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Mr. John Maloney

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•(0830)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): Good morning. This is the Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. We thank you all for coming this morning.

We will hear presentations of roughly five to ten minutes. At ten minutes I will cut you off. We will all make our presentations, and then there will be questions from our panel and responses. We've got two hours, so it's important that our questions are succinct and to the point, and similarly the answers given. Are there any questions from anyone?

I'd like to open the session with a presentation from Mr. Glenn Betteridge, senior policy analyst, from Canadian HIV/AIDS Legal Network.

Mr. Betteridge.

Mr. Glenn Betteridge (Senior Policy Analyst, Canadian HIV/AIDS Legal Network): Good morning. Thank you, Mr. Maloney.

I'm a senior policy analyst with the Canadian HIV/AIDS Legal Network, a lawyer by training, and a member of the Ontario bar in good standing. On behalf of the HIV/AIDS Legal Network, I'd like to thank the committee and its staff for inviting us to present today.

We're a national organization engaged in education, legal and ethical analysis, and policy development on issues related to HIV/AIDS and the law. Our work is both Canadian and international in scope, and we have 250 member organizations across Canada, half of which are community-based organizations with an interest in HIV/AIDS and legal issues.

In 2003 we began a project on sex work, criminalization, and HIV/AIDS, squarely within the mandate of the issues this committee is looking at. In the context of that project we have interviewed key informants and held a national consultation attended by current and former sex workers, sex work advocates, and public health and social science researchers. In addition, we've researched the links between Canadian criminal law relating to prostitution and the health and safety of sex workers, including the HIV/AIDS-related health and safety issues.

This year we'll be producing a full-length report arising out of this project. It's provisionally titled "Prostitution under the Canadian Criminal Code: Principles for law reform in the context of HIV/AIDS". We'll of course provide the subcommittee with copies of that

report upon its completion. Today I'll provide a very short summary of some aspects of that report.

Public health and social science researchers in Canada have amassed a fairly large body of qualitative and quantitative evidence on the link between sex work and HIV/AIDS. The available evidence clearly indicates that sex workers are not vectors of HIV infection. Despite the evidence, the HIV epidemic has had a stigmatizing effect on sex workers.

Our report will dispel myths surrounding HIV/AIDS, prostitution, and sex work. We'll recommend reforms that aim to protect sex workers and their clients from exposure to HIV/AIDS, while protecting the human rights of sex workers. Our report will also address the situation of sex workers living with HIV/AIDS.

In terms of prostitution law reform and the particular mandate of this committee, we believe the crucial question is whether the Criminal Code provisions related to prostitution, being sections 210 to 213 inclusive, taken individually or together, minimize or contribute to the health and safety risks faced by sex workers. The answer to this question will provide a strong indication of the necessary, although not necessarily sufficient, elements of law reform.

The sections or subsections of the Criminal Code that contribute to the health and safety risks faced by sex workers should be repealed, in the absence of strong justification for not doing so. Whether or not harmful sections of the Criminal Code can be justified should depend upon an assessment of the section's legislative objective and the rationality and proportionality of its effects. Any section, subsection, or combination thereof that is not rationally related to a pressing and substantial legislative objective, or that results in more harm than good, should be repealed.

Speaking briefly about the health and safety impacts of criminal laws regulating prostitution, the research demonstrates that murders of sex workers rose alarmingly during the 1990s. Women sex workers experienced more assaults, rapes, and arrests than male sex workers and are more likely to be robbed. Workers in many forms of the sex trade in Canada reported that police are not responsive to their concerns about violence and abuse. Sex workers in Canada are not immune from HIV risks faced by all sexually active persons. The risk of HIV and other severe harms was much higher for street-based women sex workers than for women escorts working indoors. The stigma and social vulnerability faced by sex workers are related to the economic vulnerability they face and their disenfranchisement, all of which increase their risk for HIV/AIDS. Finally, the Criminal Code provisions related to prostitution contribute to women's risk of facing violence and, directly or indirectly, their risk of HIV infection.

Obviously these points will be cited with full information in our final report.

● (0835)

Based on this evidence, it is clear that law reform is needed to protect the health and human rights of sex workers. What are the foundations of healthy law reforms, law reforms that promote health and human rights of sex workers? We would suggest that there are three such foundations: international human rights law; the Canadian Charter of Rights and Freedoms; and evidence-based decision-making.

International human rights law is based on the principle that a state has the primary responsibility for ensuring human rights are guaranteed and realized. A state is obliged to respect, protect, and fulfill the rights of all people within its territory. Human rights law is primarily intended to enhance the dignity of those people within a given society who are marginalized and who are vulnerable.

Sex workers are clearly marginalized within Canadian society. Numerous non-prostitution-specific conventions to which Canada is a signatory offer the sex workers the potential for greater protection of their human rights. At the most fundamental level, sex workers are members of the human family. As such, they deserve to be treated with dignity and enjoy human rights guaranteed to all people.

In regard to the charter, the Supreme Court has considered the constitutionality of the existing Criminal Code provisions related to prostitution in a number of cases: Downey, Stagnitta, Skinner, and the leading case of the prostitution reference. In all of these cases, the Supreme Court has upheld the constitutionality of the impugned provisions of the Criminal Code. Many of these challenges have been upheld on the basis of section 1 of the charter. That section saves a prima facie violation of charter rights where the section being challenged is "prescribed by law as can be demonstrably justified in a free and democratic society". But the evidentiary record before the Supreme Court in the above-noted cases has been incomplete. For example, with respect to the communication section, section 213, the court has considered at length the evidence of nuisance caused by street solicitation. However, there was a marked lack of that evidence before the court concerning the enforcement of the Criminal Code sections related to prostitution, the impact of those sections on street prostitution, the health and safety of sex workers, and the potential links between these things. At the time the Supreme Court heard

those cases, this evidence was not available to the court. This evidence is now available. Our full report will revisit the decided Supreme Court cases in light of this new body of literature and evidence, both qualitative and quantitative.

On evidence-based decision-making, we strongly believe public policy decisions should be made based on the best available evidence. In the context of the work of the subcommittee and prostitution law reform generally, a commitment to evidence-based decision-making means three things. The first is valuing the experiences of sex workers and sex worker organizations. Their voice has been almost entirely absent from the public debate about issues that affect their health and human rights. The second is valuing the work, expertise, and expert opinions of researchers and academics who have spent years studying, working, and conducting research, in cooperation with sex workers. The third is being wary of opinions that are not based on reliable, verifiable evidence or lived experience. Not all opinions are worthy of the same consideration in matters that relate to the health and human rights of groups of people who have been historically marginalized. Perspectives informed by prejudice, stereotypical or dogmatic beliefs, paternalistic, moralistic, or demeaning attitudes, should likewise be eschewed.

What are our recommendations to the subcommittee? We call upon the subcommittee to recommend, first, that Parliament repeal the bawdy house sections of the Criminal Code, sections 210 and 211; second, that Parliament repeal the communicating section of the Criminal Code, section 213; third, that Parliament repeal those subsections of the procuring section of the code, section 212, that do not respect the rights of sex workers or do not offer sex workers real protection from violence and exploitation. We encourage the committee to consult with sex workers and organizations of sex workers about the particular subsections of 212 that should be repealed.

● (0840)

Fourth, we recommend that the government initiate a process to determine which federal, provincial, and municipal laws should apply to the organization and practice of prostitution.

Finally, the government should ensure sufficient funding to allow sex workers to participate in future decision-making. In particular, sex workers must have a say in determining what laws apply to prostitution and sex workers. The participation of sex workers is essential to ensuring that such laws protect their health and human rights.

This is but a partial list of our recommendations related to prostitution law reform. The full list obviously will appear in our forthcoming report.

I thank the committee for its attention.

The Chair: Thank you, Mr. Betteridge.

When will your report be finished? Do you know?

Mr. Glenn Betteridge: We anticipate probably late May or June.

The Chair: The next witness is Detective Howard Page from the Toronto Police Service.

Detective Howard Page (Toronto Police Service): On behalf of the Toronto Police Service, thank you for having us at the table.

My name is Detective Howie Page. I'm with the 14 Division vice unit. I have been the officer in charge of that unit for the past five years. This unit is responsible for the enforcement of the solicitation laws as well as street-level drug enforcement in the downtown core of Toronto.

I would like to start off by dealing with the three different aspects that come my way as far as the enforcement level in relation to the solicitation laws is concerned. I'd like to break it down by dealing with, firstly, the johns; secondly, the street-level prostitutes; and then finally, the impact it has on the community in the western part of downtown Toronto.

In dealing with the johns, it has been our experience in the five years I've been with the vice squad that the majority of the johns who are attending the prostitution tracks are not in fact from Toronto but rather from the outside area of Toronto, what we refer to as the 905 region. From debriefing the johns we do arrest, we find that their sole purpose for coming into the inner city area of Toronto is to try to pick up a street-level prostitute.

When we do arrest the johns under section 213 of the Criminal Code, communicating for the purpose of prostitution, we are finding that on a first-time offence without prior convictions, john school is being offered here in Toronto as an alternative. We're also finding that in some instances this is not actually working. It allows some johns the opportunity basically to buy themselves out of a criminal record. They simply have to pay \$400 to attend john school. They attend one Saturday for an eight-hour period and then go back to the court system. Upon completion, with their certificate from john school, the charge will not be followed through.

I personally deal with john school. I find that although it's an excellent alternative, it's not a strong deterrent. As far as the enforcement level is concerned, we are seeing repeat offenders when we do our prostitution enforcement on the streets. Individuals who have gone to john school are being arrested again for second- and third-time offences. One thing the judicial system does do, though, is if someone has completed john school and gets arrested a second time, john school is no longer an alternative for them. They are processed here in Toronto through the judicial system, which is a positive.

With the communication offence under section 213 being only a summary conviction offence, the johns have no fear of being fingerprinted or photographed. One of the recommendations from my aspect and the policing aspect would be to look at making the

communication offence a dual-procedure offence. At that point, the johns would experience the fear of knowing that they could be fingerprinted and photographed for this offence and that there's the possibility of a criminal record.

When dealing with the inner city street-level prostitutes, it has been my experience that a majority of these prostitutes on the street corners are not there by their own choice; they are there because of the addictions. The main addiction we find in the city is to crack cocaine and in some instances heroin. From speaking with many street-level prostitutes, in the hundreds, over the last five years and in debriefing these females, it's my experience that the drug addiction to the crack cocaine is actually what's fuelling their survival on the streets.

• (0845)

What happens is it becomes a vicious circle. The addiction to crack cocaine is so strong that \$20 is what is known on the street as a "street hit" of crack cocaine. That high will last an individual for 15 minutes. What happens is once a female is out onto a street corner in the inner city, she is selling her body to the john for as low as \$20 for a sexual act. Again, the vicious circle is that the act is committed, she goes back to the local street dealer who hangs around the corner, she gets her crack cocaine, and the circle continues.

What I have found in the inner city is the pimp isn't necessarily an individual; the pimp is crack cocaine. Generally, these females can stay on a corner, rain or shine, cold or hot, for multiple hours at a time. Again, this is all to fuel their addiction.

What we are also seeing in the court system here in Toronto is a vast difference between the sentencing of the prostitutes compared to the alternatives that are given to the johns. The prostitutes are receiving custodial sentences ranging from between two to 15 days in jail. That's as recently as the last month, when we did an enforcement investigation here in Toronto. I believe because of the females' unfortunate circumstances there's a great disparity between the sentences that are being given to the prostitutes and the sentences and alternatives that are being given to the johns.

I believe another area the subcommittee needs to look at is the health issue, how it affects the street-level prostitutes as well as how it affects society in general.

The impact on the community is great. I believe the community itself, as a whole, is the actual victim here. The inner city tracks here in Toronto are a 24-hour operation. They are generally on each and every residential corner within the tracks, and this can happen at 7 a. m., 7 p.m., or 3 a.m. It's a 24-hour operation.

I deal with the community. I have a hotline at my office with the community. The citizens are tired. They're frustrated by the constant vehicle traffic that's caused by the strolling prostitutes and the trolling johns. You have to remember that the prostitutes want to complete the act as quickly as possible to fuel their drug addiction; therefore, they will use anything, any location. We arrest individuals in vehicles, on foot, in back lanes, city parks, and even in some rare instances in the backyards of people's homes in the downtown core.

We also have a huge community issue and health issue that takes place when we have residents picking up used condoms that are discarded by the johns in the backyards of their homes and in their back laneways. If I can bring your attention to one such incident that happened in 2004, a toddler picked up a used condom in an east end Toronto park and placed this condom to her mouth thinking it was a balloon. This is another example of the health issues we deal with.

There are also many complaints that we receive on my hotline from female residents in the downtown Toronto area who are returning to their home late at night after a social evening or from work and are being harassed by the trolling johns believing that these residents are actually street-level prostitutes.

There are some possible solutions to this problem. In Winnipeg—it's not a federal issue in Winnipeg; it's a bylaw issue—they have a bylaw that allows the police to impound the john's vehicle when the vehicle is actually used as an offence, in the communication. In my opinion it would act as a strong deterrent in relation to the johns.

I also believe a second solution is to openly look at making communication for the purpose of prostitution under section 213 of the Criminal Code a hybrid offence, rather than a lower summary conviction offence.

Third would be to make john school a condition of sentencing and not an alternative sentence to the johns. I believe that would be a strong deterrent to the johns in how they ply their trade.

In closing, I'll say to the subcommittee that we need to change the behaviour of the johns and in many cases seek alternative solutions for the prostitutes who find themselves addicted to this deadly drug of crack cocaine.

• (0850)

Both the prostitutes and the johns have to be made aware that street-level prostitution and solicitation are not victimless crimes. Commercial sex transactions ruin the life of a neighbourhood and create a public health problem.

I thank the subcommittee.

The Chair: Thank you very much.

Our next presentation is from the Sanctuary Ministries of Toronto, Mr. Paul or Mr. Martin.

Mr. Greg Paul (Executive Director, Sanctuary Ministries of Toronto): Good morning, Mr. Maloney and members of the subcommittee. My name is Greg Paul, and I'm the founder and executive director of Sanctuary, a Christian charitable organization that seeks to create and nurture a healthy community for the poor and excluded here in Toronto. We are grateful for the opportunity to address you today.

For well over ten years, an important part of our work has been doing outreach among the sex workers who are active on five distinct prostitution tracks in our downtown neighbourhood. With me today is Stephen Martin, our outreach coordinator. While Steve is just beginning to do some broad-based research into current sex work conditions and trends, I have to acknowledge that the three recommendations we'd like to make are rooted in anecdotal rather than statistical information.

It's still worth noting that over the years, Steve and I and other members of Sanctuary's outreach teams have developed personal relationships with hundreds of girls, boys, women, men, and transgendered individuals who are or have been active in sex work. I would suggest that we have at times heard from them the kind of information that may not readily be gathered by surveys or intake forms.

Our recommendations are as follows. First, decriminalize solicitation, at least as it pertains to the one offering sexual services for money. Figures gathered by other agencies show that 82% of women in sex work began at age 14 or younger; 90% began at age 18 or younger; and estimates range as high as 90% with reference to sex workers who are in one form or another being pimped. That's a fairly broad term, obviously.

This figure is so difficult to confirm because it may be worth a beating or worse for a sex worker to admit that she is being pimped. This means that the vast majority of sex workers have not had the opportunity to make adult, informed, and free choices about the kind of work they do; they continue to be coerced or manipulated into continuing in this kind of work; and they do not believe they have any other safe or credible options.

The idea that police intervention may serve as the first step of an exit strategy, in our experience, rarely bears scrutiny; in fact it's quite the opposite. The criminality of soliciting provides the very few bad cops with a huge lever to use against sex workers, and unfortunately they use it in a variety of ways. Making these individuals the targets of police and court actions has the effect of criminalizing them, precisely because they are already victims. It's as if a young person was forced to shoplift at gunpoint, and the police arrested the shoplifter instead of the person holding the gun.

Our second recommendation is don't legalize prostitution. Legalization and regulation of sex work assumes that the workers have freely and responsibly chosen this kind of work, which is not generally the case. I believe the legalization of sex work would have no effect on protecting the boys and girls who are inevitably the targets of pimps, since they would, because of their ages, be practically beyond the purview of protective regulations.

In fact, I believe legalization would provide a protective veneer of legality to the activities of those same pimps and traffickers, making them harder than ever to bring to account for their abusive and destructive practices. The focus of prohibitive legislation, and therefore policing activities, should be pimps, traffickers, and those kinds of bawdy houses where a situation or a person victimizes another.

Interestingly, when the prospect of a legal red light district was raised here in Toronto a few years ago, every sex worker on the street who I spoke to about the issue thought it was a bad idea, for precisely the reasons I've just described.

Third, provide comprehensive, realistic, and accessible exit options. Simply put, I rarely if ever have met a sex worker who wouldn't gladly get out of the trade if he or she had a safe and credible option. This is especially true for women and transgendered individuals. The personal cost of continuing in sex work is incredibly high, even if the facts of physical danger, coercion, and illegality are discounted.

I've recently been in correspondence with a woman who spent 13 years working in a legal, regulated brothel in Nevada, and I think it would not be reaching to summarize her view by saying that the experience has broken her. After two years out of the trade, she is just beginning to identify the scope of the damage in her own life.

● (0855)

I ask you to imagine this: even if you were working in a clean, safe environment for reasonable pay, how would it affect you over the long haul if your job required you to have sex, in some form, with whomever walked through your office door in the course of an eight-hour day, perhaps some 40 or 50 times or more every week?

I realize that initiating social programming is not the purview of a legislative review committee, but my hope is that the members of this subcommittee will find a way to deliver this message of the need for good exit programs to the appropriate people in government.

I'd like to summarize by saying that the small handful of individuals who do make informed, free, adult choices to engage in sex work do not need either further protection or sanction. On the other hand, the vast majority of sex workers who are oppressed people need to be set free. Surely this is the true work of good government.

Members of the committee, Mr. Chair, thank you for your attention and your diligence in creating this cross-country opportunity for Canadians to speak on an important issue.

The Chair: Thank you, Mr. Paul.

Next, from Street Outreach Services, is Susan Miner,

Ms. Susan Miner (Director, Street Outreach Services (SOS)): Thank you for allowing me to present today. My name is Susan Miner, and I'm the director of Street Outreach Services.

Street Outreach Services is a program of LOFT Community Services. LOFT, in its larger mandate, works as a multi-service organization that provides street outreach community support services, supportive housing, and community work to vulnerable youths, adults, and seniors in Toronto and in York Region.

In 1985, SOS was founded as a special response to the lack of services for children and youths involved in basic survival street prostitution or at high risk of becoming involved. We provide support services and alternatives to young people under 25, and to those under 16 in concert with legally mandated agencies such as Children's Aid. We provide street outreach six nights a week. We have drop-in case management, medical services, employment, educational support services, housing services, legal consultation, and professionally trained peers who work with us.

The extent of the problem of child and youth commercialized sexual exploitation in Ontario is both blatant and hidden. Street

prostitution is deemed to be very entry level and is obvious and visible. Escorting, cell phones, massage parlours, cybersex, pimping, and personal ads provide hidden venues, and the number of youths involved is indeterminable.

I am here to tell you that the first child I worked with in Toronto was 12 years old. She had been put in the care of Children's Aid when she was 11 years old as being incorrigible. She ran away from the CAS to her boyfriend, who in turn sold her to his friends.

I'm here to tell you that 65% of our youths have less than grade 10, and some are illiterate; that 52% of our youths have had grievous assaults against them, sexually, physically, and emotionally, since some of them were babies; that 15 is the average age that they state they became involved in prostitution and when they took what they deemed was control over their bodies, but the fact is that most had been abused long before then; that of the 75% of the youths we deal with—and when I talk about youths and children, I'm talking about boys, girls, young men, women, and adolescents—if a child or youth is on the streets for more than a few weeks in Toronto, that child is there for four to six years; that the process to leave the sex trade takes four to six years; that for most the process involves cycles of returning to desperate means when they are desperate; that addictions, mental health, and developmental delays compound the cycles; that in thirty years I have spoken with well over a thousand children—thousands, I would say—and in that time I have had two who told me they wanted to be prostitutes.

Programs must have dedicated, ongoing funding from either the federal or provincial governments; incorporate a philosophy that predicates that youths voluntarily commit to involvement in programs; be as inclusive of the needs of youth through on-site programming, partnerships, and referral; include and use youths as supervised peers to enhance the effectiveness of service delivery by agencies; and advocate for appropriate affordable housing.

Legislation, present and pending, must be consistent across the provinces; must incorporate community-based programming; must focus on recovery and reintegration, as opposed to incarceration; must encourage police to partner with agencies to offer social resources, as opposed to legal recourses; and must decriminalize the charge of communicating for the purpose of prostitution as it applies to youth.

The federal and provincial governments must dedicate permanent funding to existing services for youths involved in prostitution, including the expansion of those services, and in provinces where they do not exist, help in their creation.

In summation, through our legal system we presently criminalize victims of abuse, past and current. To legalize prostitution as a profession gives tacit consent to usury of some of our most vulnerable children and young people. In fact, we are assenting to the commercial sexual exploitation of our children and youths.

