to the hospital because a friend of hers had been beaten almost to death by her partner when he came home and, I don't know what, she didn't have dinner ready or something. He was drunk and he beat her up and left her. She almost died and she was in hospital. This woman, the one I saw, had been to visit her before and wanted to go back again, but had just gone out to work to get the money so that she could go back to the hospital to visit her friend.

She talked about how she is getting a little bit older and it's more difficult for her to "break", the word is, to get work, to get money, but she had succeeded in it so she was glad that she had the money to go see her friend in the hospital.

If I want to go see a friend in the hospital, I just go, because cashflow is not an issue in my life. For somebody like her, cashflow is not only constrained, it's from trick to trick to trick. That's how the cash flows. To break out of that is very difficult. I think that

shows how big a role poverty plays in survival sex. It's just one example that brings it home for me.

Did I answer your question, or did I ramble on?

● (2030)

Hon. Hedy Fry: No, you didn't answer the one about the very other end of the spectrum. Whether it is for a diamond ring or whether it's because you're getting \$800 an hour, there is a very vast difference in how we attribute dignity to those women.

The question then for me is, is it that society abhors sexual activity or that it abhors the price? It's a matter of what the price is. Is that what it's about? I don't know, because this concept is what I want to get around. I want to understand.

Ms. Maggie deVries: Why society is so judgmental of a woman who sells sex for \$800 an hour but not so judgmental of a woman who is having regular sex with sequential partners, but not for cash in that way, why we have a double standard for that?

The Chair: Thank you, Ms. deVries.

Ms. Libby Davies: Good answer.

The Chair: Mr. Hanger, please, for a three-minute round.

Mr. Art Hanger: Thank you.

Ms. deVries, what did Sarah think of the police?

Ms. Maggie deVries: Sarah had good relationships with a couple of individual police officers, but she did not trust the police as a whole. Her involvement with the police always involved her as a criminal. On the one occasion I know of where she tried to approach the police for help, she was completely humiliated.

Mr. Art Hanger: Was this as a result of assault?

Ms. Maggie deVries: This is I what I mentioned earlier, when she had been beaten and had hardly any clothes and she went in to the police station out in whatever suburb it was and they just said, get out of here.

Mr. Art Hanger: That was a very negative experience.

Ms. Maggie deVries: Yes. They didn't offer her any help.

If I went into a police station with my clothes all torn off and beaten, I think the police would probably help me, and they should have done exactly the same thing for her. I think sex workers know that they won't get the same kind of treatment.

Mr. Art Hanger: How old was she then?

Ms. Maggie deVries: She was in her twenties.

Mr. Art Hanger: At 14 obviously there would have been contact with the police.

Ms. Maggie deVries: Yes, in her teens, and I think that was varied. I don't think her experiences were really terrible with the police when she was a younger teenager.

Mr. Art Hanger: It would be such, probably, since she was a prostitute on the street, that they may have taken her picture, to keep this record of their own—whether it's a Polaroid or whatever. I would assume that would be somewhat of the contact.

Ms. Maggie deVries: I don't know what their procedures were. I've interviewed one police officer who remembers Sarah from when she was 16 or so, and—I forget what they call it, the girls have a name for it—the police drove around and picked up girls and brought them in.

Mr. Art Hanger: To take some personal information from them.

At 14 she would have been engaged in street solicitation.

If the police had authority—and I'm not saying this is the total answer, but it might be part of the answer for a young girl—to remove that 14-year-old from the street and to charge the guy she's with, with a substantial charge under the Criminal Code for having sex with a girl who's under 16, would you see that as being a valuable asset to have?

Ms. Maggie deVries: What would they do with her?

Mr. Art Hanger: She would and should not be involved in the business.

• (2035)

Ms. Maggie deVries: No.

Mr. Art Hanger: I don't think anybody would disagree with that, but that would be the issue. You're knocking the guy out of the picture, whether it's her pimp or some customer, even though there was a solicitation taking place, and she would have to be removed from that environment. Would you have seen that as being any advantage for your sister?

Ms. Maggie deVries: I don't know. I'm not convinced that it would have been an advantage for her. I would see her going straight back down there the second she got out of whatever way in which she was kept and just being that much more angry with the system. I'm really not convinced that force, even with teenagers, works.

I understand the advantages to what you're saying, so I'm not saying it would be the most terrible thing in the world. But I don't have the feeling that it would work with many of the women I've met who have talked to me about their lives when they were younger. I've met so many women who talked about when they were 15 or 14, who came downtown running away from home, in cases where they had suffered real abuse in their homes. One woman in particular told me that she went in to get social service support and the only support they could offer her was in laying charges against her father, which she wasn't willing to do. Given that she wasn't willing to lay charges, they offered her money for a bus ticket home. That was the only support they could give her.