● (0900)

Street Outreach Services is in support of decriminalizing prostitution to give those involved other opportunities, to open doors instead of closing them, and to stop the revictimization and criminalization of our children and youth.

On a very personal note, if the government were to look at legalizing prostitution, the government would in fact, under today's laws, be charged with pimping. Living off the avails of children and youth is not the way to go. Assisting them to open doors and to choices is.

That's our recommendation.

Thank you.

● (0905)

The Chair: Thank you very much, Ms. Miner.

From the Canadian Centre for Abuse Awareness, Ms. Mary Bone and John Muise.

Mary Bone.

Ms. Mary Bone (Director of Program Services, Canadian Centre for Abuse Awareness): Thank you for having us here today. I am Mary Bone, the director of program services for the Canadian Centre for Abuse Awareness.

Our agency was formed about 13 years ago by a survivor of childhood sexual abuse. At that time the main focus of the agency was to provide workshops and conferences for survivors of childhood sexual abuse.

About seven years ago Martin Kruze was one of the victims of the scandal at the Maple Leaf Gardens. He committed suicide after hearing the sentence of the perpetrator was two years less a day. His family, the Maple Leaf Gardens, and Ken Dryden decided to set up a fund called the Martin Kruze memorial fund. This was to provide anonymous therapeutic services to all the victims. We are the manager of that particular fund. We received a grant in 2003 to perform round table discussions to try to effect legislative change. We went across Ontario to 10 different major city centres to perform these round tables. We have put together the Martin's Hope round table report.

I would like to have Detective Sergeant John Muise, who was formerly with the Office for Victims of Crime, speak to this.

Detective Sergeant John Muise (Public Safety Advisor, Canadian Centre for Abuse Awareness): Thanks, Mary.

Members of the committee, Chair, we're going to focus on children and the protection of children, and I'm going to expand on the fine words of Mr. Paul and Ms. Miner with respect to protecting children. Our focus specifically—because this is a legislative committee—is actually on legislation designed to protect children. We won't weigh in on the social debate about the legalization or

decriminalization of solicitation. We suspect that will be going on for many years to come.

We have an opportunity, and I think there are a handful of things that can be done. With respect to the brief we've provided, recommendations 4, 5, 6, 7, and 8 are the recommendations directed toward the federal government. I'll just go through them briefly.

Recommendation 4 is on the notion of creating a new criminal offence called "employing a child in the sex trade". It's recommended that the federal government amend the Criminal Code to include the following new section:

Everyone who being the owner or manager or supervisor in relation to hiring of a sex trade enterprise either employs or permits a person under the age of 18 years to work or participate in a sex trade enterprise is guilty of an indictable offence and liable to imprisonment to not more than five years less one day and not less than three months imprisonment.

For the purposes of this section, "sex trade enterprise includes, but is not restricted to:

- (a) a club where exotic or nude or semi nude dancing is performed;
- (b) an escort service;
- (c) a telephone sex line service;
- (d) a massage parlour, body rub parlour, holistic centre or spa

—of which there are hundreds and hundreds in the greater Toronto area.

We also believe there should be minimum sentences for child pimps. I'll be blunt. The direction lately seems to be toward raising maximum penalties. I have to be perfectly honest with you, as somebody with 29 years of service on the Toronto Police Service who has followed this from the legislative point of view very closely, I don't know anybody who gets the maximum sentences currently provided in law. So I'm not altogether certain why we engage in this exercise, because it doesn't work.

For those of you at the table, I'll use one example. It's not a sex trade example, but breaking into a house is punishable by life in prison. I'd ask all of you sitting here when was the last time somebody got life in prison. They generally get house arrest.

We need to create a minimum sentence for child pimping. The second recommendation—this would be recommendation 5 in your brief—is that the federal government amend subsection 212(2) of the Criminal Code to create a minimum mandatory period of incarceration of three years upon conviction for child pimping, retaining the minimum mandatory sentence for aggravated child pimping at five years.

We think there's a significant precedent for minimum sentences. We see them across the board in a number of crimes—first degree murder, second degree murder, impaired driving, using a firearm in the commission of an indictable offence. There are a number of offences where minimum sentences exist, where societal revulsion of a crime exists, and I can't think of a better example than when somebody engages as a pimp and does it with respect to a child.

Recommendation 6 in your brief is that the federal government amend the bail provisions of the Criminal Code so as to include child pimping as a reverse onus section for which bail can only be granted by a superior court justice.

Recommendation 7 in our brief recommends that the federal government amend subsection 212(4) of the Criminal Code to create a minimum sentence of six months upon conviction for communicating with a person under 18 years of age for the purpose of obtaining sexual services. Additionally, the offence should be an absolute liability offence with the burden of proof that the child was not under 18 resting with the offender.

So again, we are focusing on the child.

● (0910)

On our last recommendation, I trust I'm not stepping beyond the boundaries of the mandate of this committee, but much has been made of legislation that was altered in the late 1990s with respect to child sex tourism. We know that Canadians, along with many other westerners, travel to places like Thailand, Cost Rica, Mexico, and a number of jurisdictions. They're not going there to pay for sex with those who are 22, 26, 28, or 40; they're going there to have sex with those who are 10, 11, 12, 13, 14, 15, and 16.

There's been much about it lately in the media. There have been some significant exposés. The government has also made much of the law and how child sex tourism won't be tolerated. In fact, if you go to the consular affairs bureau of the Department of Foreign Affairs and International Trade website you'll see—and I've reprinted it in the brief—a description of where Canada stands on these issues. The reality is that hundreds, and indeed thousands potentially over the course of the years, have gone to these locations to engage in paid sex with minors, sex trade workers, in these locations.

It's not enough to print something on a website or say that we stand against child sex tourism and the trafficking that exists with it. If we really mean this we have to put resources toward the issue, much like Australia has done in Thailand. They recognize they have a huge problem with Australians going to Thailand, and they've actually assisted the locals. At last count they have engaged in 16 prosecutions, and I suspect it's probably over 20 now. The grand total so far for the Canadian legislation that was passed seven or eight years ago is a big fat zero. So we've done nothing on this file.

So recommendation 8—because we propose that it is part of the committee's mandate—is that the federal government provide the resources to create a team made up of serving or retired law enforcement officers with the experience, know-how, and ability to assist local law enforcement in the hot-spot destinations for Canadian sex tourists in building a case against those offenders who commit offences against children, in accordance with subsection 7(4.1) of the Criminal Code, and to prepare these cases for prosecution in Canada.

The reality in these other nations sometimes, I regret to say, is that the police are either in on it, there's a bribe system in place, or they don't have the resources to adequately fight this. So a handful of high-profile prosecutions and the arrest of offenders coming off the plane at Pearson International Airport would take care of this

disgusting traffic from Canada to places like Costa Rica and Thailand.

I just want to wrap up by saying, as Mary indicated, that these recommendations came from 150 front-line people in the criminal justice system—crown attorneys, police officers, social workers, mental health workers, probation officers—a wide variety of people on the front lines of the criminal justice system who are dealing with this on a daily basis. The report was publicly released in November 2004. In fact, the Toronto Police Service—of which I have always been a member, having returned recently from the Office for Victims of Crime—held a public release of this report in November 2004. In fact, among the 150 were several Toronto police officers who provided information to create this report.

● (0915)

I have copies of the full report if the members of the committee would like it. The brief, in fact, is just one section on children in the sex trade. There are about 11 other chapters with respect to the protection of children. This is a federal committee, and we've directed 39 recommendations at the federal government for legislative and policy changes to better protect children.

In closing, we're grateful for the opportunity to present, and we look forward to any questions you might have.

Thank you.

The Chair: Thank you, Mr. Muise.

We would like copies of that report, thank you.

Mr. Kyle Rae, councillor with the City of Toronto, is next.

Mr. Kyle Rae (Councillor, City of Toronto): Good morning, and thank you very much for allowing me to come and speak today.

I'm the city councillor for Ward 27, and have been since 1991. The ward I represent is quite complex. It's Rosedale, Summerhill, Yorkville, Church-Wellesley, the gay district in Toronto, and east downtown. It basically goes from the Eaton Centre up to Mount Pleasant Cemetery. In that ward, there are approximately three major tracks: a large gay track, a large straight track, and a large transvestite and transsexual track. There are many more than the three, but those are the three options that people have in coming downtown.

Also, Mr. Paul and Ms. Miner both operate their community churches and organizations in my ward, so I'm very familiar with the work they do. They do excellent outreach to youths and children in the downtown area.

In 2005 I do not speak on behalf of Toronto city council. However; if we were meeting in 1995 I would be speaking on council's behalf, because in 1995 the City of Toronto asked the federal government to decriminalize prostitution. Unfortunately, nothing was done and nothing was heard. But I do have the report from 1995 from the board of health of the City of Toronto, and I'd be glad to leave it for the committee.

I still believe we should be decriminalizing prostitution and solicitation for adults. My constituents have mixed feelings about that and about street-related prostitution. Some are offended by it, but some don't mind. Before crack became part of the street culture, there was a time when people didn't mind street prostitutes on their avenues or on their streets because they were part of the eyes in the neighbourhood. However, crack has significantly changed the behaviour of people involved in the sex trade, and I think that has changed a lot of people's opinions.

Rank-and-file officers usually refer to street prostitution as a nuisance, and when they say that in a public meeting they usually get yelled at by the residents because the residents think of it as more than a nuisance. The solicitation causes all sorts of problems in their schoolyards, their churchyards, their strip malls, front yards, backyards, and even their garages. This stuff happens all over the neighbourhood, and there needs to be a way of controlling and maintaining order in our downtown communities. The noise, the bickering, the taunting, the traffic, the garbage, and the leftovers of sex also contribute to concerns raised by my constituents.

However, the reality is that about 80% of prostitution in downtown Toronto does not occur on the street. It occurs in people's homes. Only 20% occurs on the street. The Internet, the sex ads, and cell phones have radically changed the business. Most of us who live in downtown Toronto, who live in high-rise apartments, as I do, are most likely sharing our buildings, our homes, with men and women who are involved in the sex trade. After 14 years of representing this downtown community of 60,000 people—yes, I represent 60,000—I have received only one complaint, from a neighbour of someone thought to be involved in prostitution. It is quite harmless in people's homes for the most part. There have been violent cases that have occurred, but for the most part it's not an issue.

It surprises me that men and women take the risk to act in the sex trade in their own homes, given the law. The bawdy house laws need to be changed. The bawdy house laws in some ways force people out onto the street in order to be active in the sex trade. Why? Because it's an indictable offence, and found-ins or keepers can lose their apartments, their belongings, or their children if they are found guilty. There are a number of sex trade workers who will go outdoors to avoid this indictable offence. The current laws that draw men and women out to the street for this work must therefore be changed.

And I must say that it's these very same laws that have been used against gay men in the past in our bath houses, and used erroneously by the police while they were saying there was prostitution or acts of indecency.

The bawdy house laws, sections 210 and 211, must be deleted.

● (0920)

The Fraser report issued in the 1980s observed that groups of women sharing a location provided the kind of security and support that was missing.

The decriminalization of prostitution and solicitation would allow municipalities to regulate the business as other businesses are regulated.

I'll give you a copy of the report from 1995. There were four recommendations that came out of that report, and I'd like to refer to them.

The first is to remove most prostitution-related offences from the Criminal Code and deal with them through regulatory statutes similar to those used to control other businesses. Areas that might remain subject to criminal sanctions include pimping or patronizing juvenile prostitution.

The second is to repeal bawdy house provisions and permit prostitutes to work in certain locations, with activities regulated by already existing statutes.

The third is to empower provincial and municipal governments to establish legal prostitution areas under the same zoning laws used to regulate land use in general.

And the fourth is to establish prostitution committees at the municipal level, with representatives for residents, business owners, police officials, politicians, and, most importantly, the sex workers themselves. These committees could monitor activities and attempt to resolve problems before they become serious.

In ending, it's very frustrating to come here today, ten years after the fact, but if you're here today to learn that there are options for changing the behaviour in prostitution and solicitation, if there are ways of protecting people in the sex trade, then I'm hopeful about our city working with you. The goal of this committee needs to be to protect the sex workers and to realize that they're not going to go away.

Thank you.

The Chair: Thank you, Mr. Rae.

I would like to make an announcement for the people in the body of the audience. Between 10:30 and 11:30 we will be having two-minute presentations, with no questions and answers. You will be allowed two minutes to present to the committee. If you wish to do so, please register. We'll record your names and take you in the order in which you are registered. Thank you very much.

Mr. Hanger, for seven minutes.

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

I feel I could spend my time just questioning any one of you presenters here today. I have to thank all of you for your views and obviously a fair amount of research that was done as well.

We have a lot to think about in this committee. Needless to say, there has always been information that seems to conflict substantially, from one end of the spectrum to the other, when people start involving themselves in research projects. Maybe that's the way it's supposed to be. I don't know. And then we get to sort it all out in the end.

I need some clarification on some of the information I've heard. This is probably one of the best groups as far as variance in opinion is concerned, and maybe we can come to some common ground here.

First of all, on organized criminal activity, is organized crime involved in prostitution? I haven't really heard a clear answer from this group that it is or it isn't, apart from the fact that I believe Detective Page mentioned something about the fact that the pimp is really the drug the prostitutes use. I'm just curious if that's the extent of this issue.

● (0925)

Det Howard Page: From the position of street-level prostitution in downtown Toronto, I would reiterate that formalized organized crime, in my experience, is not involved. I can't speak on behalf of child prostitution, however. The Hollywood aspect of the pimp standing on the corner waiting for the prostitute to return to him and the money being turned over to him or to others is not what we're seeing in downtown Toronto. Again, the drug itself, the crack cocaine, is the pimp to the prostitutes who are working on the corners in downtown Toronto.

You have to expand on that. Does the horse come before the cart or the cart before the horse? If crack cocaine is the pimp, then you have a larger issue because you then have to look at where the crack cocaine is coming from and also at the side issues. I think the committee should not focus strictly on the prostitution aspect. If we are to look at organized crime, which I didn't mention, it goes hand in hand. The drugs are being supplied to the prostitution. It fuels what we see on the street. If you look at the dealing of the crack cocaine, then you do have organized crime as a side issue. But I don't think we can look at it as just one issue or the other. It does combine. In that aspect, in the greater picture, you do have organized crime, that being the trafficking of cocaine.

Mr. Art Hanger: Mr. Muise.

Mr. John Muise: To add to what Detective Page said, there's no doubt that they're wrapped up in many of what are commonly known as strip clubs.

Mr. Art Hanger: So you're separating prostitution into street prostitution and the prostitution that goes on in escort clubs and strip clubs.

Det Sgt John Muise: Correct. I think Detective Page characterized what's happening on the street perfectly. I'm just referring to what's happening in the clubs. There would be a nexus between organized crime and our recommendation 4 about getting some control over these clubs with regard to protecting children, no question.

Mr. Art Hanger: So what you're saying is that there are more children involved in the hidden aspects of prostitution through massage parlours and clubs. Is that correct?

Det Sgt John Muise: And on the street, everywhere, yes.

Mr. Art Hanger: It's everywhere.

Mr. Stephen Martin (Coordinator, Sanctuary Ministries of Toronto): From some of the research we've been gathering the last little while, both on the Internet and also abroad in conferences, we have seen a great turnover in the trafficking of women across international borders, with women being brought into this country by European traffickers. Also, Asian traffickers have been bringing women into our neighbourhoods and into massage parlours.

● (0930)

Mr. Art Hanger: You call that organized crime.

Mr. Stephen Martin: Yes. We also know that in some cases the bikers have been using their club houses and also some of their own strip joints to help in this cause. It's out there. That's definitely organized crime.

Mr. Art Hanger: I'm going to throw a blunt question to you. Do the police know about it?

Mr. Stephen Martin: Probably. Unfortunately, a lot of these things move so fast that by the time they do get wind of it, they're long gone and set up at another location.

Mr. Art Hanger: You've seen over time an increase in the number of individuals being brought in by organized criminals from outside the country for the sole purpose of either the clubs or prostitution at all levels.

Mr. Stephen Martin: If you look at some of the stuff online and at some of the organizations, especially the strip joints and massage parlours, and take a look at the country of origin and where these women are coming from, you'll see that they are not Canadian born.

Mr. Art Hanger: That's interesting.

If the age of sexual consent were to be raised, how would that affect this issue of prostitution?

Det Sgt John Muise: One of the recommendations in the "Martin's Hope" report is about age of consent. It's in chapter 4. We make, I think, a fairly good case for raising the age of consent from 14 to 16.

The folks who came to these round tables aren't the only ones. We chose not to bring it up at this committee hearing because with regard to the five recommendations we made, it doesn't really impact on those. We're talking about children as being under the age of 18 with regard to these sex trade worker crimes.

If you go back to Ottawa and let folks know that there are many of us who feel it's high time to raise the age of consent, you certainly won't get an argument from this corner, and I suspect you're not going to get an argument over in this corner here.

Mr. Art Hanger: I have a question for Mr. Betteridge.

Are you a lawyer?

Mr. Glenn Betteridge: Yes, sir.

Mr. Art Hanger: Can you explain to the committee how things would play out if prostitution were decriminalized compared to being legalized? Tell me what the difference is here, whether there's a clear distinction between the two.

Mr. Glenn Betteridge: I don't think there's a clear distinction between decriminalization and legalization. I'm a lawyer, but not a sage or a future teller. I can't tell you exactly what would happen. I think focusing on legalization versus decriminalization as jargon is counterproductive at this point.

We've suggested that decriminalization is a condition precedent, in legal-speak, or a necessary precondition for better health, safety, and working conditions for sex workers. What exactly those working conditions would be is an issue that sex workers need to speak to. Obviously municipal and provincial laws may play out in this. For example, in a system where the bawdy house laws were repealed and it was legal to operate what is now considered a bawdy house, employees might have recourse to employment standards, legislation, occupational health and safety legislation, employment insurance, maternity benefits, and things like that.

So that is not what people generally refer to as legalization. What is generally referred to as legalization are laws that are specifically targeted at regulating prostitution. Many sex worker organizations in our research have spoken out against this type of legalization.

The Chair: Madame Brunelle is from Quebec. It might be advantageous to put your translators on to assist Madam Brunelle.

Merci, madame.

• (0935)

[Translation]

Ms. Paule Brunelle (Trois-Rivières, BQ): Good morning, ladies and gentlemen.

I find your remarks particularly interesting. As you know, one of the reasons that this committee was created was to deal with the violence to which sex workers are subjected, mainly women but men also. So this is a major concern.

My questions are for any of the witnesses who would like to answer.

Some sex workers have told us that the difficult relations between themselves and the police result in a lack of trust and that this is one of the main reasons that they do not dare complain when they are victims of violence.

Do you believe that decriminalization might lead to a change in the way that the police work, keeping in mind the objective of preventing violence against women?

Another solution that was proposed was the establishment of a red light district. Would that be acceptable to your groups? Would it be possible or thinkable to have a red light district in Toronto?

[English]

Det Howard Page: I guess I can answer that question.

On your first question about decriminalization and if there would be a different trust level with the police, it is a tough situation for the sex trade workers to approach the police when they sometimes look at us as being the people who are enforcing the laws, and in some cases arresting them, if they have to come back the next week because they are the victim of an assault, or something of that nature, and report to the same agency that's possibly doing enforcement.

By decriminalizing, I don't think it's going to change. The only thing that's going to change, as far as a trust level, is for the police to continue to work in the best situation they can with the sex trade workers. I have found, from dealing with sex trade workers on the street level—my crew and the officers who work with me—that the sex trade workers realize we have a job to do; we're out there for certain reasons. But I've never seen any hostilities toward myself and my crew in the downtown area I work in. Does that necessarily mean they will come forward and feel comfortable reporting a crime to us? I can't say for certain. But there's definitely a relationship there between the vice squad in Toronto in 14 Division where I work and the street-level prostitutes. There isn't hostility between the two groups. We both seem to understand where we come from.

On your second issue, I have to agree with Mr. Rae that a red light district wouldn't be a solution in downtown Toronto. You have to look at the makeup of Toronto. First, if you don't even deal with the legality issues and just deal with the geographics, Toronto is an increasingly changing scene. Where I am in downtown Toronto, the Liberty area is changing from an area of old warehouses to an area of condos. Someone five years ago could have said, let's use that area as a red light district because it's not going to affect the community. But five years later it would have a direct effect on the community.

The big thing I think you have to look at—and I know I keep repeating it—is that crack cocaine is so extremely dangerous and addictive that even if the federal government legalized or decriminalized prostitution, with brothels or a particular red light district, crack cocaine-addicted prostitutes would undercut that cost. For example, if in a red light district it cost an individual a certain monetary fee for the act offered within the brothel, the individual or the female going out into the Parkdale community or Regent Park area of Toronto would simply undercut it. It's not because they necessarily want to be there; again, it's their drug. So if \$50 was the price in a red light district—if that were ever going to be a situation—you would have the drug-addicted prostitutes a block away outside the red light district strictly undercutting, and the problem would still be there.

• (0940)

Mr. Greg Paul: With respect to Mr. Page, I think he's referring to one particular category of prostitution that's not necessarily the case across the city of Toronto. Certainly in the west end, where Mr. Page works, there are an awful lot of crack-addicted street prostitutes. That doesn't fairly represent all prostitutes in Toronto, by a long shot.