This was some time ago, and I don't know exactly what things are like now, but this was a point where that girl could have been given what she needed in order to live a life that didn't involve starting to sell sex or have what actually happened, where she walked out the door and started. Somebody turned her out within a few days.

Mr. Art Hanger: Thank you.

The Chair: Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle: Thank you, Mr. Chairman.

This committee will be meeting with prostitutes. We mentioned it earlier. You have met some. It isn't easy to approach them and find out about their lives. It may in fact be easier to go through groups that support them, like Stella or other groups. According to you, is that the best way to acquire knowledge on the life of prostitutes?

[*English*]

Ms. Maggie deVries: By going through groups like Stella and PACE and other groups, you would have an opportunity to learn from them. Also, they can facilitate your hearing from women who are currently... PACE is run mostly by ex-sex workers, but Stella is an amazing organization, because it's run by sex workers—I don't know exactly, but many of the women who work there are actually sex workers, so they are the perfect resource for this committee, because you're going to hear different things. When you talk to somebody who has made it out, their priorities are different from somebody who is still within that world and may be choosing to stay in it. It's important to hear from both those groups, it seems to me.

But there are lots of sex workers who, I think, would be very interested in addressing this committee. I can think of half a dozen right off the top of my head, so I don't think it's that difficult to hear directly, if you know the people to talk to in each of the major cities in Canada.

The Chair: Madam Davies.

Ms. Libby Davies: This is probably more specific to Vancouver—given what's happened in Vancouver, with the missing women and the murdered women—but I'm sure it's relevant in other places, and that is the question of policing. Coming back to your sister Sarah and her experience with the police—unfortunately, there are many stories of complaints that weren't taken seriously, of women who were missing, or...as you say, it's the last place they're going to go to get help, right, because it's the law enforcement.

So in terms of the policing, we actually haven't really addressed this at all, and maybe this is an opportunity for you to say something. What kinds of things need to be done? Never mind what happens overall with the Criminal Code, whether it's repealed or whatever. There's likely still going to be some sort of police presence or enforcement, if there is any visibility on the street. It's very complaint-driven. I think there are individual officers who are very good and very sympathetic, but the system as a whole responds appallingly, as we learned in the downtown east side. I know there's a lot of fear that this will continue, unless there are some fundamental changes in the police.

So is there anything you've learned that you'd like to offer there, in terms of the whole set-up or policing aspect, that needs to change in order to improve the safety of women on the street?

• (2040)

Ms. Maggie deVries: I find this to be a very difficult topic.

One positive thing I can say is that there's one program, at least, in Vancouver, where PACE has developed a relationship with the Vancouver Police Department and is doing a program with rookies, and I think with other officers as well, a sort of sensitivity training, just helping them to better understand the reality of these real people they're dealing with. So that's a positive thing. I hope that means there has been some improvement and there will continue to be more improvement.

But I just met with a woman on Sunday who knew Sarah for almost their whole time downtown. This woman—her name is Maggie as well—went into rehab less than a month before Sarah disappeared, and she has been off the street ever since. She went into rehab something like 24 times before she finally succeeded, which I think is a really interesting fact.

Anyway, she told me a series of stories about experiences she had with the police. These are stories about individual police officers—not about the police, but individual police officers—of being beaten by police officers. I keep hearing these kinds of stories of women who are sex workers in Vancouver who have violent experiences at the hands of police officers. It didn't happen once or twice; it has happened to them regularly, with different police officers at different times.

She told me that she'd had police officers, in plain clothes, break into a hotel room where she was with a friend, not identify themselves as police officers, and start choking her. Then finally, when they had her in handcuffs, they told her they were police officers. So you can imagine how terrified she would have been.

She told me a story about a man beating her. I don't know what his relationship was to her. He wasn't a police officer. He was dragging her across a parking lot by the hair, and he was beating her with a stick, beating her and beating her. She looked up and saw a police officer, sitting in his car, watching. She made eye contact and she had a moment of hope. He just turned his head and looked away and did not get out of his car.

There was a time when I might have had difficulty believing those stories or I would have just refused to believe them because I couldn't cope with that kind of information, but I believe her because I've heard these stories too many times not to believe her. If that kind of behaviour is going on in a police department—and I wouldn't be surprised if it's going on in other police departments as well—then I don't know how you could ever win the trust of women. They're supposed to trust people who have beaten them, have raped them. Sex workers are raped by police officers all the time.

Again I say it's individual police officers. There don't have to be that many who will do that for it to taint the whole relationship. Then there are sex workers with whom police officers have sex as a favour, or whatever, which is not quite the same as rape, but it is abusing their power. Those kinds of things do happen. That's aside from the whole fact of being arrested and being criminalized and all of that. That's a direct abuse of power.