I want to say, also, around the issue of decriminalization, I think it's inevitable that somebody who's engaged in an illegal activity, which solicitation currently is, is going to be uncomfortable going to the police for protection if in the process of that illegal activity, they are abused, which is so often the case. I think it puts the police in an awkward position, because if they want to protect a woman, they may also have to arrest her. And they may have to arrest her precisely because she's being abused, which is a truly unjust position to be in.

In addition, although they are certainly way far in the minority, there are some police officers who will use the illegality of solicitation as a lever against women to get services they want themselves. That's not the general run of things, and I say this out of respect to my friends in the police force, but we know from women who have been involved in the sex trade that this does happen. The criminality of solicitation becomes a lever to use against the women.

With respect to the red light district, and in fact the legalization of prostitution in the sense of regulatory legislation that would entrench prostitution merely as another business, what we've heard a number of times from women who are in the trade is that they're concerned that if this were the case, it would simply provide a blind for pimps to get underage women and boys involved in the trade, which is the case now. The figures that Susan Miner presented are potent figures about how children are the ones who enter this trade. It's not an informed, free, adult choice. Most of the time, perhaps 80% or 90% of the time, it's not a free, adult, informed choice. And we cannot treat it that way and assume that simply because we've established legislation that regulates a business, the people who are involved in that business are free or adult or truly informed about their choices.

The Chair: Thank you, Mr. Paul.

Mr. Rae has a comment.

Mr. Kyle Rae: I need to respond to Detective Page.

I didn't say that I didn't support a red light district. In fact, if you'll recall, there was tour by Mel Lastman and members of council about five years ago; we went to Frankfurt and Amsterdam. In Amsterdam, we walked through the red light district. I was asked my opinion, and I said I thought it would be a good idea for the city of Toronto to look at this as an alternative to the street-related prostitution we were experiencing.

There was a kerfuffle when I got home. There were neighbourhoods that thought, "You're talking about putting it in our neighbourhood"; there was a negative reaction. However, there were also some neighbourhoods where prostitution occurs today on the street, and the residents would love to see it off the street and regulated safely behind closed doors.

I'm quite open to looking at the option for a red light district. I've seen it, as I said, in two cities—Amsterdam and Frankfurt. I was in Frankfurt in November and saw the prostitution district. It's very close to the harm reduction program they have in Frankfurt. It's regulated, it's clean, it's very safe in that neighbourhood.

So there are different ways of approaching this issue, but I think we shouldn't take off the table the opportunity of protecting people in the trade and dealing with the problems it creates for communities by looking at red light districts.

● (0945)

The Chair: Thank you, Mr. Rae.

Ms. Davies, for seven minutes.

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

First of all, thank you very much to the witnesses for coming here today, and also to other members of the community who are here.

I did just want to say one thing, because I know there's been enormous interest in the committee's work. In fact, I think we've all been quite overwhelmed by the response that's out there in the community. It's been sort of like 20 years of no debate on this issue, at least in a formal sense. There has been debate in the community. I know there are many groups who want to speak on various aspects, including the bath houses and how the Criminal Code applies to the operation of bath houses.

I think we all want to make it very clear that we want to hear as many witnesses as possible. If we can't hear everybody today, then either a written brief...or possibly in Ottawa. We will be following this up. I just know there are a lot of people here today who want to speak, and maybe not everybody will be heard.

Just to come to the point, there are various positions out there, and I think, to come back to Mr. Betteridge's initial point, it is to look at the purpose of the law and to determine whether or not the law is actually minimizing harm or risk or contributing to it. I think there's now a lot of evidence to show us that the status quo is contributing to enormous risk out there, particularly on the street.

So the questions I have really focus on what we can do now to replace that. If we are looking at repeal...and a lot of people have spoken about decriminalization, but it's not necessarily clear what we mean.

Councillor Rae, even when you speak about a red light district, for example, I guess the question I have is if we repealed these various sections, do you think we are then in a position whereby we actually have to designate certain areas, or is it something that is just left? And then is it something that would be left to a municipality, for example, to determine in terms of various bylaws? I think there is a clear sense that people don't want to see a legalized model that has some sort of state intervention in a very major way.

So there's still this very grey area about what we actually mean by decriminalization, right? If we repeal those sections, then what kinds of other regulations might we be talking about? And who should do that? Should it still be the federal government, through some provisions? Should it be provincial, or should it be left in local communities, in terms of more generic enforcement of what we consider to be nuisances or problems? I would really appreciate it if people could address that a little bit more.

Secondly, in terms of the question of age of consent, we have had some debate about this, and maybe our researchers can clarify this for us. Generally the age of sexual consent is 14, unless it involves someone who is in a position of authority, in which case it's then 18. But I'm not sure what the age is as it pertains to the Criminal Code regarding prostitution.

I wouldn't mind knowing that, because your group is suggesting that it actually be 18. I have some questions about what the impact of that would be. It would be helpful if we could maybe get a clarification on the age as it pertains to these particular sections of the Criminal Code now. Is it 14, or is it something different? I'm not sure.

Anyway those are my questions, if people would like to respond. Again, it's pretty open as to who might want to take those on.

• (0950)

Mr. Greg Paul: Ms. Davies, I think one of the concerns I would have—

The Chair: Mr. Paul, could I just interject for one minute? I have some clarification from our researcher on age of consent.

Ms. Laura Barnett (Committee Researcher): The prostitution provisions talk about minors, which would be under 18. So the age of consent would be a different issue.

Ms. Libby Davies: So we already have 18, then?

Det Sgt John Muise: That's what Mr. Hanger asked. As much as I'd love to see you go back to the House and change the age of consent, though, the reality is that it doesn't impact on these offences. They already speak to people who are 15, 16, and 17.

In answer to one of your questions, certainly, you talked about who should be doing this. Again, our focus is the protection of children. Certainly we think our recommendation 4 is absolutely appropriate for the Criminal Code, where we would create the offence of employing a child in the sex trade. We think it's appropriately situated in the Criminal Code. And I will say that in recommendation 3 of our report—and it's actually contained within the brief—we actually suggest, as a provincial recommendation, creating an act that would in effect regulate these places—massage parlours, strip joints, and all these holistic centres—for the purpose of ensuring that for the people who are running them, there's accountability in terms of the age of the people they're employing to do those jobs. We would suggest that in a perfect world you would beef up the criminal legislation to reduce the likelihood of children being involved in those.

You'll see that our four or five recommendations are all directed at the people who exploit and control these children. None of them are actually directed at the children. In a perfect world, you would have that in the federal legislation.

We would suggest that, provincially, you also create a regulatory regime. For instance, here in Ontario, you could do it in the municipal amendments act. In fact, a bill was presented in the Ontario legislature about three or four years ago that did precisely that. Of course, it never saw the light of day, but it would have allowed two things. It would have given the police the tools they need to make sure no kids are in these premises, and it would have focused on the very premise that Mr. Hanger talked about, organized

crime. That is, if you want to run one of these places, one of the preconditions is that you not be an organized criminal, that you not have organized crime convictions, that you not have convictions across a variety of sex offences. In other words, to the best of our ability, you're the kind of person who is going to abide by the law, at least with respect to employing children.

The Chair: Thank you, Mr. Muise.

Mr. Paul.

Mr. Greg Paul: I was just going to suggest that unless it's federal legislation, what you create then is the option for people who are pimping women or children to move them across the country to wherever the situation is most conducive to the business they want to do. It seems to me that federal legislation is really important in this matter.

The Chair: Thank you, Mr. Paul.

Ms. Libby Davies: Just for the pimping? Because you did also favour decriminalization, right? There may be some provisions that remain federally within the code, but for those sections that are repealed—say the communicating law, section 213—do you believe there needs to be some other level of authority, in terms of a municipality or even provincially, that would then provide some sort of regulation? Or do you think it would be left to enforcement under other nuisance provisions in the Criminal Code?

Mr. Greg Paul: Most of it can be dealt with under provisions that are existing. In fact, I think most of the issues that revolve around pimping are probably provided for in some ways as well, because what's really at issue is the abuse from the domination by a particular individual. The parts of the legislation that deal with pimping need to remain, and perhaps they need to be strengthened. They certainly need to become a focus of police action, rather than the focus being on the women who are actually doing the work or the children who are actually doing the work on the streets.

What's really at issue in the vast majority of cases—and the figures show this—is that the people who are doing sex work are for the most part not making their own choices freely. They need to be protected, and the people who are oppressing them need to be brought to account. That's where the focus of legislation would need to be, in my opinion.

• (0955)

The Chair: Mr. Rae, would you like to comment?

Mr. Kyle Rae: It's hard to know how best to proceed with the idea of a red light district. As I said in my undertaking here today, 80% of prostitution already happens in people's homes spread across the city, so why would you need to set up a red light district? There has been an argument that it would be a tourism destination. I'm not arguing that, but that has been part of the debate about whether or not that would be useful.

Ms. Libby Davies: Who do you think should make that decision, though? If an area were designated, it seems to me it would imply it would be the municipality, through some sort of zoning division.

Mr. Kyle Rae: Correct. One of the recommendations out of the board of health report from 1995 was that it be a municipal responsibility.

I'm not here to talk about the issues of youth and children. I agree with what I've heard today, but I'm talking about adults willingly involved. I know adults who are involved in the sex trade, and they wouldn't want to see themselves regulated as a business, but then most businesses don't want to be regulated—you know, I'll have to deal with that on an ongoing basis. But I think it's useful for public concern, public health, that communities work together to try to maintain order and the safety of the people who are involved in the trade. Is a red light district then a necessary outgrowth of that concern? I'm not sure, given that in Toronto we already have so much sex happening in people's homes.

I think it's a debate we need to have in the community. For the most part it's working. It's the street-related prostitution, and I'm not sure that can be solved by creating a red light district. There are different layers to prostitution. Detective Page talked about the crack-addicted prostitute, and we hear about youth and children. But I think there is an enormous variety of responsible adults involved in the sex trade. I know them, and they live in my ward and my neighbourhood. They don't want to be regulated; they want to be able to continue their businesses.

The Chair: Thank you, Mr. Rae.

Mr. Betteridge, do you have a very brief comment?

Mr. Glenn Betteridge: I have a brief comment about the difficulty the subcommittee is facing in terms of the division of powers under the Canadian Constitution. I think the committee is fully aware that making criminal legislation is an exclusively federal power, so to decriminalize or remove the Criminal Code provisions would in effect create a vacuum.

Maybe the subcommittee should seek guidance from the Department of Justice on this issue. There's a doctrine or a theory in constitutional law called "an occupied field". The federal government has power over criminal law, and even if it chooses not to legislate within a particular area of criminal law, it still has that field occupied, and it is not open to other levels of government to criminalize things. On the danger with the vacuum, municipal regulations enforced by police would be used to the detriment of sex workers.

The Chair: Ms. Miner, do you also have a comment?

Ms. Susan Miner: Yes. I think we're talking about legislation. I am not a lawyer, but I am here to talk about the reality of who I assume are ending up in cyber sex, on the streets, and in massage parlours. They are children, who don't and never have had a choice. So you're talking about legislation based on the premise of equality. There is no equality with these youth. They do not have education. They do not have choices. Yes, there are bright, articulate, gifted people who are involved in prostitution in the street trade. They are like the Gretzkys of the world. All kids play hockey, but most people don't get to the NHL.

When I see the youth we deal with, I don't see people who are surviving, healthy, well taken care of, and respected in any of their communities. I see kids with a history of abuse and neglect in their

families and their communities. I see all of the "isms" we throw at young people. Part of the duty of this sort of committee is to look at why people get there. We're looking down the road at legalizing something and not saying, "Hey, maybe it's not a good thing". If we gave statistics their worth, we should legalize theft because lots of people do it and it should be okay.

I just want to come back to the fact that people don't get involved in prostitution at age 21 and 22; they get involved as children. They are coerced, intimidated, and seduced, and I think we have to realistically look at choices.

• (1000)

The Chair: Mr. Muise, I know you've asked for another comment. We had the comment initially. We're way over our time. It was an important issue, but perhaps we'll get an opportunity on the next round.

These are three-minute rounds. I would ask again for short and direct questions and answers, if we're going to get through by 10:30.

Mr. Hanger, you have the floor, sir.

Mr. Art Hanger: Thank you.

Several of the comments made this morning reflected on the fact that prostitutes are basically rejected or stigmatized in the community. Why is that? Is it a moral issue?

Mr. Glenn Betteridge: I think prostitutes are stigmatized in the community for a number of reasons. Historically they have been stigmatized, and oftentimes history overtakes rationality and we continue to do things we've done in the past for no apparent reason.

I think, although being a prostitute is not illegal, all the activities surrounding prostitution are criminalized, so with criminalization comes stigma and discrimination.

I think because of the criminal law and the disparities in enforcement that have taken place in the past, people see prostitutes and sex workers as less worthy. I think the spate of violence against prostitutes, typified by what's gone on in Vancouver's downtown east side, shows there is an attitude of permissiveness vis-à-vis violence.

Mr. Greg Paul: One might also say, sir, that in our society, which values strength so much, we tend to despise vulnerability, and the people who are vulnerable and are used because of their vulnerability tend to be despised in our society. That is unfortunate but true.

Mr. Kyle Rae: In my experience as a gay man, whenever we've been trying to get our rights and the right wing attacks them, there's a lot more experience of gay bashing and violence when there seems to be permission. If we have laws in place that tell us that prostitutes aren't equal, they don't have protection of the law, and they're living outside the law, I can understand why people will then see that they're fair game.

I've experienced that in my community from the greater Canadian society.

Mr. Art Hanger: So you don't think the community at large evaluates prostitution on a moral plane?

Mr. Kyle Rae: I think there are Canadians who do that, but I think they're able to express it through what the federal government has done in terms of criminalizing it. I don't even know that they need to necessarily be moralistic about it. Many people just write it off as beyond the pale. It's not acceptable; therefore, you're vulnerable to my opinion because you don't live within the parameters of society.

Mr. Art Hanger: We all represent different regions, as you do, in a ward, and of course that's going to be a reflection of what enters into any discussion or process—you know, what the standard is, if you will, or what the community actually thinks. It's not just over what a court may do. It may be far beyond what a court may rule, even, as far as what the community may think. And somewhere along the way that's going to be part of what's going to happen here with this committee, as far as the final outcome or evaluation on the broader context is concerned.

● (1005)

Mr. Kyle Rae: Again, my experience as a gay man has been that the tyranny of the majority has meant that I've lost access to culture, because you won't allow it across the border. I'm sure you've heard that before.

But a concern I have is that if you want to run to community standards, then you will deny people equality rights.

The Chair: Thank you, Mr. Hanger.

Mr. Betteridge, did you have a comment?

Mr. Glenn Betteridge: I just have a brief comment by way of a quote from Dr. Benedikt Fischer, writing in the Canadian Medical Association Journal. He wrote:

This matter has thus become a political “no-winner”, and law and policy reform will occur only if politicians are pressured to assume proactive and determined leadership, which may be poor in terms of potential vote gains, but rich in merit for “good government” and public health.

I think the role of the subcommittee, charged by the committee itself and accountable to Parliament, is to engage in good government on behalf of all Canadians, and in particular the most vulnerable Canadians. The most vulnerable Canadians in adult prostitution in Canada are the sex workers, as is shown by the statistics of the violence and murder they're subject to on a daily basis.

The Chair: Thank you.

Madam Brunelle, for three minutes.

[Translation]

Ms. Paule Brunelle: Several of you have highlighted this morning—and rightly so—the problem of young people getting into prostitution. Is there an increase in the number of young people becoming prostitutes? How are they recruited, in your experience? Are they mainly kids who have run away from home? Is it through the Internet? How could that problem be eliminated or at least reduced?

[English]

Ms. Susan Miner: Certainly the experience over the last many years at SOS is that young people are seduced, are trained to become involved, by earlier abuses in their families. There is a myth that lots of people get into the sex trade through pimps. A number of young people get involved in the sex trade because other youths take them into the sex trade.

In terms of the reality of why youths go there, it's because we have diminished their hopes, their dreams, and their choices. If you leave a small community and come to Toronto with less than grade 10, your options for survival, employment, and housing are minimal unless you find a way to make money. Your body is something you own, and it's readily available. The issue of addictions has been part of many of the discussions, and a lot of young people come into prostitution to support habits. Conversely, we also know a lot of young people get involved because they're dimming the issues that come with being involved in prostitution.

But I would say that, historically, it starts long before children hit the streets of Toronto. The issue we have to address is not just whether we decriminalize, but what goes before that issue in terms of our responsibility, for the government, to do things to help children avoid that. To my way of thinking, it is not an equitable choice. It is due to a lack of choice that kids get involved.

The Chair: Does anyone else wish to make a comment?

Mr. Stephen Martin: Being a front-line worker for many years, I've been able to come across young women, especially under the age of 14, who have just committed horrific acts on the streets and back alleys. When you have a chance to look at a young woman or a young girl just after she has committed this act, as her john throws the money at her and walks up the alley, and you ask her why she just did that, the answer comes back loud and clear. She looks you right in the face and says she just got paid for what her dad got for free. You tell me how ethical that is and how fair that is, where the only value she has left is the value of a dollar that she now knows she can turn anytime she wants because it has been trained into her and she has been robbed of her youthfulness.

The Chair: Thank you.

Madame Brunelle.

[Translation]

Ms. Paule Brunelle: Is the number increasing? Are there more young people getting into prostitution, or are we just hearing more about it? Is it because of the media? Is there something we can do as a society? What action can be taken? Our social services are not doing their job.

•(1010)

[English]

Ms. Susan Miner: We dealt with over a thousand youths last year. Over the last fifteen years we have seen the number on the street drop, not because there's less involvement, but because of policing and other issues that have stopped them from being on the street. The reality is that telephones and cell phones have made this business blossom. We have young people who go out, who are out for a couple of nights, pick up regulars, and then are not seen on the streets any more. We have kids in the summer who come downtown and think it's okay to prostitute for a few nights to go to raves. Those latter ones are the exception to the rule.

So has there been a decrease in numbers? I don't think so. Are they less obvious? Absolutely.

The Chair: Thank you, Madame Brunelle.

Ms. Davies.

Ms. Libby Davies: On your earlier point about needing to back up and look at the conditions that are forcing young people into the sex trade, a critical part is that it's not just about law reform, it's about poverty issues and it's about people who are at risk from other issues, such as substance abuse or an earlier trauma. I would agree with you that these are very important.

The last question I want to ask has to do with the communicating law, section 213. My own feeling is that the communicating law has proved to be very harmful in the twenty years that we've had it. I don't know who it's protecting now, so I want to know if there's anybody here advocating that we keep it. I don't know, Detective Page, whether the Toronto police department thinks it's of value. If so, I'd like you to tell us why you think it's of value.

In terms of other witnesses here today, do you think the communicating laws should be repealed? Who are they helping at this point?

Det Howard Page: It's a fairly complex answer. I think you have to deal with the geography of Toronto. What takes place in one community in a particular area of Toronto might not affect another community in the exact same way.

I know we're here to address the rights and protection of the sex trade worker, but the subcommittee has to look at the rights of the community as well. By decriminalizing that charge under section 213, I'm just trying to think of the legalities, and maybe Mr. Betteridge could help me, since he is a lawyer. If one wants to commit this type of offence, both from a john aspect and from a sex trade worker out in the street aspect, I believe from the police powers, you have identification issues as far as the rights of the individual are concerned. If the johns were to continue to frequent these locations and pick up street-level prostitutes and it was decriminalized, it would take away the majority of the powers the police have, because the way I see it, coming from the subcommittee as a question, if it's decriminalized, an individual doesn't have to provide identification upon demand to a police officer.

Ms. Libby Davies: Section 213 has been used primarily against prostitutes. I really challenge you in terms of the use of that law. Where has it improved any situation in a local community suffering from the impacts of on-street prostitution? What we've seen, in terms

of customers versus prostitutes, is a doubling of the rate of incarceration for prostitutes as a result of the communicating law and no visible change in local communities over 20 years. In fact, some people would say it has gotten worse. How do you assess with that impact that it's a good law?

Det Howard Page: I can't say that it's necessarily a good law, but it's a working law. I can only tell you that from my experience with the Toronto Police Service, the majority of our targeting, for the sake of a better term, involves the johns, not the prostitutes themselves.

There's supply and demand out there. When you have neighbourhoods with parks and backyards and kids and you have johns coming from the 905 region into the downtown Toronto core and continuously trolling what are known as the tracks, if you take away any form of power the police have to stop this, I would hate to see what would happen in the future and where there would be any teeth for the police to possibly enforce that aspect of it afterwards.

I don't necessarily have the answer. I would agree with you, Ms. Davies, that section 213 isn't one of the best sections we have to work with within the law, but again, you have to have something there. Otherwise, I think it would become an open season in some areas of Toronto, not in all areas but in some of the main tracks it would.