I became fully conscious of this on Sunday. That's what I'm focused on most with police. As long as that kind of thing is going

on, then I don't know what can be done. I don't know how you stop that kind of thing from happening, if women are too afraid to complain. If they did complain, what would happen? Right now, if a woman came forward and said, "That police officer raped me", or "That police officer beat me", I'm not sure she would get support. I'm not sure she wouldn't find herself beaten more badly the next time she turned her back.

Those may seem like extreme comments, but I have really strong reason to believe those things are true.

• (2045)

The Chair: Thank you, Ms. deVries.

Dr. Fry.

Hon. Hedy Fry: What I'm hearing is that the exploitation of sex workers is not only by the people who pay them, and that sex workers are seen to be a subhuman species anyway. It's one of the reasons we don't believe you can rape a sex worker—it's obvious you cannot. I mean, this is a prevailing thing. It means, therefore, if you cannot rape a sex worker, then you think she has a choice—or she doesn't have a choice in anything. But the point is there is a societal attitude to sex workers that prohibits us from finding good solutions. If you're going to think this is a terrible thing to do, that this person has no rights, that they are a subspecies of humanity, then how can we ever get to square one to seek solutions?

This bothers me.

I've decided I'm not going to speak about prostitutes any more. I'm going to call them "people who have commercial sexual activity", because that's the only way I can say it. I think "prostitution" carries with it such a loaded gun that we shouldn't be targeting people with names like that any more. I know it's in the law, but I think what we're talking about here is sexual activity that is done on a commercial basis.

Ms. Maggie deVries: Sex work is a common appellation among sex workers.

Hon. Hedy Fry: Obviously, we want to talk about how we can prevent people like Sarah from getting there. Let us imagine that we look at those root causes to talk about the prevention in the long term of young women and young men getting there. You gave us all the reasons—education, choices, helping them so that they are not coerced by drugs, addressing sexual abuse at home so that kids don't run away from home.

Let us imagine that one day we, in an ideal world, would be able to take all these preventive measures and stop young people from going into this. Do you believe that prevention is the only way we can deal with this, or do you believe that for those who for some reason we could not find ways to prevent from getting there, we should criminalize the activity of the person, put him in jail, get him off the streets, etc.? Or do you think we should totally decriminalize this?

Ms. Maggie deVries: Who were we going to criminalize? Who were you referring to?

Hon. Hedy Fry: Should we criminalize or should we decriminalize?

Ms. Maggie deVries: Decriminalize.

Hon. Hedy Fry: Yes, just say that this is not a criminal act.

Ms. Maggie deVries: No. And you said at the beginning that it's not only the clients who are exploiting the women. I think clients are in some cases the least exploitative of the people a sex worker is dealing with, because the regular, decent clients are following the protocol laid out by the sex worker. And again, it's adult consenting behaviour. I don't think that is necessarily exploitative. It's exploitative if somebody uses that situation to abuse the sex worker. It's exploitative if somebody uses any kind of force to get people into that, and it's exploitative when the powers that be, like the police or whoever, make use of that.

I read somewhere that the group of people who are the most open-minded about sex workers and the least prejudiced against sex workers with the least sort of denigrating attitude in general toward sex workers are the men who buy sex, which I thought was a very interesting statistic. And I could immediately see...because they're the ones who actually know. They see the person and they talk to them.

Hon. Hedy Fry: What about criminalizing or decriminalizing the issue? How do you feel about that?

Ms. Maggie deVries: What do you mean by criminalizing the issue?

Hon. Hedy Fry: Making solicitation a criminal act, procuring, living off the avails, etc.—all criminalized—or should we just decriminalize it and deal with this in a different manner?

Ms. Maggie deVries: I can't see any reason to make it more criminal, to criminalize it.

• (2050)

Hon. Hedy Fry: Shall we decriminalize it?

Ms. Maggie deVries: I think so.

Hon. Hedy Fry: And if we do decriminalize it, then what are the steps we should take to ensure that this is safe, that there is dignity for workers, etc.?

What about the exploitative aspects of it? What will we do to prevent that?

Ms. Maggie deVries: The exploitative aspects, it seems to me, are already illegal, not in sex law around sex work, but in general law. It's already illegal. And because sex work is criminalized to the degree it is, none of those other laws are enforced around sex work. So if a woman is beaten, it's part of the job. And a lot of people believe that. A lot of people really believe that a woman who sells sex on the street has to take her lumps. And they even believe, I've even heard people say, if they die, they shouldn't have been doing it.