•(1015)

Det Sgt John Muise: Again, with respect to children, recommendation 7 speaks to communicating with a child. If there were a six-month minimum in place for any communication with a child, which often is with respect to what's happening on the street, if you coupled that with recommendation 4, a new criminal offence for employing a child in the sex trade, which covers the gamut—massage parlours, holistic centres, or it could be on the street too—and then potentially a regulatory regimen—though it's not within your purview—in terms of these clubs and strip joints, with respect to ensuring that nobody under 18 was working there, if you had those three things in place, I think it would go a long way to creating a situation where the johns.... If they get a six-month sentence for communicating with somebody under 18, they're not going to do that too many times.

Parliament has seen fit to create minimums where the abhorrence or the revulsion of the crime is such that a minimum is appropriate. I understand it's certainly not something that's happened lately, but I think when it comes to protecting children we could do it.

I guess the last thing I would say is that as the Department of Justice and the House of Commons go about determining where all of this falls, I think doing this in the absence of responding appropriately to those child victims by engaging in legislative reform.... I certainly don't deny the social issue, but if we don't do that, it's not going to go away. There are a lot of johns out there who have a particular taste for young people, and I say that in the bluntest of terms, because it's a fact of life. To not respond going forward, no matter what you do with prostitution laws generally, would lead to disastrous consequences for the children of this country.

I agree with Mr. Betteridge's point—

Ms. Libby Davies: I don't think anyone's suggesting that we repeal the juvenile....

Det Sgt John Muise: Yes, we need to beef them up. And certainly in terms of the occupied field, as Mr. Betteridge stated, we need to ensure that the criminal piece of this regimen is beefed up.

The Chair: Mr. Rae, you had a comment?

Mr. Kyle Rae: Yes, about the communication.

For 14 years I've watched the police try to move prostitution around my ward, shifting it from Sherbourne to Jarvis, from Church to Jarvis. The communication law does not help. It just moves the problem away for a few weeks or even a couple of days. Then the task force that's decided to do this work disappears and the prostitution strip reappears. I had hoped that when Maple Leaf Gardens closed, the prostitution would have disappeared on Church and Jarvis. It didn't; it stayed there.

It's a historical track. East downtown has always been a destination for this. And all of the work the police do every spring, summer, and fall is for nought. We do not shift it. It does not disappear. It just continues.

So I don't see any efficacy at all in the communication law.

●(1020)

The Chair: Are there any other comments?

We've just about expired our time, but I have a question for Detective Page.

We've heard from street workers that one of the problems with an exit strategy is their criminal record, that in view of finding employment anywhere, a criminal record is often a problem. So obviously the solution is to apply for a pardon. But it was indicated to us that the police have their own system of records in addition to CPIC, and that although CPIC may lead to a pardon from a federal perspective, police forces would still have this individual on the books as having a record. They would also have to negotiate with the local police force to have that record removed.

Do you have any comments on this?

Det Howard Page: From the Toronto Police Service aspect, if it's not on our CPIC, which is the Canadian police computer, it's something that necessarily can't be used against an individual if they have received a pardon. For instance, if someone were to be arrested and they are a sex trade worker, obviously if there were reverse onus situations in which they couldn't be released because of present

charges before the courts, or depending on the criminal record of an individual, then that person would have to be detained.

I have to apologize because I can't speak a hundred percent corporately on behalf of the service in relation to this answer, but it is my belief that within the Toronto Police Service there's not a double standard that could in fact be used against a sex trade worker. In referring to that, Mr. Maloney, I do think there is a double standard in the judicial system. I wholly support that. In fact, I said that in my opening address. I think there's a large double standard, in the sense that I don't believe sex trade workers should receive incarceration periods from the judicial system when we have johns buying their way out of any form of criminal record. I think that's wrong. I think it's distasteful, and I think it victimizes the prostitute again because it places a stigma on the prostitute, saying that what they did is treated as a harsher offence than what the john did. I think it's wrong that we are treating these cases that way.

The Chair: Thank you very much.

At this time we'll conclude our hearing. I wish to thank you all for your participation. You're very knowledgeable as a front-line, street-wise panel. You've had some wonderful insights into this situation that we certainly will take note of in preparing our report and perhaps in the recommendations to the House of Commons.

We'll adjourn this part of the meeting, but for those who have requested to make a comment for a two-minute period, perhaps you can come forward when the panel moves out.

●(1023)

_____ (Pause) _____

●(1033)

The Chair: We will start again with the next round. There are eight presenters around the table, so I'll be a little more liberal. Instead of two minutes we'll go to four, and if we have enough time—we have an hour designated—perhaps we can have some discussion or questions from our members.

We apologize for not being able to include you as a full panel; it's just the volume we have. Sometimes you get more into a four-minute presentation than into a ten-plus-one, so the challenge is yours.

Presenting as an individual is Mr. Benson Li. Go ahead.

Mr. Benson Li (As an Individual): Good day, ladies and gentlemen. Thank you very much for giving me an opportunity to present before this subcommittee as a concerned Canadian citizen.

I would like to focus on one point: legalization. If prostitution is legalized in Canada, there will be a very negative impact on the status of women. Women, as members of a visibly identifiable group, will be seen as commodities for sexual exploitation. The image of women in Canada will be degraded in the minds of the general public. The very spirit of equality of rights to female and male citizens, protected under section 15 of the Canadian Charter of Rights and Freedoms, will be severely undermined.

A recent case in Germany exposed a threat to women's rights. One horrifying effect of legalized prostitution in Germany is that brothel owners, who must pay taxes and employee health insurance, have been granted access to official databases of job seekers. Under Germany's welfare reforms, any woman under 35 who has been out of work for more than a year can be forced to take any available job, including in the sex industry, or lose her unemployment benefits. The German government considered making brothels an exception on moral grounds, but concluded that it would be too difficult to distinguish them from others. As a result, employers in the sex industry can advertise at job centres, which must treat employers looking for prostitutes in the same way as those looking for chiropractors.

This appalling situation is the logical conclusion arising from the legalizing of prostitution, which is no longer considered by the law to be immoral in Germany. This consequence of forcing unemployed women into prostitution in Germany is disgusting. It is not difficult to infer that if prostitution is legalized in Canada, brothels, strip clubs, and the sex industry as a whole would be recognized as legal job providers. The labour laws would be necessarily amended to include the sex industry. A case similar to that in Germany might occur in Canada. If this really occurs in Canada, women's rights and freedoms will be more susceptible than men's to a legalized prostitution industry, especially under economic stress.

Thank you very much.

•(1035)

The Chair: Thank you, Mr. Li.

Next is Lea Greenwood, coordinator with SEEACT.

Ms. Lea Greenwood (Coordinator, Sexual Exploitation Education and Awareness Campaign of Toronto): Thank you, Mr. Chairman, and honourable members.

SEEACT is the acronym for the Sexual Exploitation Education and Awareness Campaign of Toronto. We're a two-year project funded by the Office of the Attorney General—provincial funding. The intent of SEEACT is to develop an awareness campaign to be able to address the needs of children who are already involved in the sex trade and are working on the streets. The intent of the campaign is to be able to get the kids off the street and provide them with information as to where they can call in order to get help.

SEEACT also intends to develop a coalition. At this point we're at a very formative phase. We've got approximately 70 stakeholders who are actually watching the development of this project. The coalition is still quite young, but we do have stakeholders interested.

I'm here this morning to address to your committee a number of questions that have been brought forward to me by my stakeholders of the project.

Our participants feel there's been very little information shared as to how you, as a subcommittee of the justice department, will be reviewing and developing the decisions you're making. We learned accidentally that you were coming to Toronto, through an article that was in the *Globe and Mail*, and we're wondering how you advertise the work you're doing to the cities you're travelling to. How do you keep the communities informed of the work, and how do you get the information?

Given that you're here today, what organizations will you be visiting? How did you decide upon the organizations you'll be touring? Will you be posing the same questions across Canada when you travel to the other major cities?

The Chair: Thank you.

Next is Evan Smith from the University of Toronto Genderqueer Group.

Mr. Evan Smith (Coordinator, University of Toronto Genderqueer Group): I want first to ask your forgiveness because I didn't know I was going to be speaking today. This is sort of at the last minute.

I'm the coordinator of the University of Toronto Genderqueer Group. We're a support group and advocacy coalition for transsexual and transgendered students, many of whom are involved in the sex trade. I'm also a street outreach worker with a local community health centre, working specifically with sex trade workers. I am also a sex trade worker myself, so I have a deep investment in this.

I want to start by saying, on a personal level, that I'm a sex trade worker because I've chosen to be. I was not abused. There was no one forcing me into it. I don't have a pimp, other than my landlord who wants rent. I've chosen this lifestyle because it's a way for me to use my body to make money.

There was a comment earlier that crack is the pimp and in Toronto we don't have pimps. We may not have pimps in the Hollywood sense, but we definitely have abusive boyfriends who are expecting paycheques and women who don't feel free to go to the police to report the abuse because of fear of police harassment. In my work as an outreach worker, I often see women being stigmatized and harassed by police, not the johns.

When our working conditions are bad, we're more vulnerable to things such as sexually transmitted diseases, AIDS, hepatitis, and unsafe drug use. The committee kept deliberating about crack use, but when you work in constant fear of losing your housing, your support, your children, and your income, drugs are second-hand. Many people in the sex trade are drug users. But that's not dealing with what's really at issue here, which is the working conditions.

My clients, when I do my outreach, are subject to police harassment. On my shifts I've seen cops literally come in and sweep all of the girls out of my catchment area. There's no way for me to provide safe crack kits and safe sex supplies when I can't find my girls. It leaves this population completely inaccessible to outreach workers, which only furthers the rates of hepatitis C and HIV among sex workers, which the police seem to care about, but we haven't seen any evidence of that.

In closing, I am a student and I'm encouraged to use my head all the time, but when I use other parts of my body to make money, I'm suddenly criminalized. I don't understand that.

I work in a health clinic. It's a sterile working environment. We have ergonomic chairs and people who come in to check on our working regulations, but in my other job I don't even have access to the facilities to do things such as wash my hands.

We keep talking about the concerns of the community. I'm a renter and a taxpayer in Toronto. I'm in Kyle Rae's constituency. All I can say to that is that we're doing it anyway. We're doing it in your apartment buildings, we're doing it in our houses, we're doing it on your streets. If it's legalized, at least you'll have a community full of women who aren't isolated, alone, and being criminalized.

• (1040)

The Chair: Thank you.

Next is Mr. Richard Hudler, as an individual.

Mr. Richard Hudler (Sex Laws Committee): My name is Richard Hudler. We're here to speak on behalf of the Sex Laws Committee, which is a Toronto-based committee of individuals committed to changing Canada's archaic laws relating to sex and sexuality.

Ms. Maria-Belair Ordonez (Sex Laws Committee): My name is Ms. Maria-Belair Ordonez. I'm also part of the Sex Laws Committee.

The Sex Laws Committee is made up of activists, organizations, and legal minds and intellectual minds that are very concerned about the current sex laws in Canada.

Mr. Richard Hudler: Thank you for giving us the opportunity to speak.

The Sex Laws Committee was originally set up by the Coalition for Lesbian and Gay Rights in Ontario—or CLGRO, as we call it—but since the issues surrounding sex laws have to do with sexual liberation generally and go far beyond gay and lesbian liberation, we decided recently that it was better to become a separate committee.

CLGRO continues to be concerned about the negative impact of these laws on lesbian, gay, and bisexual communities, particularly the indecency and bawdy house laws. The Sex Laws Committee supports all freedom of sexual expression and opposes the criminalization of sex, sexuality, or sex work, thus we call for a repeal of all provisions of the Criminal Code restricting or prohibiting sexual activity involving consenting persons. This includes both Criminal Code sections dealing with procuring, communicating, and soliciting and sections dealing with indecent acts and common bawdy houses.

I appreciate that this committee has been set up out of concern for the protection of sex trade workers. The bawdy house laws work to prevent the very types of establishments where sex trade workers can find a safer environment. Too often we have seen laws put in place ostensibly to protect, but these laws instead tend to be used to control people and impose particular moral codes on people who do not themselves endorse those codes.

Protection is important, but so is respecting the right of citizens to hold and act on their own beliefs as long as their actions are not

harming others or impinging on the rights of others to hold and act upon their beliefs. The sex trade needs to be treated like any other trade, business, or profession. Special Criminal Code laws to deal with the sex trade are not necessary. They endanger sex trade workers through forcing them underground and encouraging public hostility toward them, and they infringe on the freedom of all Canadians to hold and act upon divergent beliefs.

Thank you.

• (1045)

The Chair: Thank you very much.

Reverend Dominic Tse, from the Jubilee Centre for Christian Social Action.

The Reverend Dominic Tse (President, Jubilee Centre for Christian Social Action): Ladies and gentlemen, members of the committee, it's my honour to be able to address you on this issue.

I'm a minister. I have some experience in contact with people involved in the sex trade—not a whole lot, but some—and also in connection with the Jubilee Centre, which is an activist organization trying to address issues particularly to the Chinese community.

For the whole morning I've been hearing about the sex trade area. It seems to me that there is an impression that the sex trade is confined to certain areas in a city, but the fact is that it is not. It is a very prolific phenomenon spread across the country. From my contacts with the people involved in that area in Richmond Hill, Scarborough, Etobicoke, and everywhere, I know it's found in houses and in upscale high-rise buildings. It's a very broad issue.

The reason I came here to speak is that I want to address the committee to look at this issue as a protection of the most vulnerable members of society. We're not trying here to criminalize or target different segments. But whether you call it liberalization of expression or the sex trade, prostitution is, for some people at least, a very dangerous profession and they need to be protected.

I know there are a lot of women brought to Canada specifically for that purpose, and it's happening in the Chinese community. Loosening the current law will do little to help these women. They come in by the hundreds to serve the increasing appetites of different communities.

I admit that the current law is not perfect, but at least it's something. I think it needs to be strengthened for these people. Let's look at the issue as a very broad issue.

I've known people from Asia who are students, but somehow they got into gambling and they became prostitutes. They don't work downtown. They work in Richmond Hill, they work in Scarborough, they work from their own homes, they work from apartments, and they have no protection whatsoever. The police don't know about them, but the law at least somehow serves as a deterrent to the johns and to other issues. My opinion is that, from the immigrant's perspective—and immigrants are usually not in very close contact with police enforcement—we need better enforcement of laws to fundamentally protect people in what is a very dangerous profession for certain segments of society.

Thank you.

The Chair: Thank you, sir.

Mr. George Schuurman, who is a detective constable, is next.

Detective Constable George Schuurman (Toronto Police Service): Hi. My name is George Schuurman. I'm with the child exploitation section of the sex crimes unit of the Toronto Police Service.

In regard to legalizing prostitution, as was discussed here this morning, when it comes to youth, whether we're talking about those under 25 or under 20, I totally agree that if we are dealing with a 17-year-old on the street who communicates to an undercover officer, that person should be looked at as a victim. I don't think a 14-year-old girl or boy all of a sudden wakes up one morning and says they're going to become a prostitute and they're going to start today.

Our frustration as police officers in dealing with these individuals is plugging them into other programs. Right now, if we lay the charge and consider them and treat them as a victim, the charge is laid and they're put before the courts. Bail conditions are asked for that would then force them to go into treatment centres or programs where maybe somebody can knock some sense into them and try to help them in their exit from this particular lifestyle. So many of these kids come from abusive situations and end up on the street. Once they're on the street they're exploited all over again by different pimps and others who prey on them.

If we end up legalizing prostitution or decriminalizing the offence of communicating, first there need to be other programs in place that we the police would be able to plug these kids into. Right now we don't have that. In Ontario there is pending legislation that hasn't been proclaimed into law. I think it's Bill 86. If we encounter a 17-year-old, a 16-year-old, or someone younger involved in the sex trade, whether it be on the street or in the massage parlours and strip joints, that will allow us to take them to a place of safety for up to 30 days in secure custody. It's not a charge, but it's an apprehension that we'll have the authority to do.

That hasn't been proclaimed into law yet. Right now if they're under 16 we can involve the Children's Aid and they can be deemed a child in need of protection, depending on the circumstances. But if they're 17 there's not a whole lot we can do, other than charge them, put them before the courts, and hope they'll get plugged into a program where they can get some help. If we decriminalize it, what will we do with that 17-year-old? We can offer them all kinds of programs, but chances are it's going to take them quite some time on

the street, on their own, and in the party scene before they'll accept that kind of an alternative.

It's a really complex problem, but I really believe if it's going to be legalized we should definitely have some programs in place that we can plug these kids into before that happens.

Thanks.

• (1050)

The Chair: Thank you.

Ms. Lorraine Hewitt is next, from Streetlight Support Services.

Ms. Lorraine Hewitt (Development Manager, Streetlight Support Services): Good morning.

Again, my disclaimer as well would be that I wasn't intending to speak today, and that my responses are somewhat spontaneous and in response to certain things that members of the committee said before.

Unfortunately, Councillor Rae has left, because a lot of the things were in response to what he had said. He indicated that 80% of the sex trade happens indoors, and that in his opinion people go outside because of the existence of the bawdy house law. My response is largely anecdotal, from the women we meet at the Streetlight Support Services—incidentally, the program that runs the diversion programs in Toronto for the sex workers and also the john school.

First of all, we do get people sent to or diverted through Streetlight who have been apprehended through the bawdy house law, but the vast majority of them are apprehended on the street. My point is that I don't believe people decide to work on the street because they're less likely to be apprehended. I think they're more likely to be apprehended.

I think we need to understand that—at least for the sex workers I know—this is about money and not about sex. Therefore, by implementing a red light district or some kind of tolerance zone, whether drugs are involved, or whether pimps are involved, or whether they're girls...and many of them work veteran status on the high track here in Toronto, which means they no longer have pimps. They're working independently. They're there for whatever reason they're there, and many have been working for many years. These girls have told me that they would still not be interested in working indoors in an organized red light district.

The reason is simply that there's a reason it's called "the game". It is a game. I don't wish to sound crass, but the idea is to get as much money as you can by doing as little as you can. If the women are encouraged to go indoors where it's regulated, they're going to have to perform full sex acts. They're going to have to rely on repeat business, and therefore there's going to be a lot more wear and tear on the body for a lot less money. These are the reasons I have been given for why these women would not be interested in a red light district. They're not in this for the sex; they're in it for the money.

I just think that needs to be noted. I therefore believe we're always going to have street prostitution.

In regard to decriminalizing, I would really like to see a bit of a division between decriminalizing for the sellers and the buyers. I think for the people who work in the sex trade, the message the government would be giving by decriminalizing would be simply...it would be a good message. We'd be acknowledging that these women sometimes are victims.

Again from anecdotal experience, I don't believe there'll be a huge increase in the number of people choosing to go into sex work, because it will still hold a stigma. I mean, people who are involved in stripping don't tend to put it on their résumés, and men don't tend to take women home to their parents and say, "Oh, here's my girlfriend. She's a stripper". The fact that we've been having to bring in foreign exotic dancers up until very recently shows that there is a labour market shortage even for that legal activity.

I do believe decriminalizing for sellers would be a good thing. That's my personal opinion.

On the other hand, I think the message we would be sending out by decriminalizing for people purchasing sex would be simply that it is acceptable to purchase another human being. As we hear frequently at John School, the guys are saying "It's just a business transaction. Who is it hurting?" We would essentially be agreeing with them, because it would just be a business transaction. It would no longer be a criminal activity. I think there would be a huge increase in demand.

If you look at the national impact in places like Holland and Germany, which are now major destination countries for trafficking, we'd see the supply wouldn't increase but the demand would. Therefore, I think we would see a huge increase in people being trafficked in from other parts of the world.

Just in conclusion, Madam Davies asked what the logical reasons are for keeping the communication law as it applies to sex workers. Perhaps there haven't been that many, but I would like to ask you as well what are the logical reasons for repealing the communication law as it applies to the johns?

Thank you.

• (1055)

The Chair: At this time I think perhaps I'll ask our researcher to respond to Ms. Greenwood's comments on how we got here.

Ms. Lyne Casavant (Committee Researcher): A press release of the mandate of the committee is available on its website. Also you can see the work of the committee, all the evidence, posted on its website.

Concerning the list of witnesses, there was an agreement with all the members of the committee. They brought some names that they knew from their work. Also all the expert witnesses were put on the list: lots of organizations that deal with the rights of prostitutes and sex workers, as well as faith-based organizations and groups of citizens. The committee's travel will also bring some other views and perspectives on sex work in Canada.

Ms. Lea Greenwood: A concern was that of the 70 stakeholders affiliated with this project at the moment, nobody had heard about your endeavours particularly addressing the issues of children and youth.

The Chair: As I said, because of limitations of time and resources, we can't hear everyone who would like to present. But there's nothing stopping them from presenting to us written submissions, which will be circulated to all committee members and which we will read. We encourage people to do so. Our desire is to be inclusive, but we have, unfortunately, limitations on that desire.

We have some time. Would any members of the panel like to address a question to any specific individual? In order to try to get in as much as we can, perhaps it could be a two-minute question and a two-minute answer.

Mr. Art Hanger: I have a question.

The Chair: Mr. Hanger, go ahead.

Mr. Art Hanger: First, I'd like to make a comment about Ms. Greenwood's statement in reference to witnesses appearing here. I know there are many who would want to come. I was part of all the members here in selecting witnesses to be formally heard by the panel. There are many who were missed in that exercise, in large part due to the fact that we are limited in time. But I certainly am interested, as one individual, in receiving briefs anyone else may have. I think this is very important. It's a very important exercise we're going through here.

I asked this question earlier to the panel. I grew up in a time when prostitution was considered immoral. Nobody wants to talk about the morality of a situation when it comes to that activity. The action around it was also immoral and in fact criminal because there were people who lived off the avails of prostitutes. Wherever the prostitutes were, the criminals were. That's basically the short and long of it. I spent 22 years in the police department, so I saw that in reality as well. A statement was made here that prostitutes are rejected and stigmatized in the community, and that in fact is true. But why is it true? Nobody seems to want to talk about that issue.

I represent a larger community. I'm listening to people who have a vested or a specific interest in this issue, and I have to take this back to my community. Whether anybody likes that or not, that's what's going to happen. As the issue comes forward and we discuss it, I outline that in my communication pieces with the people in my community. The community has to be involved in the decision-making here, whether we as members like it or not. I view it in that fashion, and I like to go back to my community and ask them.

If they still view prostitutes as rejected or stigmatized in a community, why is that happening?

The Chair: Thank you, Mr. Hanger.

Does anyone care to respond?

•(1100)

Mr. Evan Smith: I think a lot of times we talk about how the community is going to respond, but growing up in rural Ontario, I saw the same thing happen with other groups that were deemed sort of subhuman. People were upset that Asian business owners were coming into our community. People were upset that gays and lesbians were suddenly meeting in the community. Over and over again subcommittees were formed to try to push these people out. Race, gender, class, and sexual orientation are all protected under section 15, but prostitutes' rights aren't, even though they're basic women's rights. So my response to that would be that regardless of the moral standing, we're talking about basic human rights, not a morality issue.

The Chair: Thank you.

Are there any other comments?

Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle: Thank you for your contribution to this committee's work. The more witnesses we hear, the more we understand that this problem is intertwined with a great deal of prejudice and that it is sometime difficult to understand and discern what is true and false. That said, there is one thing that we might be able to agree on: there are vulnerable people in our society, there are people who are stigmatized and who need our help and support.

What is the best way to do that, if you leave our prejudices aside?

This is a very complex problem. Since the beginning of these hearings, we have been hearing contradictory views. As a result, my concern is to try to improve the living conditions of sex workers and particularly of women in the trade. We know that they are subject to violence that is intolerable in a society like Canada's.

Do you have an opinion on what should be done to ensure justice for these vulnerable people in our society?

[*English*]

The Chair: Go ahead, Ms. Greenwood.

Ms. Lea Greenwood: We have had the opportunity to work with a researcher from the University of Toronto who is completing a research document for us at the present time, specifically looking at the demographics particularly of the children and youths involved in the sex trade. We'll have the opportunity to share that document with your subcommittee at its completion.

The Chair: When will that be completed?

Ms. Lea Greenwood: It will be completed at the end of the month, and I'm hoping that when the opportunity comes, we will be able to come to Ottawa to present that document to your subcommittee.

The Chair: Have you spoken with our clerk?

Ms. Lea Greenwood: Yes, I have.

The Chair: Good. Thank you.

Go ahead.

Ms. Maria-Belair Ordonez: I agree with you that it is a very complex issue, but one of the things we have to keep going back to is the idea of making a clear distinction between assault and violence and the kinds of working conditions that perpetuate violence, as has already been mentioned. There's everything from not having access to proper help when violence is present, but there's also another issue here, and I think this is where the contradictions and the confusion come in, especially around morality.

When you take away the violence and the assaults, when you take away the voices of women who are telling the subcommittee that there is a culture that clearly is explicit about their choice about being sex trade workers, I think it's an attack on various communities—not just sex trade workers, but communities. For example, queer communities have organized bath houses for the healthy environment of queer cultures. Too many times we have seen bawdy house laws targeting bath houses and perpetuating that kind of morality where there is no assault, where there is no violence, where there are no victims. There's a very clear contradiction and there's a very clear confusion about where the violence is, where the assault is, where the unsafe working conditions are, versus who the people are who are creating cultures that would make their particular communities viable and healthy and part of the larger Canadian society.

•(1105)

The Chair: Thank you.

Ms. Davies.

Ms. Libby Davies: Thank you very much.

I think this is one of the issues the committee is struggling with. The issue of the sex trade is often painted in a very black and white way. I think we have a history of the law being there on a moral basis, and a lot of people have moved beyond that where it's now an issue of separating out what is harmful and what isn't. Even where there are practices that are harmful, there are some serious questions about their role and what the impact of the law has been in preventing that harm, or whether it is contributing to that harm.

I'm hoping the committee can separate out some of these questions and come to some sort of objective point where we can move away from the moral question and look at the question of harm that is created or not, and what the role of the law is. But you're right that it is very complicated.

I just want to come back to the communicating law and the question you raised. I think the suggestion you're possibly making is what we have heard, and that is what happens in Sweden, where basically the prostitute is decriminalized but the customer is not. We probably will find out more about how that's working. I have some skepticism about what that really means, in terms of creating an environment where you're acknowledging that an activity takes place and creating a situation where one half of the transaction is criminalized and the other is not. Does that actually drive it further underground and into this very grey area, where it's not really clear what the impact is? That's hopefully what we can find out if we can get some more information about what is working in Sweden. One witness told us there were only 100 prostitutes in Sweden, which I found quite astounding. It made me question what the heck is happening there, where people have maybe moved into less visible environments.

To put it back to you, I'm convinced the communicating law is contributing to the enormous risks that sex trade workers face—even the threat of enforcement, because it is used primarily against them. If we did apply it only to the customers, what do you think the impact of that environment would be when a transaction took place? Wouldn't it still place the sex trade worker at risk?

Ms. Lorraine Hewitt: That's a good question. I don't know why you would think it would drive it more underground than it already is. It's presently illegal for both under the communication law. Why would you think it would drive it more underground if half of that was decriminalized?

Ms. Libby Davies: Presumably a sex trade worker has to meet a customer somewhere and make a transaction—

Ms. Lorraine Hewitt: It's probably the same as in the present case.

Ms. Libby Davies: I guess I wonder whether it would make it any different then. If what you're proposing is possibly an advancement by decriminalizing the sex trade worker, I'm not so convinced the impact would be any different from what we have now. That's what I'm saying.

• (1110)

Ms. Lorraine Hewitt: I think one of the major impacts—and that actually goes in response partly to what Madame Brunelle was saying before—could be that the sex workers and law enforcement officers would actually begin to develop a trust relationship, because there would be no criminality for the sex workers. Therefore, with any kind of abuse, threat, or criminal activity perpetrated against them, they would feel perfectly.... This is something that would have to be built up from scratch, because I understand there isn't much of a trust relationship presently, sadly, but they could actually begin to communicate with each other. Maybe that would address some of the violence.

Perhaps we need to look at Sweden thoroughly as an example. I don't know who said there were 100 sex workers in Sweden. I also find that quite difficult to believe.

I'm not coming down strongly on either side. I'm not an expert. I'd like to say it's anecdotal, from the women I know. It's very difficult to find an ideal situation, and I take my hat off to you for attempting to. I struggle to find a valid reason.... I worry about the message

we're giving out by making it legal to pay for sex. Maybe that is a moral thing. I need to go away and think about that.

The Chair: Go ahead.

Rev. Dominic Tse: I just want to address some of the theoretical issues. We have been trying to talk about separating morality and rights, and I think that's always problematic. On one hand, we have the charter, but the charter is big on community, and community will always have values. I appreciate the work you have been doing trying to separate them, and yes, we've moved on from morality-driven law to more utilitarian-driven law based on effects and harms. But we can never do away with morality. It's a myth that we can. We'll always have some morality, because we always need some rights and wrongs to guide our actions. Whether it's the Ten Commandments, some other decree, or something else, we need to have those guides.

Somehow we need to have communities talking about different values that we can share and build on for more consensus. I agree with Ms. Greenwood about this process. I agree that there are limited resources, but we really need to have a forum in which different moralities can come and meet each other halfway, and we need to take more time so that we can really balance between rights that cannot exist in a vacuum. The moralities are varied, so we need to balance them so that we can come to a sensible social policy. To me, that is the very important thing.

Ms. Libby Davies: We do get into more philosophical debates, and they're very interesting. This is partly what it's about. But on the question of morals, we all have morals, we all have values, we all have things that we live by, and they can be different things to different people. The way I look at it, it's not approaching it from that point of view but from the point of view of what are consenting activities between individuals—and here I would take out juveniles, because I think they're a different subject, so let's put them on one side. But if we're talking about sexual activities between consenting adults, if they're not based on coercion and are not based on a harmful practice to one of the individuals or on an abuse of power, then you have the right to think that it may be immoral, but somebody else has the right to think it isn't. I think that's partly what we're trying to get at here.

How do you design a law that isn't based on one standard? I wonder if you would agree that we could also base it on the idea of what harm is being created or whether or not something coercive or abusive is taking place. If we did it from that point of view, is that something on which it may be easier to find a consensus in the community?

Rev. Dominic Tse: My response is that I agree for the most part, but on the other hand, because human beings do not operate in a vacuum, people always have their values and their harms considered to be intertwined. What I'm saying is that we need to have more different stakeholders coming out and really discussing the issues. I don't qualify to speak in that regard because I'm not involved directly in that. But being a minister, I realize that people, human beings, cannot simply just separate everything. It has been a great myth of modernity to say that we can separate morality from utilitarian concerns.

I don't want to get into philosophical debates, which I enjoy, but I would like to address the harm situation. I would like to share one of my experiences.

I was talking to a lady who called me up from the detention centre in Mississauga. She was asking me to bail her out. She was caught trying to smuggle to the U.S. At that moment, I wanted to bail her out because, being a minister, I could do that. But after a split second's consideration, I realized that the moment I bailed her out, she would be snapped up by snakeheads and she would probably end up on the streets of Toronto or New York or wherever.

That lady is about 19 or 20 years old. I don't know. It's hard for me to say. She's quite pretty. She's from an Asian country. I see her not as a degradable person, but as a potential victim to be exploited by people who are cruel and have no regard whatsoever for her humanity. I think the law needs to protect people like her as well. There are quite a number of them. I come across these people in my community. I want to urge you, when you look at repealing a law or something, to think about all these stakeholders. Their lives are at stake.

Thank you.

•(1115)

The Chair: Thank you.

I think we'll have to move on.

We're joined at the table by Ms. Anastasia Kusyik, from the Sex Workers Alliance of Toronto. Will you make a two-minute presentation to us, and then we'll go on to Mr. Hanger to continue our rounds?

Ms. Anastasia Kusyik (Member, Sex Workers Alliance of Toronto): Correct me if I'm wrong. This discussion is supposed to be about law reform, and I find this going off into too many different directions.

Exploitive labour is not about sex work. It's about people who exploit people's lack of livelihood, regardless of what kind of work they're doing.

I'm here to tell you, Ms. Davies, as well as the rest of the people on the panel that sex workers in general across the nation feel that this subcommittee is inappropriate, because for the last 10 to 15 years the majority of us have been working to advance law reform as well as study it. Right now there is the SWEAR project under way that has been funded by the Canadian law commission. If the subcommittee would like to find out what Canadians think about law reform and sex work, let's hold a referendum. Let's not have a dog-and-pony show across the nation that exploits sex workers.

I'm very upset by hearing this word "victim". I choose to decide whether I have been victimized, and I am victimized by stigma. I am victimized by politics.

I suggest this committee did not take the time to do its homework. Instead, it just decided to go across the nation and take advantage of the situation.

We're talking about young people. Again, that's a whole different topic. That is not about adult sex workers. We are talking primarily about law reform and the solicitation law, and probably the bawdy house law. So I suggest this subcommittee needs to get back on track.

I understand the public needs to have input, but you can do that privately. And if you want to know how Canadians feel, let's have a referendum. It's about time. We're adults. We vote. Let's do it.

The other problem I have is I feel this dog-and-pony show is to get you people elected. It's not about how I feel and how the laws affect me, how they impact on my life. No offence intended, but this is my personal opinion. This is not the opinion of the Sex Workers Alliance of Toronto.

I'm tired of the politicians, the lawmakers, the police, the doctors, the lawyers, and even the ministers deciding how I feel. I understand what you're saying, sir, but you're talking from a perspective of human smuggling. The issue with that is it's about exploiting labour. It's not about sex work.

It's the same thing with young people. There are lots of jobs young people do—and I won't name the corporations they work for—where they're probably more exploited. There are lots of kids who come from very violent homes, and believe me, I've talked to them. I've been their outreach worker for 14 years. They were better off being on the street than they were being in the children's aid or in a hostel or being any place other than where they were.

Maybe it's not the best option. The one thing the Sex Workers Alliance of Toronto does acknowledge is choice and lack of choice, but I'll tell you this. There are a lot more women who do choose sex work. At 16, I was working the street. I did not have a pimp and I never smoked crack. So you cannot put any of us in a box.

Thank you.

•(1120)

The Chair: Thank you.

Mr. Hanger, would you like to start off?

Mr. Art Hanger: I always like to talk to another reformer, and I just heard that. She wants a referendum.

I think that's a good idea. We should have a referendum on the whole issue, and I think it should be more encompassing than just—

Ms. Anastasia Kusyik: Can I write the question?

Mr. Art Hanger: You can write one of the questions, absolutely.

You may be tired of politicians and you may have talked to a lot of them over time, whether they've been local, provincial, or federal. This issue has been on the books before, and it's been across the country. I don't quite look at it as being in a dog-and-pony show. I think we are playing a very significant role—

Ms. Anastasia Kusyik: Wait until you get to Vancouver.

Mr. Art Hanger: —in this whole affair. But we have to be honest with ourselves, and I think public input is very important.

We're interested in making laws that are going to be better for the community, not just for a specific group of people, but better for the broad community.

The minister over here is interested in a person's soul. That's his business. He should be about his business. So I want to play my role out in the best way I possibly can.

You're sitting here today. Obviously you had some interest in coming forward and testifying before the committee, and to your benefit, so we all can get a better picture of what's going on.

Ms. Anastasia Kusyik: Yes, but that's because I have privilege. There are many women who would not appear in front of this committee because it's public—

Mr. Art Hanger: So you're speaking on behalf of them.

Ms. Anastasia Kusyik: Partially, but I think I'm here more for myself, to be honest. I never pretend to speak for sex workers. I do the advocacy for them. That's a lot different from speaking for them. Nine times out of ten when I open my mouth, I'm speaking for myself.

Mr. Art Hanger: That's what advocacy is.

Ms. Anastasia Kusyik: Not necessarily.

The Chair: Thank you.

Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle: Thank you for giving me your views, madam. I am our party's critic on the status of women. I was asked to sit on this committee for that reason and also because I believe that these women were facing difficulties. The purpose of this committee is certainly not to speak on your behalf.

It would be interesting to know how the legislation could be amended to help you in your work. Do you feel that there are difficulties in that area? If you do not have any and you feel that the legislation meets your needs, so much the better, but if there are amendments that can be made, I believe that our desire here is to try to improve the lives of these women.

A number of witnesses have talked to us about women working in the sex trade. Some have even suggested that they should be unionized and be able to exercise rights in that way. From your experience with this issue, do you feel that this would be useful? I would like to understand your concerns a little better and find out how we can collaborate with you.

[*English*]

Ms. Anastasia Kusyik: First of all, no amount of law reform will change the stigma. Two years ago I had a girl who was raped. She

approached a cruiser on Church Street and the officer said to her, "What are you more mad about, being raped or not being paid?"

So regardless of changing the laws, I don't think you'll change attitudes and stigma overnight unless we have people of prominence—people like you and Ms. Callwood, who in the past has been a great supporter of sex worker advocacy and rights—stepping forward and saying, "Listen, these women are workers and they have a right not to die in their work." That's part of the package. You can't just have law reform. You have to also have some form of redress in terms of the stigma.

As far as the Sex Workers Alliance and many other groups, like Stella in Montreal, are concerned, the direction in which we are going is toward workers' rights and human rights, and we're looking for the unions to support us. I'm not saying being unionized would be the perfect solution to it, but I think the unions could help us address the stigma associated with sex workers, their jobs, and their conditions especially.

The problem is that we want to be seen as workers, not as small businesses, because language is very important. When you're seen as a small business, what do you do with a business? You regulate it. It's like legalization. Legalization is just looking at us like a package of cigarettes or a bottle of booze, and we're not. We're human beings. So it's not going to be good for us; it's going to be very bad for us.

Most women who are not educated about laws and law reform will say it sounds great, but when you sit down and you tell them what legalization actually has meant in a country like Australia.... You work in a room, you're given \$100 for the half hour, the government takes 50%, the house takes 25%, and you're left with \$25. The way these houses make money to compete against each other is by fining the shit out of the girls. At the end of the night they can leave with zero dollars.

We want to be seen as workers so that we can be independent, so that we can work for ourselves. I don't think anybody is going to have a perfect solution.

Forget even the soliciting law, because there is very little street prostitution left in Toronto. There was some truth about what you said about the littlest work for the most amount of money. I don't buy into that game thing. I think that's sort of "Hollywoodized". Girls like to talk. I know, because I've been their outreach worker for fourteen years. They love an audience sometimes.

The thing is that we want to be seen as workers. But the problem is that once we have that status as workers, who's going to decide what's appropriate in terms of employment insurance or workmen's compensation? Is our workmen's compensation board going to be made up a group of sex workers? I've broken my toes before when I worked on the street and I had to take six weeks off work. Let me tell you, thank God for those regular customers, because I wouldn't have had a means of paying my bills.

The other thing too is that we are very opposed to criminalizing any behaviour of johns. I have a big problem with the language that is used by the sexual assault unit, as well as by other people involved in that regard of policing violence against prostitutes, when they use the phrase "a certain type of violent john". No. It is a man who has a violent tendency and masquerades as a john to beat and rape and rob and kill these women.

I don't believe every guy who purchases the services or the sexual services of a prostitute is pathological, is a sex addict. I've had many of my clients say to me.... One guy just blurted out, "My wife lost both her breasts to breast cancer." Is this something gentlemen can talk to one another about? No. So a lot of times when they come to see sex workers, the sex is actually secondary. In some regards, you're performing a psychiatric or a psychological service, believe it or not.

But getting back to workers' rights and stuff like that, who is going to decide what's appropriate in terms of the services that are going to be given and available to sex workers? They're going to have to be delivered by us. We're very clear about sex workers' rights groups being for sex workers and by sex workers. I've been very clear that unless you can show me your corner or your ad, you don't have a lot of standing in my eyes.

• (1125)

I don't go along with this term "experiential women", meaning people who have exited. I hate that term. It implies that something is wrong with you or something is bad about you. I don't like the language. How about career change?

We got the term "sex worker" into the language around the early 1990s. The exit groups, such as Streetlight—nothing personal—co-opted the language and smacked the word "trade" on the end. I don't like that term. Drug trade, white slave trade—again, negative terminology.

Please ask me what I want to call myself. People don't. They just make assumptions. The only reason that term "sex trade worker" made its way into the language is because we had eight murders between 1996 and 1998. I'm pretty sure some of those murders could have been prevented, especially the murder of Donna Ogilvie. Had she been able to take her client to a bawdy house, she wouldn't have been found strangled in a parking lot with her panties pulled down and her skirt over her face, because she would have had choices. When you criminalize sex work, you give less choice to women in this industry.

• (1130)

The Chair: Ms. Davies, we are at the end of our hour, but I'll give you time for a short question.

Ms. Libby Davies: I'm putting you on the spot, but off the top of your head, what would your referendum question be?

The Chair: Please make it a quick response.

Ms. Anastasia Kusyk: It's something I would have to consider. I would not use the word "legalization". It would have to include the term "decriminalization". Would you support some form of decriminalization in the sex worker industry? That's simple. You guys have your people who are paid to do this. I would have to give it some consideration.

We're becoming more adult as a society in Canada. We're much different from the Americans. I've always said there was the gay marriage thing, the pot thing, and now the hookers are up. It's a hot election issue. I think that put to the test, Canadians would be mature and they would vote on the side of decriminalizing sex work.

At the very least, it gives us a chance to address the stigma toward sex workers. It gives us a chance to show that not all sex workers work in Regent Park and have drug problems. Even those who do work there need to have their issues addressed, but separately.

The other thing too is it gives us a chance to actually educate Canadians about the laws. The bawdy house law has been on the books since the 1880s. The gay community is rallying to get rid of the section that refers to acts of indecency. Well, if it's going to go, it should go, period.

The Chair: Unfortunately, for the sake of time, I have to conclude this.

I appreciate the participation of all panellists. There certainly is a wide variety of views, which was reflected in the earlier panel as well.

Thank you for your attendance here today. Please feel free to stay in the body of the audience as we move on to the next panel.

Thank you very much.

• (1144)

————— (Pause) —————

• (1150)

The Chair: I'd like to start the second round table.

Our next presenters are from Streetlight Support Services, Beverley McAleese and Natasha Falle. I'm not sure who's making the presentation, but if there are two of you—the same applies to all the organizations—we have roughly 10 minutes, and we'd ask you to split your time with the other presenters.

After we've heard everybody, we'll go to questioning in seven-minute rounds and three-minute rounds.