Hon. Hedy Fry: People say that about drug addicts as well.

Thanks very much.

The Chair: I have a question. Where did society fail Sarah? Were there social interventions that took place that weren't successful? Were there social interventions that didn't take place that might have been successful? Or was there any way we could have diverted Sarah from the path she took?

Ms. Maggie deVries: That's a very hard and a very big question. It's the biggest question in a way and the question that's the hardest to answer.

I can see small ways that might have helped her, but nothing that I am sure would have helped her in terms of how we could have helped her in our society as it stands right now.

If we lived in a society in which she wasn't committing a crime every time she turned around, in which her whole life wasn't criminalized, I think that would have made a difference. If we lived in a society in which we didn't look down from such a great height on the lives of women like Sarah, that would have made a difference.

If there were things we as a family could have done better, I think that would have perhaps made a difference. If there were better services available that actually would have seemed respectful to her.... That was why I liked PACE so much. When I went there and met the women there, I thought Sarah could have walked in there and she wouldn't have turned and walked right out again. She would have felt that these women weren't looking down on her; they weren't there to rescue her, they were simply there to offer her a service if she so chose.

It's just like if I walk in to a service provider. I don't feel immediately this big. If there were more things that didn't make her feel this big.... She wrote about society's attitudes toward her and her attitudes toward herself. It was with loathing that she looked at herself, and that's how she believed society looked at her and other women like her. So that would have made a big difference.

But I'm not offering you little precise things. Those are all very broad and difficult things.

The Chair: Thank you very much.

At this time, I'll ask our researchers if they have any questions, and then perhaps we'll have a clarification on the laws on the age of consent, for our edification.

[*Translation*]

Ms. Lyne Casavant (Committee Researcher): I do have a question for you.

Some witnesses have said before the committee that the majority of girls who work the street work for pimps. You have spoken to female prostitutes, do you agree with this statement? Do you think that there are advantages to working for a pimp, for instance when it comes to safety?

[*English*]

Ms. Maggie deVries: Most of the women I talked to are not working for pimps. My understanding is that Sarah almost never, if ever, worked for a pimp, even when she was very young. In fact, I just met a woman the other day who is a transsexual woman, and she said that when Sarah was on Davie Street when she was 14 and 15, the transsexuals protected the girls and helped them to keep safe from pimps. Another woman who was a girl at the same time as Sarah told me there was a renegade corner on Davie where girls worked, and that Sarah was very good at steering clear of pimps, which is hard to do.

I don't know statistically how many do and how many don't, but there are many girls and women who do not work with pimps, as well as many who do.

What was the other question?

• (2055)

[*Translation*]

Ms. Lyne Casavant: Do you think there are advantages to girls working for pimps, when it comes to their safety, for instance?

[*English*]

Ms. Maggie deVries: It depends on the pimp. I would imagine there are situations in which a woman could be protected by a pimp, but then that same pimp would be exploiting her for his own gain. She's a pawn whichever way you look at it.

That's part of what I mean when I talk about women controlling their own bodies, their own work, their own money. The way we have things set up, where a lot of women and girls do work for pimps, it puts them under somebody else's control. I don't like that.

The Chair: Thank you.

Could we have a little clarification on the age of consent, please?

Ms. Laura Barnett (Committee Researcher): Yes.

Right now, the Criminal Code does not criminalize consensual sexual activity with or between persons who are 14 years of age or over unless it's taking place in a relationship of trust or dependency. In that case, sexual activity with persons over the age of 14 but under the age of 18 could constitute an offence, notwithstanding consent.

Further, even consensual activity with those under the age of 14 but over the age of 12 might not be an offence if the accused is under the age of 16 and less than two years older than the complainant.

Ms. Libby Davies: So, basically, sexual activity is legal if you're 14 years of age and over and it's consensual, unless it's with a person who is in a position of authority, in which case you have to be 18 years of age.

Ms. Laura Barnett: Right.

Hon. Hedy Fry: Is that the same with persons of different sexual orientation?

Ms. Laura Barnett: If you'd like, I can go on.

The exception is anal intercourse, to which unmarried persons under 18 can't legally consent.

The Chair: Okay. I believe this concludes this portion of the evening.

Ms. deVries, we very much appreciate your sharing a very personal part of your life with us with such candour and frankness. We certainly appreciate it.

As a further comment, certainly the situation on the Picton farm went a long way to having this committee struck. We are very cognizant of what went on there, and we certainly don't want to see that happen again if we can avoid it. That's certainly part of our mandate.

Thank you very much for being with us.

Ms. Maggie deVries: Thank you for having me here.

The Chair: At this point, I adjourn the formal part of the meeting.

[*Proceedings continue in camera*]

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