Ms. Beverley McAleese (Executive Director, Streetlight Support Services): Good morning, Mr. Chair and members of the subcommittee. Thank you for allowing me this opportunity to present on behalf of Streetlight Support Services.

My name is Beverley McAleese, and I am the executive director of Streetlight. Accompanying me today is Natasha Falle, who is a counsellor and intake worker at Streetlight. Natasha comes with 12 years of experience working in all areas of the sex trade, and knows first-hand how damaging it can be.

First I need to tell you that Streetlight does not take a stand as to whether or not our communication laws should be changed, but we have much to say about these laws from a social service point of view. My aim is to share this information with the committee to help you write an informed and accurate report. Much of what I am going to say is anecdotal but with some authority, as this information comes directly from people who have been prostituted.

I will just give you a little history on Streetlight. In 1997 the first diversion program in Canada, known as the first offenders prostitution diversion program, dubbed John School, started. One year later the charitable umbrella organization Streetlight was developed, and the choices diversion program was implemented to offer people caught up in the sex trade the opportunity to explore alternatives, with a focus on leaving prostitution. Streetlight is the only agency in Toronto that offers diversion programs related to prostitution offences. Streetlight is the only agency in Canada that is responsible for both programs, using John School revenue to help financially support the choices program. So you see, we gather our knowledge from both the buyer and the seller.

Prostitution is one of the most controversial and misunderstood social phenomena of all times. Everyone has an opinion, but what is it really about? It's about child exploitation, post-traumatic stress disorder, and poverty. It's about lack of choice, unresolved childhood trauma, addiction, desperation, and violence against women. It's about housing crises, human trafficking, and organized crime. It's about broken homes and shattered dreams. It has been our experience at Streetlight that the average age one enters prostitution is 14. That is a sexually exploited child, not a prostitute, a hooker, or a sex worker. It has always puzzled me that at 14 you are a sexually exploited child, but one night you go to bed, you wake up, and now you're 18, and poof, you're a prostitute, a hooker, a sex worker. What happened in those eight to ten hours while you were sleeping? You went from a sexually exploited child to a criminal.

Many of the people we work with fled home because of sexual, physical, or emotional abuse. In eight years and hundreds of clients, I have not met one who chose sex work as a lifestyle because they enjoyed having sexual encounters with strange men numerous times a day. There are many reasons why one doesn't just walk away from sex work. Maybe they have a boyfriend or pimp who won't let them leave. Maybe it is because this is all they have ever known. Maybe it is because they do not have the skills and do not believe they could develop the skills to change their lives. Maybe it is the name calling, the abuse from the john or their man, or being spat upon by passersby that keep them from believing they could ever leave this behind and fit into the square world.

Prostitution, sex work, whatever you want to phrase it, comes with a very high personal cost. I don't know of any other behaviour that makes a victim into a criminal and that will perpetuate a life-long stigma. This stigma is due to the moral value that society, in general, attaches to one who sells their body, and the fact that this is believed to be a choice.

Will legalization or decriminalization change this? It's something to think about. I believe that people today think about prostitution in the same way battered women were thought about 20 years ago. I'm sure this committee, sitting right here today, no longer thinks the same way about battered women. Isn't it time we started to really understand what sex work is really about? All the changes, whether they be laws, terminology, red-light districts, cottage industries, or whatever, are not going to take away the stigma and the fact that it is just wrong to buy another human being.

I ask you to be proactive and not reactive. Therefore I would like to make the following recommendation: financially support the agencies that help people who wish to exit this life, by setting up safe residential settings across Canada.

Thank you.

• (1155)

The Chair: Thank you very much.

Next, from the Aboriginal Legal Services of Toronto, is Maurganne Mooney.

Ms. Maurganne Mooney (Member, Aboriginal Legal Services of Toronto): Bonjour.

[Witness speaks in her native language]

Hi. I'm Maurganne Mooney. I'm with Aboriginal Legal Services. I'm currently employed as an aboriginal youth court worker here in Toronto.

Aboriginal Legal Services was formed in the 1980s following a needs assessment by the Native Canadian Centre of Toronto. The centre had been operating legal-related programs for aboriginal people in Toronto but concluded that an agency dedicated to this issue was needed.

ALST's mission is to strengthen the capacity of the aboriginal community and its citizens to deal with justice issues and provide aboriginal-controlled and culturally based justice alternatives. Our services include a legal clinic that provides free legal assistance to low-income aboriginal people; Gladue, the aboriginal persons court, which sits on Tuesdays and Fridays in courtroom 126 at Old City Hall courthouse; and aboriginal court workers such as me at each of the courthouses in Toronto and the surrounding areas. We also provide native diversion programs, which are our restorative justice, for youth and adults.

My presentation will cover the problems with our current state, the problematic nature of our current laws. I will cover some of the core issues affecting aboriginal women within sex work and the law, such as poverty, violence, racial profiling, over-policing, and over-representation within our jails.

Let me begin with the core problem. I appreciate the fact that you're all here with the intention of rethinking the current status on sex work in Canada. That gives me hope. The reality of prostitution in Canada is that it is legal. Prostitution is legal without a tolerated zone. Aspects of the work are criminalized. As John Lowman reported, sex work laws can be divided into two segments: those that are meant to protect prostitutes from third parties, and those laws that are meant to protect the public from the nuisance of prostitution.

In general, section 213 has tended to increase the vulnerability of prostitutes. First of all, prostitutes' working conditions are worsened because fear of arrest places the emphasis on avoiding detection rather than on health and safety. This is particularly true regarding section 213, which gives a very broad definition of both "communicating" and "public place". This makes it extremely easy to be charged and convicted of communicating for the purposes of prostitution.

The National Association of Women and the Law, NAWL, has reported that section 213 victimizes women by increasing the health and safety risks associated with street prostitution because it forces prostitutes to work in dark areas where they are more vulnerable to attack.

The consequences of criminalizing prostitution are not limited to physical harm, however, because section 213 is so easy to enforce it's almost impossible to practise street prostitution without getting a criminal record. Since a criminal record makes it extremely difficult to obtain any form of legal employment, it ensures that a prostitute will have few economic options other than prostitution.

And sections 210 to 212, although intended to protect prostitutes from exploitation, actually guarantee that exploitation will take place. These laws prohibit safe work environments for sex workers and isolate them further, making them vulnerable to physical harm.

Concerning how criminalization fails to protect the public from the effects of prostitution, section 213 cannot protect the public from the supposed negative side effects of prostitution—disease, crime, and urban blight—because prostitution is not, in fact, the cause. Section 213 goes beyond general nuisance laws in that it allows a prostitute to be charged whether or not they are creating a public disturbance.

The judicial interpretation of section 213 has also made it very easy to enforce. An officer may make an arrest based solely on an exchange between the officer and the prostitute targeted. While most undercover police will try to get the prostitute to be the one to mention price and menu first, charges have been laid when the prostitute has merely nodded in answer to questions regarding services and price.

The Toronto police do quota busting. Women have disclosed that they have been charged because they were known to police and in the wrong place at the wrong time when police officers needed to reach their quota of prostitute-related arrests. It's curious to note that

while arrests happen every three months, or two days before an event in the city, there are no public stats on the number of prostitution-related arrests.

The expense of enforcing prostitution laws drains resources from prevention of other more serious crimes. Today, the average cost to house someone in jail is around \$225 per day.

• (1200)

Women I have interviewed in focus groups in Toronto often opt for jail time. With a lengthy record of previous prostitution charges, they view exiting programs as useless to them. They have no intention of changing professions.

Initially, the nuisance law, section 213, was established to protect property owners. However, the morality squads within the Toronto police take up 21% of the city's budget, and the cost of housing women in jail, at \$225 a day times 10 to 20 days for one conviction, equals \$2,250 to \$4,500.

The prostitution laws ultimately harm both prostitutes and the public because they reinforce and encourage negative double standards regarding what is or is not acceptable female behaviour. The attitude has two effects: one, violence is allowed to continue until someone valuable is killed; and two, women's safety depends not on their general rights under the law but on whether they are considered a good girl or not.

In conclusion, it is clear that criminalization doesn't work. It entrenches rather than reduces prostitution, and it's detrimental to the control of violence in society in that it takes money and officers away from controlling serious crime and actually encourages the belief that violence is acceptable in certain circumstances.

How do aboriginal women figure into all this? Well, I've labelled my report "The Invisible Tragedy". The form of racism faced by aboriginal people is that we are invisible. We don't exist.

Over 500 years ago, there was no such thing as prostitution in our culture. Our women were respected leaders. We were chiefs. There was no such thing as poverty. We lived off the land, and the community worked together to provide for everyone. Today our women know poverty. The Federation of Indian Friendship Centres prepared a report on poverty, "Child Hunger and Food Insecurity among Urban Aboriginal Families", in June of 2003. The report found that welfare was not enough money to live on, that people living on welfare worried about how to get food. The lack of food and the focus on survival issues made it difficult to make plans for the future.

As well, NAWL reports that almost one-half of the aboriginal population, 47.2%, as compared with one-quarter, or 27.7%, of the entire Canadian population, receives less than \$10,000 a year.

The reason I begin by mentioning poverty when discussing aboriginal women's issues and sex work is that many of the women killed were identified as casual workers. They were engaging in survival sex. The term "survival sex" is used to describe the activity of sex work as a tool to feed your children, and pay rent, and basically make ends meet.

With regard to racial profiling, the Ontario Human Rights Commission's terms of reference define racial profiling more broadly to include:

...any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment. The Commission has noted that profiling can occur because of a combination of the above factors and that age and/or gender can influence the experience of profiling.

Aboriginal women are often arrested under section 213 under the assumption that because they're aboriginal, they must be prostitutes.

In terms of violence against indigenous women, according to 1996 Canadian government statistics, indigenous women between the ages of 25 and 44 with status under the federal Indian Act are five times more likely than other women of the same age to die as a result of violence. In the murder of Helen Betty Osbourne, the Manitoba justice inquiry said that her attackers seemed to be operating on the assumption that aboriginal women were promiscuous and open to enticement through alcohol and violence.

Whether prostitution is a criminal act or not, women in the sex trade are entitled to protection of their human rights. Concrete and effective measures must be adopted to ensure their safety and to bring to justice those who commit or profit from violence against sex workers. The threat of arrest places sex workers in an adversarial relationship with police. Sex workers are reluctant to seek the protection of police for fear of being arrested. In turn, police tend to look on prostitutes with suspicion and mistrust, and they blame them for putting themselves at risk.

• (1205)

When we look at the issue of sex work through the lens of aboriginal women, we find the answer to why so many sex worker deaths are deaths of aboriginal women. The isolation and social marginalization that increases the risk of violence faced by women in the sex trade is often particularly acute for indigenous women. The role of racism and sexism in compounding the threat to indigenous women in the sex trade was starkly noted by Justice David Wright in the 1996 trial of John Martin Crawford for the murder of three indigenous women in Saskatchewan. It seems Mr. Crawford was attracted to his victims for four reasons: first, they were young; second, they were women; third, they were native; and fourth, they were prostitutes.

I've come here today to ask you to decriminalize sex work. Enclosed in the package I've brought today are recommendations from Amnesty International's *Stolen Sisters* report and suggestions from a peer-led research group on how decriminalization would play out with the support of social programs. I'd also request and I would hope that in the summary of your travels, more aboriginal women will be consulted and be part of the process.

Meegwetch. Thank you.

The Chair: Thank you, Ms. Mooney.

From the Sex Professionals of Canada, we have Valerie Scott, Wendy Babcock, or Amy.

Ms. Valerie Scott (Member, Sex Professionals of Canada): I'm with Sex Professionals of Canada. Wendy Babcock and Amy are also with the group.

Thank you very much for inviting us. It seems that for me, at least, being a little older, I come to these things quite often. The first time was in 1985 with regard to Bill C-49, which became law, known as the communicating law. We sat in Ottawa and told the MPs at the time what would happen about the rapes, about the robberies, about the murders if this law was implemented. They said thank you very much—and John Nunziata said "You seem quite intelligent"—and then the law was implemented.

This is what's happened: 500 missing aboriginal women, 69 dead in Vancouver, and others all over the country.

You don't have to take my word for it; you can look it up in Hansard. The name of the organization that I spoke with then was the Canadian Organization for the Rights of Prostitutes.

Now, to relax this law and then have a scenario like we had after the Supreme Court Hutt decision in 1978 would be a mistake. We'll have residents' associations lobbying for another law, and it will be the same thing all over again. I think it would be better if we took a different approach, and that approach would be decriminalization, which is very different from legalization. Many people are unaware of the differences.

I'll head off with what not to do, and that's legalization, which sees prostitution as a vice that needs to be heavily contained and controlled. Women who work under such a system have to register at the police station, where they are fingerprinted and photographed like criminals. They have to give very personal, detailed information about themselves to the police.

After they pay a hefty annual fee for their licence, they can then work at a designated brothel. That brothel owner auditions them for free, and has much say over their work. They are extremely vulnerable, because they can't move from brothel to brothel. He has all the power. Usually it's 12-hour shifts, and there's no such thing as right of refusal. For example, if a client comes in and wants a certain kind of sex the woman is not comfortable with, she still has to do it under legalized systems. The house takes 50%, and usually the government takes another 25% off of that in the form of sin taxes; after all, this is a vice. So the woman who has done the actual work is lucky to take home 25%.

You ask yourself, who in their right mind would work under those kinds of conditions? Well, in Amsterdam it's women from impoverished eastern European countries. In the state of Victoria, in Australia, where they have legalization, it's women from Thailand. Among the women in Amsterdam and Victoria, the ones who have citizenship work illegally. So you end up with a legal red-light sex ghetto and an illegal red-light district. It solves nothing for anyone. The only people who profit are the brothel owners.

Now, decriminalization sees prostitution as a legitimate and necessary business. Women do not have to get a special licence. Brothel owners only have to have a simple business licence. Women can work in brothels of their own choosing. If they wish to open up their own one- or two-bedroom apartment, they can. There's no one lording it over them, telling them you must do this, and you must have sex with this guy, and you must only bring home 25%. None of that happens.

There is such a system in the state of New South Wales in Australia, and it works very well. I went over there just for a short time, and it's another world. Bad brothel owners don't last long. Women are happy in their jobs. They can move around. If they want to work at an established house, they can, but they don't have to; they can set up their own operations.

• (1210)

Last year there was one bad date in Sydney. Oh, that was a big thing; a guy had stolen her purse. One bad date in a year? We would be happy if that happened only once a night in Toronto. The courts and the police take it very seriously when something like that happens over there, and it's worked very well. The murders, the beatings, the robberies—they don't exist.

So this is what I urge Canada to do. I urge Canada to adopt this same mature strategy. I know it's difficult, I know it's very difficult, for MPs to go out on a political limb like that, but please understand that all these women, all our colleagues, are now dead, and countless others have been robbed and raped.

I implore you, think about that: think about decriminalization.

Thank you.

The Chair: Thank you very much.

From the London Alliance to Support Sex Trade, Mr. Watkins and Cindy Campbell.

Mr. Jim Watkins (Co-chair, London Alliance to Support Sex Trade): Thank you for having us.

My name is Jim Watkins. I work with the AIDS Committee of London, as an IDU outreach worker, and I'm also the co-chair of London Alliance to Support Sex Trade, in London, Ontario. We are a group of agencies that have come together to support individuals working in the sex trade.

One of our issues is that we work under harm reduction perspectives, and we see the current communication law as a deterrent to any sort of safety and ability to reduce the isolation of individuals who are working in sex work. We've also noticed that the laws are instituted based on a pattern that we really can't predict. The police tend to pick and choose times when they're going to institute

them and carry them through. That creates even further isolation for increased violence, increased disease transmission, and lack of safety for the individuals working in the trade.

That's essentially where we're at. We completely support decriminalization in order to reduce the isolation and the danger involved in the work.

I'll pass it over to Cindy at this point.

Ms. Cindy Campbell (Co-chair, London Alliance to Support Sex Trade): I haven't prepared anything for this, and I have a bit of a cold, so I'll try to make this as short as possible. I'll just speak about the law and how it's affected my life.

I've been a sex trade worker since at least 14 years of age. When we speak of morals, I think it's morally wrong that the system was not there for me at 14, or at 16, or at any other time. I think it's morally wrong that people are interested in my sex life at 47. Where were they when I was 14? That's where I stand morally.

I'm from Windsor, Ontario. Escorts are licensed through the city. I was a runaway. I have no criminal record. I always paid taxes as an escort. I paid city hall my licensing fees. When I was 40 years old, 7 years ago, I came to London to start a new life and get out of the business. I was targeted. I was arrested. I had to turn enough tricks to pay \$15,000 to a lawyer. It was thrown out of court because it was found to be legal, and I paid taxes.

I developed two inoperable tumours in my stomach, fighting the police and the system for two years. I should be dead. I paid for my funeral six months ago. My tumours have disappeared. Obviously, there's more work for me to do in this life, or I would not be here.

What I want to know is this: if it's licensed, if it's legal, why am I subjected to these actions? If I opened up a beauty salon, which is legal, and I paid taxes, I wouldn't have to worry every day whether I'm going to get arrested.

As to whether decriminalization is the answer, my whole issue is an exit program. That is what I'm all about, and that's what I'm fighting to do. Even if it doesn't get decriminalized, I think people need to look at the laws and treat them accordingly in each city. From girl to girl, city to city, the law is being treated differently. Whether it's you who's targeted, whether it's Monday—you know, the law doesn't stand on its own in any one city with any one girl.

I was the only independent, tax-paying sex trade worker who was arrested in that sting. My name was Target, and I lost my home and my health. I will never recover. I lost my dream. Everything was destroyed. I realize that I will never put that back together again.

If it's licensed and it's legal, then so be it, and treat it accordingly. They're licensing young girls at the age of 19 through city hall, but they fail to tell them, when they hand over that cash, that they could be arrested. Any number of things could happen to their lives, and yet they take that money.

I also have the government chasing me for income tax money. I refuse to give them another dime as long as they continue to arrest me for something that is legal. So if it isn't the police I'm going to fight, it's the government.

That's my story. I think people need to get over sex in general. They can't deal with sex for money, but they can't even deal with the subject of sex. We've got some real issues. We've got people having sex with children, and we can't even wrap our heads around sex between consenting adults. We're never going to get to the children if we can't deal with legal, adult issues.

Thank you.

•(1215)

The Chair: Thank you, Ms. Campbell.

Yes?

Ms. Valerie Scott: Mr. Chairman, Wendy Babcock and Amy are slated to speak as well.

The Chair: We have only ten minutes per group. Perhaps we can come back to you.

We'll just proceed and see how it goes. We're missing one presenter right now, so we'll see. I want everyone to have a fair shot, but I don't necessarily want to depart from the general rule.

Ms. Wendy Babcock (Member, Sex Professionals of Canada): We just want to make sure that working girls get a chance to speak, not just social workers. These laws affect us.

The Chair: Okay. Thank you for your comment.

From the Parkdale Action Committee for Street Improvement, Sheila Lipiatt.

Ms. Sheila Lipiatt (Chairperson, Parkdale Action Committee for Street Improvement): I only heard about this committee late yesterday afternoon on CBC radio, so I don't know what you have done to prepare people like me to come to this meeting. I had to quickly put some notes together and get myself dressed and down here before the 1:30 cutoff.

I am a resident of the city of Toronto, and I am chairperson of Parkdale Action Committee for Street Improvement. I am also a retired public health nurse. Some 15 years ago I was on a policing committee with Superintendent Getty, who, with other members of the community and Mayor Art Eggleton, went down to Ottawa to speak to the justice committee around issues of prostitution. A country-wide survey was also done, and the results ended up leading to nothing.

I have visited the Reeperbahn in Germany. I've been on rue Saint-Denis in Paris, and I have seen the area in Bangkok. I also took my father, who is more than 70 years old, into the red-light district in Amsterdam, just so he could see what was going on there. I have even been in Sao Paulo, Brazil. These were just a matter of interest to me; I wasn't doing any psychological studies or anything of that nature. But I want to say a number of things to you today. I feel that it needs to be regulated and licensed so it can be controlled by both numbers and age. I think the time has come. We are already in the 21st century.

First—and hear me well on this one—there should be no more street prostitution that has plagued streets across the large cities of our country. For example, I think it's the east side of Vancouver that is unbelievable. Male and female sex workers must be at least 19 years of age. They would not be able work out of their own homes, but should be allowed to visit their client's hotel or home. Their practice should be conducted singularly or in a group as a business, where taxes are paid and they are housed in a business area. Here's the catch: municipalities could opt out if desired, and this must be indicated in the legislation. So if small-town Ontario didn't want this, they would have the right not to have it.

Regular checks should be made by public health, and they would be registered with an autonomous body. For example, as a nurse, I used to have to register every year with the College of Nurses, to keep up my practice.

Any under-aged individual participating in prostitution should be fined a minimum fine of \$5,000, and if they couldn't pay the fine, their option would be jail or a rehab drug centre, if that was appropriate, or an agency like Streetlight. This would have to be ordered by the judge.

Judges are another matter all on their own. They must be made to realize the importance of these policies. They don't live in areas where street prostitution is often done, and consequently some of them don't have the slightest idea of the repercussions street prostitution has on a neighbourhood, such as pimps, drug pushers, creating a seedy atmosphere in your residential neighbourhood, condoms on the lawns, condoms in the backyards, even explicit sex being committed because of a crack worker not knowing what she's doing. I've seen all this in my neighbourhood in the past. It's not like this at the moment, but it has been, and that's why I'm here today.

As a committee, you have to advocate for this. If you go along with my premise, part of this package has to be that there are more drug treatment programs for the crack-addicted workers, and alternatives for getting out of prostitution, such as Streetlight and other helping organizations. For those who seriously want to do this, such as this lady to my left, they should be allowed.

That's basically what I've come here in a rush to say to you today. I hope you will take my suggestions, recommendations, and thoughts seriously.

•(1220)

I can tell you that as a long-time community worker, I don't have a great amount of faith any more in politicians, government, or anything else of that nature. Sometimes they run around the country getting different points of view, then a report is done up and sits on the shelf collecting dust, and nothing is achieved in the end. I don't want that to happen here. I pay my taxes, and I expect something in return.

•(1225)

The Chair: Thank you.

Leslie Milne.

Ms. Wendy Babcock: Excuse me.

The Chair: I said we would come back to you.

Ms. Wendy Babcock: I have a scheduled time to speak.

Ms. Valerie Scott: We're scheduled in.

Ms. Wendy Babcock: I was invited to speak, and I don't want to be silenced here because of what I do for a living.

The Chair: You're not going to be silenced. I'm going from the list I have here. You'll have your opportunity.

Do you have to leave early this afternoon?

Ms. Wendy Babcock: I will have to leave by 1:30.

The Chair: It's 12:30, more or less, so we have lots of time.

Go ahead.

Ms. Leslie Milne (As an Individual): Good morning, everybody.

Honourable members of Parliament, on approximately January 15, 2001, I accepted a position of counsellor and intake worker at an agency in Toronto called Streetlight Support Services. At the time I worked there, Streetlight provided a court-offered diversion program for people who had been charged with communicating for the purposes of prostitution or inmate in a common bawdy house. People who participated in the program were told that their charges would be withdrawn upon completion of the program. While at Streetlight, I, along with other staff, had sanction from the Ontario Attorney General's office to determine individual eligibility to participate in and ultimately graduate from their programs.

To my knowledge, the Streetlight program was initiated to provide, in partnership with metro police and the Toronto judicial system, positive programs and counselling for sex workers who were deemed by the greater community to be deserving of alternatives to the traditional trial process, because they were seen to be mostly women who were being exploited and abused. While I worked at Streetlight, I participated in conversations about how the sex industry is a form of violence against women. To my knowledge, one of the original foundations of this program was developed out of a well-intended premise that because sex workers are exploited and abused women who are trapped in sex work, they deserve an alternative judicial measure if they encharge legal complications as sex workers.

Initially when I started working there, I was very neutral about the fact that most of my clients came to Streetlight because they had been charged with a criminal offence. I really believed that the idea of having an exit or diversion program for sex workers was beneficial to them and that I was doing a positive social service by being a part of that type of program. However, during the three and a half years I worked there as a front-line counsellor, I began to realize that the people who were being sent to Streetlight were not in any way deserving of incurring criminal charges for working in the sex trade or for attempting to purchase time with a sex trade worker.

This program also runs the john school, and this is where most of the revenue for the Choices program comes from—and Choices is what the women's part of the program is called. Every Tuesday, the johns would come to register for the school, for which they would pay the sum of \$400. Over the years I observed hundreds of men, and I can assure you that most of them did not seem like criminals. As a paid counsellor while I was employed there, I assessed that many of these men were lonely or had other personal reasons for

wanting to spend time with a sex professional. Whether I agreed with their choice or not and whether I liked it or not, they were adult men who incurred the charge of communicating because they had mistakenly tried to pick up a woman who was dressed up and pretending to be a sex worker. Maybe we think these men are unsavoury or maybe we think they're slimy, but criminals? I don't think so.

While at Streetlight as a workshop and long-term one-to-one counsellor, I encouraged my counsellees to reclaim their voices. As time passed, I began to see over and over again that many of my clients' lives had been irreversibly damaged not always from working in the business of sex, but many times due to the fact that they had incurred criminal charges. For many, the action of having incurred the criminal charge alone causes them trauma and depression. For many who hope to work in the business short-term and then move on to something else, a criminal record is something that I have personally and professionally witnessed as preventing people from being able to move in other directions.

Although diversion and exit programs for sex workers were initially created as a compassionate, restorative response to people who have been criminally charged, I believe we need to take a very serious look at whether or not hard-working sex professionals and their clients deserve to be labelled as criminals. I would confidently say that while I was a full-time member at Streetlight, I observed time and again that due to being charged with communicating or being a bawdy house inmate, my clients were being made to suffer unreasonable amounts of punitive stress and trauma that they did not deserve or warrant.

• (1230)

Of my clients, 25% were homeless, crack cocaine sex pros. I am sincerely asking if somebody can please tell me what is kind or compassionate about charging and arresting a woman who is homeless and crack-addicted? What is helpful about putting her in a jail cell, making her stand before a packed, set-date courtroom, possibly granting her bail, and then releasing her, only to assume that she'll even know what day it is when she needs to come back to court?

I had one client who would work for a pack of cigarettes. She was developmentally disabled, and her legal entanglements did not help her. As a professional, I thought it was abusive and cruel that Toronto 14 Division police would routinely charge her and send her to the College Park courthouse. I don't know if any of you have ever been to a jail or been in courthouse cells, but anyone who has the smallest bit of education, compassion, empathy, or understanding for sex workers and the type of business they do will know they do not deserve that type of punitive treatment.

I also do not understand how, on the day a person turns 18, they are no longer labelled as a sexually exploited youth or abused child. Overnight, they've turned into an adult offender, subject to possible incarceration, fines—and we all know where the money will come from—probation, and in some cases the judicial offer to attend a diversion exit program, such as the one where I worked and ultimately where I witnessed firsthand how much unnecessary suffering is inflicted upon adults who are logically and freely choosing to participate in the sex trade either as a client or as a service provider.

Although upon completion of some diversion programs the charge is withdrawn, it remains on their record for the rest of that person's life. Over the years I spent working at Streetlight, I met many new Canadians who didn't speak any English. They had no idea that by working in a massage parlour, they could get a criminal charge. They're not criminals, but they now have permanent criminal records.

Most of my clients were clean and sober mothers, wives, and students. A few of them had pimps, but out of a clientele of more than 300, I don't think they were the majority. And I would like to mention that Canadian women are currently protected with domestic violence and spousal abuse laws. Women who are being abused by their partners need support, encouragement, and guidance. Sex workers who are involved with abusive partners deserve the same consideration and support for encouragement as non-sex workers.

Given that sex workers are in the category of “criminal”, especially if they have incurred charges, they are often afraid and reluctant to report partner spousal abuse and stand up to defend themselves as any abused spouse would. They are blamed for their circumstances and are not given equal acknowledgement like other women who live with abusive, controlling partners are.

I had a very diverse client population, but the one thing they all shared was that now, permanently and forever, they were going to have a record of being charged with a sexually related criminal offence. Also, many of them worked in other professions or planned to graduate from school, and the permanent damage that is created from having a criminal record is irreversible and causes great suffering for many of these people, suffering that, as intelligent, kind, creative, hard-working people, they don't deserve.

To many of my clients, I became a trusted confidante, and with most respect, I am sharing with you that many of my clients had been abused by members of their local police forces. Due to the fact that they could be blackmailed by the police about their criminal activities as sex workers, unfortunately I did not have one client who felt safe enough to come forward about their abuse. Oh, I had many clients who had positive experiences with police members as well, and many times it is through arbitrary decisions that sex pros are charged. This places the women and the small number of men and transgendered workers in a very vulnerable position when it comes to dealing with their local police forces.

In my lifetime, I have witnessed many social changes that strive to enable all Canadian citizens equal rights and justice. On paper, consenting adult sex professionals and their clients are deemed to be participating in criminal activity. As a citizen of Canada, and with the compassion....

Am I done?

The Chair: Could you wrap up, please?

Ms. Leslie Milne: I will. I was just thinking I would go quickly.

Thanks for listening. You guys are great. You're a good audience.

• (1235)

As a citizen of Canada, and with the compassion and wisdom garnered from my professional experiences, I am asking that you please consider decriminalizing sex work as the only step to take if we are going to create and ensure respect, safety, and community equality for the people working in the world's oldest profession.

I am no longer an employee of the diversion and exit program I have referred to. I feel it is very important for you to know that my commitment to create positive change for Canadian sex professionals is the result of my professional front-line counselling experience with sex workers and their families. As time progressed, my conscience would no longer allow me to remain silent about this issue.

With much respect and appreciation for your continued efforts on what I know is a very complex cultural topic that affects all of us, I would like to say thank you for your time and your interest.

The Chair: Thank you, Ms. Milne.

Wendy Babcock is next, and then Amy.

Ms. Wendy Babcock: First I'd like to give you a little background information.

My name is Wendy Babcock. I was a ward of the Children's Aid Society. I was let go at the age of 15; I don't know why. I found myself not being able to go into a shelter, a foster home, or back to my parents. I could not get an apartment because of my age. I had a part-time job where I was making \$6.25 an hour, ten hours a week, so I could go to high school. I decided to do prostitution so I could get my education and be where I am today.

I'm here today because I want to discuss with you how section 213 of the Canadian Criminal Code, which is communication for the purposes of prostitution, puts prostitutes in danger. I understand that the laws against communicating were formed for three main reasons: one, to reduce the number of prostitutes and clients; two, to make the law equal in arresting clients as well as prostitutes; and three, to end the nuisance of street prostitution.

In 1984 this must have seemed like a great idea, and maybe it was in theory, but this is 2005 and we have not reduced the number of prostitutes. Instead, we have driven them underground and put them in dangerous situations. Currently, 69 women have been murdered in Vancouver. There are over 80 missing prostitutes in Edmonton. My friend and colleague, Lien Pham, was murdered in Toronto on October 13, 2003. This law has reduced the number of prostitutes, but not in the way any of us had in mind.

This law hasn't even been equal in charging clients and prostitutes equally. According to Statistics Canada, about 97% of those charged with communicating for the purpose of prostitution are prostitutes, while 3% of them are clients. Correct me if I'm wrong, but doesn't it take two to communicate?

Not only is this law unfair in its enforcement, it also creates a wall between police and prostitutes. The Toronto Police sex crimes unit has informed me that approximately four to five assaults and rapes happen every day in the city of Toronto. You might ask yourself why prostitutes never go to the police and talk about this. If you were a prostitute, you would already know the answer. It is a general assumption among prostitutes, especially street prostitutes, that if they go to the police their report will not be taken seriously, or they will be told they deserve it or should expect it in their line of work. I've heard this come from the mouths of many sex workers. Some are even afraid that if they report an assault, rape, robbery, or any other crime committed against them while working they might end up being charged with a prostitution-related offence themselves. I have seen that happen.

To me it is an outrage that we have so many people who believe that the crime of prostitution outweighs that of any abuse or assault committed against a woman who is involved in this profession. The fact that assaults, rape, confinement, and even murder are being committed and women are afraid to come forward to the authorities should tell us something. It should tell us that these laws, in effect, are increasing the murder and violence against prostitutes while doing nothing to reduce the number of women who get into this profession.

This law tells us that certain people in this society are criminals, so they are expendable. Nobody asks to be assaulted. The fact that many prostitutes are intimidated by the police prevents them from reporting acts of violence against them, and perpetrators know this. Anti-prostitute laws and social attitudes set prostitutes up for violence. This law has to be erased from the Criminal Code before it puts any more women in danger.

Thank you.

•(1240)

The Chair: Thank you, Wendy.

Amy, do you wish to say something?

Ms. Amy X (Member, Sex Professionals of Canada): My name is Amy.

As a sex worker, every time I see a date in my home I am scared he is a cop who will charge me for keeping a common bawdy house—a serious charge. I could lose my home. My bank accounts can be seized. I can go to prison for two years, and get out with a criminal record, which would seriously impede my future employment.

I am currently a university student and working diligently towards my degree. I have chosen to see dates in my home to work safely. It's my territory, and unlike doing outcalls, which is the only quasi-legal way to work as a sex worker, I can ensure myself that there are not three guys hiding in a closet when I arrive. I work discreetly, and my neighbours are unaware. I am not harming anyone.

How can I lose everything for this? Because the bawdy house law is also considered an enterprise crime. How can you justify this?

I have been raped and abused by clients. I have chosen not to report any of these crimes. I will continue not to report them to police if I experience any more bad dates, because I know I will be shamed, and I will be investigated. I know I can be countercharged.

Your laws have forced me to stay silent. You may ask yourself why I am still in this business. Why, after all you have done to me with your laws? I will tell you it's because sex work is a viable and legitimate profession. Whether or not I remain in this business, others will. You have an opportunity to stop the violence and murders via decriminalization.

Thank you.

The Chair: Mr. Hanger, we're going to have some difficulty with time, so if you could, make your questions direct and to the point if you want our panel of witnesses to respond in a similar way—short and as directly as they can.

Mr. Art Hanger: There are interesting presentations here. I would think most of the presentations reflect an idea that this should be more like a business or an individual enterprise, I suppose. Is that basically it, with the exception of these two ladies?

I want to get my head around what you're suggesting here. You want to create a model for prostitutes to create this other kind of environment where they can maybe work out of their own houses or out of an apartment?

Ms. Valerie Scott: Yes, out of their own houses or apartments, or an established brothel.

Mr. Art Hanger: In other words, you want licensing of the individuals, then.

Ms. Valerie Scott: No.

Mr. Art Hanger: You don't want any licensing of individuals?

Ms. Valerie Scott: No, there's no need. We don't see any need for it. And as for the established brothels, we don't see that they should have to have any licences other than an ordinary business licence.

Mr. Art Hanger: What about the gal who wants to go and hook on the street?

•(1245)

Ms. Valerie Scott: Well, what they've done in Sydney—and it's worked quite well—is that street workers are not allowed to work within 200 metres of a place of worship, a school, a hospital, or a dwelling.

We're okay with the place of worship, the school, and the hospital, but in Canadian cities a dwelling is pretty much everywhere. So I think we have to arrive at some kind of compromise, perhaps on only commercially zoned streets or something like that.

However, even if you brought in the death penalty here, you're not going to get rid of street prostitution.

Mr. Art Hanger: Of course not.

Ms. Valerie Scott: I think if we were allowed to work inside—and the majority of prostitution does occur inside—with the Canadian climate, not so many women or men would be outside working.

Mr. Art Hanger: If you don't mind my saying so, what you're talking about is, so to speak, open competition, and where there's a dollar to be made, if one person feels the price should be set at say \$100, there's going to be someone who comes along and says no, I'm going to do \$50. Then some are going to come along and say, I'll do \$20.

So you have a problem that's probably compounded in the community, as opposed to something that you would suggest would be free and self-regulating.

I would have to suggest that the community would probably be more up in arms over a model like that, because where would the control be?

Ms. Valerie Scott: What community are you referring to?

Mr. Art Hanger: I'm just talking about in a city.

Ms. Valerie Scott: Ah.

Well, prostitution tends to gather in certain areas. In Sydney, for example, it's in an area called Kings Cross. It doesn't really spill over into too many other areas. Kings Cross is very similar to what Yorkville is in Toronto. It has the jazz cafés and expensive lingerie boutiques and really nice stores, and couples go strolling there on the weekends. It all works.

Mr. Art Hanger: And no street prostitution.

Ms. Valerie Scott: There is street prostitution in Kings Cross. That's where it is in Sydney.

The Chair: Please let her finish her response, and then we'll move on, because other witnesses have indicated an intention to speak.

Ms. Valerie Scott: That is where street prostitution mainly occurs in Sydney: in Kings Cross or in that area.

So some things have to be looked at here in terms of how we're going to deal with the little bit of street prostitution that will exist, but I think you have to admit that what we have now, currently, really isn't working.

The Chair: Ms. Campbell, Ms. Mooney, and then Ms. Babcock.

Ms. Cindy Campbell: I'm fine. I don't have anything.

Ms. Murganne Mooney: I just wanted to say that there is a class system within sex work. One of the challenges that we have here in Toronto is that we have two extremes. We have one agency that wants to save them and get them out of the business, and we have one agency—which isn't present here today—that really represents exclusively the higher-end escort.

With women who work on the street, a lot of them live on the street. Because of the bawdy house law, they get evicted because part of that bawdy house law says that if your landlord knows you're working out of your place and they don't throw you out, then the next time you're caught working out of your place, they will be charged for living off the avails because they were aware.

The other thing I wanted to add is something about an indoor worker. There's a certain amount of privilege, because you're paying \$1,000 a month for ads. A lot of women have second apartments, so they pay two rents, two phones, and they're charging a lot more money than on the street.

In Toronto, the low track's charging twenty bucks, the middle of the road is forty to sixty dollars, and the high track is up to eighty dollars, whereas inside it's \$160 an hour. And \$160 an hour is the beginning for inside workers. So there is a class system, and you need to recognize that with street prostitution, some women work on the street because they live there.

The Chair: Ms. Babcock, and then Ms. Falle.

Ms. Wendy Babcock: I just pretty much wanted to reinforce what Murganne Mooney was saying. I wanted to clarify that only about 17% of prostitutes do work on the street. As a social worker, I can attest that the reason they are on the street is that the street is where they live. They don't have an apartment to work out of. The rest was pretty much well said by Murganne, so I'll stop there.

The Chair: Ms. Falle.

• (1250)

Ms. Natasha Falle (Counsellor, Streetlight Support Services): I just wanted to comment that there's a huge area, bounded by Church, Gerrard, Jarvis, and Carlton streets, that is a very organized area. I would say that probably 99% of the girls who work in that area do have pimps and charge a \$100 to \$500 minimum. I know because I stood there. They start at \$100, which is a minimum service, and then go from \$500 and up. In my experience, every single woman I know, including me, has experienced violence.

I also want to comment about exit programs, because I believe we've been bashed quite a bit here. First, I want to say that I believe there's a need for choice organizations as well as exits. There's a need for both of us.

As for exit programs not helping those with lengthy records, people with huge lengthy records, like me, need help too.

That's what I wanted to comment on.

The Chair: Thank you.

Ms. Natasha Falle: And we don't save people. We allow people to save themselves. We give them the tools to help them to save themselves.

The Chair: Thank you.

Ms. Sheila Lipiatt: I want to take exception to a couple of the comments as a resident. I seem to be the only one representing anybody in the community.

I am very much against street prostitution because I've seen how it affects my area of Parkdale. A lot of the women are crack addicts. How would you like to be awakened in the middle of the night because a lot of these girls are giving—if I can say this—blow jobs in a car? The john comes up the residential side street so that she can perform her services, and then there's a big squabble because she's not getting paid.

These are the sorts of things that are happening, so we have to be realistic about this. That's why I'm suggesting what I'm suggesting. Make it into a business and take it all inside.

I'm not supportive of them doing it out of their own homes, because there can be problems with high-rise apartments and neighbours and so on. That's why it should be conducted in a business area of the city. They operate it as a business, in an office area of the city or town, and it's conducted like that.

No more street prostitution. That is the worst and the lowest-level form of prostitution out there, and that has to stop.

The Chair: The last comment will go to Ms. Campbell, and then we'll move on to Madame Brunelle.

Ms. Cindy Campbell: Raiding massage parlours and independent, taxpaying prostitutes is part of the reason a lot of women end up on the streets. They lose everything, and every dime they have goes to the lawyers.

Ms. Wendy Babcock: A person who has been charged with prostitution cannot work in a legalized system. They cannot get a licence.

Ms. Valerie Scott: That really doesn't make a lot of sense, does it?

The Chair: Madame Brunelle.

[Translation]

Ms. Paule Brunelle: Hello and welcome.

As my party's critic and a member of the Committee on the Status of Women, I have had the privilege over the past few months to hear from 50 women's groups working to improve the lot of women. I simply want to say that the reason I am on this committee is because I am sensitive to the concerns of women and interested in anything that can help achieve equality for them and improve their lives.

That said, I understand that some people feel that decriminalization is the solution. One sex-trade worker told us that the fact that she had a criminal record prevented her from achieving rehabilitation and leading a normal life in society. So it seems that this is a major problem. I am hearing that some groups, some of you here today, are involved in reintegration programs. I also understand that this is not something that everyone wants; not everyone wants to reintegrate into society. I would like to know a little bit more about the programs that you offer for women wishing to exit the sex trade.

I also have a question about Aboriginal women. I know that the situation of Aboriginal women is very different. I was very moved by the witnesses that I heard in another committee about the reality of life as an Aboriginal woman. The situation is very difficult, especially because these women are doubly marginalized, as sex workers, on the one hand, and as Aboriginal people, on the other.

I would like you to elaborate on the difference that this makes and on the tendency of the Canadian government to forget about these women.

I have a number of questions, but I would like to hear a bit from each of you.

• (1255)

[English]

The Chair: Go ahead, Madam Mooney.

Ms. Maurganne Mooney: In terms of aboriginal women, the reason I named the report "Invisible Tragedy" is that the form of racism aboriginal people face is that we are invisible. The government doesn't want to accept that we are still alive because it would cost them money. We've gone from a thriving nation to now 2% of the population. It's kind and polite to call it ethnic cleansing.

In terms of aboriginal women in sex work, there are several layers to it. Again, as I mentioned in my report, a lot of the women who have been murdered were identified as casual or part-time sex workers. They're involved in the street-level prostitution because, unfortunately, there is racism within sex work as well. Unless a woman advertises as being Italian or Spanish, which is often what happens to aboriginal people because they look like other races, she won't be able to market her services.

Did you want something specifically clarified? Did you want to know about our programs in terms of restorative—

[Translation]

Ms. Paule Brunelle: I have heard that there was a problem regarding Aboriginal prostitutes who had died. They were not being identified in police statistics as Aboriginal women. The murder of a large number of Aboriginal women has been denounced by Amnesty International and is something that must be dealt with. These deceased prostitutes should have been identified as being Aboriginal women. That would have allowed us to see that there really was a problem and that Aboriginal women were being targeted and not other people. I do not know if you feel that this issue has really been addressed now.

[English]

Ms. Maurganne Mooney: It's in the process. On the list of names I put in my report that I've handed out to you, there was an additional list from the *Edmonton Journal* that I had, and there will be more names as it comes along. It's the history of aboriginal peoples versus the police. We have that extra layer of barrier because police were used in the removal of children from their families to residential schools.

There's also the issue of racism, where aboriginal people are seen as a people to be protected from, not protected. So even though we're over-policed, we highly represent both men and women inside our jails—and those murdered. Of the murdered women on the pig farm, 60% were aboriginal women. It's sad. Five hundred native women in our community is equivalent to 25,000 non-native women in Canada. That's devastating to our people.

The Chair: Are there any other comments from anyone else on exit strategies?

Ms. Beverley McAleese: As much as people like to say we're there to save people, we're not. Streetlight has always believed that it is a person's choice what they care to do with their life. But we certainly don't believe that when someone is 14 years old and has become involved in this lifestyle it was ever their choice. What else were they going to do? They were a sexually exploited child.

We certainly run the exit programs for people who would like to get out of the lifestyle. But I don't deny for a minute that people come to us to get that charge withdrawn and have no intention of exiting, or can't exit at that time. We hope to develop and do develop bonds with them so they continue coming back to Streetlight. When they decide the time is right or they've had enough and they've connected with us, then we'll continue to work with them and help them out of the lifestyle.

I think people have to respect other people's choices, especially those who want us to respect their choices. They should respect the choices of people who decide they've had enough and don't want to do it any more.

The Chair: Go ahead, Natasha.

Ms. Natasha Falle: There comes a point when everyone needs to exit. Either age is going to get you, burnout's going to get you, or violence is going to get you. Therefore we need an exit program for those people when the time comes.

The Chair: Thank you.

Madam Milne.

Ms. Leslie Milne: I'd just like to add that I think it's really important we stick to the reason why we're here. There are exit programs of many kinds, and people access them all the time. The issue is, do women who are working in the sex trade deserve to have criminal records for the rest of their lives?

Exit programs are great, and I've been to many of them myself, but I think we really need to stick to the point. Is it just and kind to continually charge women who obviously have so many odds stacked against them in the first place, if we're talking about somebody who started when they're 14, or somebody who is trying to cope with systemic racism, hatred of women, or whatever? Do they deserve to have criminal records? I think we really need to stay focused on this.

Mr. Hanger, I just want to mention that of course we cannot solve the problem overnight of how this will eventually look in the future for women, men, and transgendered people who work in the trade. But I think it's a really good place to start from, just to acknowledge it is not just that people incur criminal charges for working in the business.

That's all I wanted to say. Thank you.

• (1300)

The Chair: Ms. Lipiatt is next, and then we'll have to move on to Ms. Davies.

Please go ahead.

Ms. Sheila Lipiatt: I believe we have to keep in mind what the goal is here. I understand it's to maybe change the laws regarding prostitution. You have to reach some sort of middle ground. There are some things being said here that I don't totally agree with, but on the other hand I did come out and say that I think overall it's better to regulate prostitution. But there have to be degrees of what's allowed and what isn't allowed, to meet all the criteria of what you want across this country. People in Toronto might want one thing, and in Saskatchewan and small towns they couldn't give a hoot about

prostitution because they don't have any there, or at least they don't think they do.

Let's meet in the middle ground here, so as a resident in a community I won't have to see something that I absolutely cannot tolerate and won't tolerate occurring outside my home, in my face. That's why I'm here today. If you want to practise this, you have to do it within the guidelines, just like any other profession. You know, you can't just stick a needle into somebody and think that's okay; you have regulations as a nurse, or whatever profession, so you need regulations as well.

The Chair: Thank you.

Ms. Davies.

Ms. Libby Davies: First of all, I'd really like to say thank you to the witnesses who have come in for this panel—and actually for a previous panel as well—especially to those of you who are now or have been sex workers.

I think we all understand that it's not easy to come forward. A parliamentary committee at the best of times can be rather intimidating, so for you to come forward when you're in a hotel, you're under public scrutiny, you're under questioning.... I just want to say that I really appreciate the frankness and the sense of reality that you bring about in what you say. Thank you for doing that.

We are also having sessions that are more informal, what we call "in camera"—they're not being recorded and so on—because there are people who feel they can't speak out in public. But I really appreciate the fact that you have shared some really sensitive information about your own stories and what happened to you. They really do help us to understand what's going on.

To Sheila, when this debate started twenty years ago, the response of most residents was to get it out of their neighbourhoods because they didn't care about these people. That has changed, and I think you, Sheila, really represent that to some extent, in that maybe there's certainly more closeness of position than there was twenty years ago.

There are very strongly held points of view and very strong opinions, and that's great. We should respect each other's views. But there's actually a lot of commonality here, and maybe what we'll try to do in this committee is find out what that commonality is and work with it as much as we can.

The question that I have is on the situation with aboriginal women. It has been really shocking across this country, and it has been invisible. I see that you're advocating a model of decriminalization—and, Valerie, you've spoken very well about what you'd like to see. The question I have is who should be involved in that. Do you see an involvement for municipalities, or would you be concerned about that because it would be too much of whatever the local council happened to want?

The more we can understand how this model of decriminalization might work, the more it might give us some ideas. Not everybody may agree with it, of course, but I'm very interested in....

You spoke earlier about the fact that you could work out of your own home, but also about the idea that you might be able to work out of a brothel. Presumably that would be licensed by somebody. How would you see that taking place?

And if others have comments about that as well, they would be helpful.

• (1305)

Ms. Valerie Scott: In terms of licences, the established houses would need just a business licence, through zoning.

Ms. Libby Davies: Would you see that anywhere, or would you see it in a designated area?

Ms. Valerie Scott: Yes, anywhere.

The only place that really, truly has decriminalization is New South Wales. That's how it works there. The government was smart over there. They kept a couple of laws, but they modified them. For example, they kept the Disorderly Houses Act 1943, which is now called the Restricted Premises Act 1943. If a brothel is being a nuisance to its neighbours, it can be shut down. But the Supreme Court of New South Wales did rule that it has to be a true nuisance. It can't be shut down just because the neighbours don't like sex or don't like the sex trade. It really has to be a nuisance. And that's fair.

They also kept the 200-metre law, which is going to take some working out here if we're going to even look at something like that.

On the municipal thing, I am so afraid that if we go that route, we will be bylawed to death, and it will be de facto illegalization. It will be worse than what we have now, and I for one won't work under that system. I'll work illegally, and many, many women will.

So I think there should be some kind of model of federal control, but intelligently, sort of like how they did things in New South Wales.

Ms. Maurganne Mooney: In the report I handed out, there are recommendations from a peer-run international sex worker agency on how decriminalization could play out and they cover the law, health, age of working, etc.

With regard to the aboriginal population, I certainly didn't want to attack any organization. My point about having only two in the city is that they're two extremes of the spectrum, and somewhere the aboriginal women get lost and they aren't represented.

I was the first aboriginal chair of Maggie's, and I found it frustrating to get violence against women initiatives and a jail in-reach program started. I felt silenced, because I was the only aboriginal woman. Even though we're highly represented in the busts, and unfortunately, in the death toll, we aren't being invited to the social tables to bring out issues that are unique.

And because of the residential schools, there is heavy sexual repression. Everybody is having sex, but nobody is talking about it. It's kind of like where everybody else was in 1950. That's where the aboriginal community is. Every day there's a new aboriginal person contracting HIV and AIDS, when everybody knows to use a condom now. That's because of the residual effect from the residential schools. So these are key issues.

We're not a special interest group. I'm happy to be here today, because I'm speaking for those Anishinabekwe, for those women who died, and they're highly represented. I mean, look at the numbers.

I'm saying that we need social programs that address other issues, in addition to decriminalization, that we need to have more choices for sex workers to go to so it's not all or nothing, that we have spectrum and representation that's multicultural, like Canada is.

Meegwetch.

Voices: Hear, hear!

• (1310)

The Chair: Thank you.

Ms. McAleese.

Ms. Beverley McAleese: I just wanted to ask, when we talk about decriminalizing...and I don't know whether Valerie wants to answer this. I guess I'm just trying to understand—and maybe I've misunderstood. We've talked about being able to have our brothels more or less anywhere in the city or work out of our apartments, our homes, whatever. I just think if you want it decriminalized, then maybe the expectation is to follow the same rules as for any other business.

If I lived in an apartment building, I certainly wouldn't want the guy next door who is say a chiropractor or a dentist or whatever running his business when I would have all these people coming up and down my elevator and going down the hall past my apartment. I think it's a case of the regulations that would follow for where you open up, as I say, a chiropractor's office, a dentist's office, a massage therapist's, a psychologist's—whatever. Maybe there should be some rules around that, so it's on a par.

Ms. Valerie Scott: Yes, it's possible that can be looked at. What I'm suggesting certainly isn't written in stone.

But it's not usually a big problem anyway. People think with decriminalization you're going to have little brothels all over the city and there's going to be a big problem. Well, all of those little brothels all over the city exist right now, because there are tons of women seeing guys out of their own apartments. These women have always been very discreet. You really wouldn't even know it. You don't know it now.

Ms. Beverley McAleese: But what about your safety issue, though? You know, you're alone in that apartment, and nobody knows who has come in. And it's known.... I mean, people don't—

Ms. Valerie Scott: I don't suggest working alone. I really don't.

Ms. Natasha Falle: But there will be people who work alone. There will be.

Ms. Valerie Scott: Yes, but look, it's their choice.

The Chair: Wendy, then Jim, then Cindy.

Wendy.

Ms. Wendy Babcock: I just want to say that when I worked—and I worked for many, many years—I never worked alone, ever. Of course, there are lots of occupations where people do work alone, and they are quite dangerous—cab driving is one of them—and we still legalize them, or we allow it to be okay.

I tell women that I think it's better to work alone. I think it's better to have a man coming to our apartment, because we know where the weapons are, we know if there's a gun in the house, we know how many people are in that house. We don't have to worry about a guy hiding in the washroom who's ready to spring up on us at any moment. We don't have to worry if there's a gun in the drawer that they're going to pull out at any moment.

And we do often work together. Quite a few people work together. It's quite natural, and I don't see it as a problem. Of course, there will be women who choose to work alone; that's inevitable. But that's a choice, and at least we have that choice and we're not going to be criminalized for it.

The Chair: Jim is next, and then Cindy.

Mr. Jim Watkins: On decriminalization and people working in their own homes, I'd like to reiterate just the safety aspect. They can be in a more controlled environment going from there. If people are able to access other services or supports, whether it's outreach workers, counsellors, or other workers, it creates that increase in safety.

The other aspect I want to address is it's interesting to hear what's referred to as the cooperation between the community and sex workers in Toronto. But I'll tell you that in London there is absolutely none of that. The police are completely in concert with the community groups that have determined it is not okay to have sex work going on in London, and they are busting people all the time.

In my job I work on Thursday and Friday nights consistently until two a.m. or three a.m., and at any given time in our areas there are five to six cruisers looking for people, whether they're johns, women or men working, whatever the case may be, to harass, isolate, and bust them.

You may have something like that in Toronto, where there's cooperation going on, but it does not exist in other communities. I think that's where the decriminalization aspect will allow us to start to work toward that and develop safety for the individuals who are involved in any aspects of the trade.

• (1315)

The Chair: Ms. Campbell.

Ms. Cindy Campbell: First of all, I want to say that I've worked alone my entire life, and I have not been harmed at all in the business. I was abused and traumatized quite a bit before I got into the business. That hasn't happened since then. My job has empowered me to take control of my body.

I've done in-calls, out-calls, and everywhere, but the big issue right now is cameras, cell phones. Whether I'm going to a hotel or a home, I can be taped without knowing it, and people can make money from that tape. I do only out-calls, but I would prefer to do in-calls for that reason. We seem to think that all our clients are slimeballs. Most of my clients run this country.

The Chair: Ms. Mooney.

Ms. Maurganne Mooney: Talking about safety, if we go ahead and decriminalize sex work, we're going to need to do some public education with communities as well as police officers. It can be implemented in their training. Get them when they're fresh, to understand. They've done some work to try to understand the issues of violence against women. This is an extension of that.

When a husband beats up his wife, he's not charged with being a husband; he's charged with what he did. The same can be said with any third-party violence, or any violence that goes on. Keep in mind that if we go ahead and decriminalize, these women will have what other women and other people have—the right to protection. They can call somebody who cares, and they'll show up.

The Chair: Ms. Lipiatt is next, and then we'll go to Mr. Hanger.

Ms. Sheila Lipiatt: I'm getting a little frustrated here. I must be the devil's advocate here for the police and the neighbourhood. How do you know that in London there isn't a lot of pressure being put on the police by the neighbours and neighbourhood residents groups bringing forth these complaints? They have to follow the law as it is.

We're here today to talk about changing the law so everybody can work more congenially together. At the same time, some of you here almost want too much out of this. That's why I'm for the middle of the road. Let's not have it in your own home; let's do it as a business outside of the home. You may have no problems with it because you're an experienced sex-trade worker, you've been doing it for years, and you know exactly how to conduct yourself. But I can think of any number of individuals who are crack-addicted and have rented an apartment with a bunch of other girls, causing no end of problems. Neighbours and residents do not want this, so you also have to take them into consideration because they are paying taxes, no matter how you think of this.

Ms. Wendy Babcock: When did that come under it being disorderly—

The Chair: Excuse me, Ms. Babcock. Please let her finish.

Ms. Sheila Lipiatt: Why aren't the police here today to speak for themselves?

An hon. member: They were.

Ms. Sheila Lipiatt: They were? Okay, fine.

A voice: Yeah, why aren't they here?

Ms. Sheila Lipiatt: The residents also have rights. They're taxpayers. Not all sex trade workers are taxpayers. I want to throw that one in.

I'm being supportive here, but I want you to also realize that you can't have it all. Let's hit some middle ground here and make it good for both sides.

The Chair: We'll go to Ms. Babcock for a quick comment, and then Mr. Hanger.

Ms. Wendy Babcock: I'll let Valerie take this one.

Ms. Valerie Scott: Thank you.

What you see as middle of the road, we really don't see as middle of the road. It's one of those things.

What I'm understanding is that you want us to work in an area or a zone. They haven't worked in places that have them, because frankly that process is legalization. Much to their dismay, these countries can't understand why they didn't work when the girls in the business would told them such areas wouldn't.

Anyway, we don't believe in any kind of segregation, and that's what that is. We're not smelters or—

• (1320)

Ms. Sheila Lipiatt: I didn't say a zone per se. I'm saying in a business setting.

Ms. Valerie Scott: Yes, exactly, and I'm saying we do not believe in segregation.

The Chair: We're going to move on if we can't get along.

Ms. Sheila Lipiatt: That's not segregation.

Ms. Valerie Scott: Yes, it is. You're going to have to come over to my house and we're going to have to talk.

Ms. Sheila Lipiatt: That would be a good idea.

The Chair: Mr. Hanger.

Mr. Art Hanger: Thank you.

I can say at this point in time that I haven't been convinced at all that the way many of you advocate this should go is the answer to the problem. I think you have even said yourselves that this isn't going to fix the problem of violence, of sexual abuse, whether it's against children or women, by legalizing or decriminalizing. You think it's going to—

A voice: We didn't say that.

Mr. Art Hanger: You'll get a chance to talk, I'm sure, but I'm going to say a few words here yet.

I was a police officer for 22 years. I operated as a stick on the street, dealing with street prostitution, escort services, and professional prostitutes who ran out of the hotels and bottle clubs. It was a different era, granted, but I saw the change in addiction, for instance, of the gals on the street.

One I remember explicitly was a doctor's daughter who had been hooked on heroin. To support her habit, she was on the street. It was a tragic affair. She ended up dying, overdosing. That has become more of a norm now, when it was the exception at that time—and we're talking about twenty-some years ago. Now you're seeing a lot more addiction on the street.

Don't tell me that, because I know that to be true.

Ms. Valerie Scott: I agree. I was shaking my head because we just did a study—

Mr. Art Hanger: There's a lot more addiction on the street now, and given the set of circumstances that we have in our country, I think it's absolutely commendable for anyone who reaches out to any of those gals on the street who have resorted to prostitution just to

feed a habit or who have been pressed into it afterwards by a pimp or some other individual.

So I cannot understand your thinking. Many of you have said exit programs are a bad thing. I look at the activity even in my own city, where organizations like Servants Anonymous, EXIT Outreach, Inn From the Cold, and Street Teams are playing a very significant role in taking girls off the street.

One final question that really concerns me should concern everybody on this committee. The minute we start going onto that slippery slope of what you're telling me we should be all about, then we're going to see something happen to our youngsters on the street, the young gals who may be 14 or 15, as they slip into this level of activity. In Alberta, for instance, in 1999 they passed a law called the Protection of Children Involved in Prostitution Act. Do you know how many kids they took out of prostitution that first year? Two hundred and seventy three. That's what I have a concern about. Those gals are going to go right through the system and end up who knows how or in what other circumstances for the rest of their lives. I don't want to see that happen. I would rather see our laws look after the interests of those kids in the most significant way. Nobody has convinced me that decriminalization or legalization is going to do that—not yet.

The Chair: Thank you, Mr. Hanger.

We have a little bit less than five minutes.

Ms. Scott, then Ms. Mooney.

Ms. Valerie Scott: We're talking about adult prostitutes here; we're not talking about children. Let me tell you, children on the street is a completely different issue, and I don't think we should whitewash those children's problems with prostitution.

Ms. Maurganne Mooney: I work as an aboriginal youth court worker, and I'm in the trenches with those young kids, aboriginal youth. The YCJA has come into effect. I was just at the summit last week. The last place to put young people is in custody. It's rooted in literature—detention only trains them to be better criminals. The new bill, which I believe is still on the books, talks about detaining people.

I just wanted to mention, back on the child sex abuse, that law enforcement can be freed up from chasing after the adults and can then focus on child sex abuse. And when we have one in three female children being abused, and 90% are known to their abusers.... They know their abusers; they're not strangers.

The last piece, I guess, would be the drug addiction. The police in the city of Toronto recognize it's a health issue, and it is a devastating, unfortunate thing. Recovery is possible; there are recovery options. With decriminalization we can treat the issue on its own—drug addiction, alcohol addiction. Treatment centres would still be in play, and we have drug court. It's a health issue. Should we put people in jail to detox in jail, or should we send them to treatment centres?

Thank you.

• (1325)

The Chair: Okay.

Ms. Milne, you have a one-minute final word.

Ms. Leslie Milne: Mr. Hanger, I don't disagree with exit programs, okay? So maybe you can answer my question, then.

How is it that on the day a person turns 18, and let's say from the age of 14 to 18 they have been labelled a sexually exploited young person, they deserve to become an adult criminal within the adult criminal justice system, incurring a charge of communicating for the purposes of prostitution? Can you explain that to me, please?

Mr. Art Hanger: I don't have a problem seeing the transition there at all. The fact is, they're considered a juvenile criminal prior to becoming the adult criminal.

Ms. Leslie Milne: Wait—a sexually exploited and abused youth?

Mr. Art Hanger: The same charge still applies, whether you're 16 or you're 18.

Ms. Leslie Milne: So you're no longer a sexually abused youth, you're an adult criminal?

Mr. Art Hanger: No, I think you're just trying to...well, you're actually segregating it there. The issue is still the same. It doesn't matter whether you're a juvenile or an adult in the eyes of the law.

Ms. Leslie Milne: However, this is exactly why I came here today. I started doing youth work 20 years ago, sir, and in those days they used to call the juvenile offenders who'd been picked up for communicating “kiddy-hos”. We've come a lot further now. We're a lot more kind. We're a lot more just. I think together around this table we're working to solve the problems that these women are encountering.

I did not come here to debate whether or not exit programs should or shouldn't exist. I am here—

Mr. Art Hanger: Those are comments that you made.

The Chair: I think I'm going to have to intervene here.

Our time is up, Mr. Hanger, and we have to move on to another venue.

This has certainly been one of the most lively panels we've had. I feel like a referee sometimes, instead of chair, but your input is very much appreciated.

Thank you very much. Perhaps you can continue the discussion as we leave.

The meeting is adjourned.

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