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Chair

Mr. John Maloney

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● (1010)

[*English*]

The Chair (Mr. John Maloney (Welland, Lib.)): I would like to start the meeting. This is the subcommittee of the justice committee on solicitation laws, and we're in Halifax this morning.

We very much appreciate your taking the time to speak with us on this issue, which is certainly of concern. Following our hearings, we will prepare a report and submit it to the justice committee. They will receive it and approve it. Then it will be voted on through Parliament and the government hopefully will respond to it.

So you people are in fact contributing to the possibility of changing the law—or not changing the law, since certainly there is no predefined decision on this issue. We're very open to what you have to tell us this morning. We thank you for coming.

Our first presenter will be Cynthia MacIsaac from Direction 180.

Don't feel shy, we don't bite.

Ms. Cynthia MacIsaac (Program Director, Direction 180): Hi. I'm Cynthia MacIsaac, and I'm from Direction 180, a low-threshold methadone maintenance program on Gottingen Street in Halifax.

Our program opened in February 2001, as a pilot project, to respond to the shift in profile of injection drug users. It was in the city. We were funded for 30 people. However, we quickly evolved, and we're currently serving 123 people, with an extensive waiting list.

As for the demographics, the people who use our services are polydrug addicts, those who have a long involvement with the criminal justice system, who are engaged in the sex trade or at risk, or who are homeless or at risk. And 83% have hepatitis C. When we first opened, we had two people with HIV. We currently have seven. There's been quite a shift in the number of people using opiates. As well, other drugs have been seen, with an increase in the devastation that is crack cocaine.

With that habit, a lot of people fuel, or the resources come from, the sex trade. Women primarily are at great risk. From our evaluation, there are not enough supports for women, and with social services there's not enough money to live, so their income is often offset by the sex trade.

When men are released from a federal institution, quite often if they're on social assistance—and I'm glad there's no one here from social assistance to hear this—there's always the opportunity for them to get employment under the table. There might be drywall work, there might be construction, or there might be painting, those sorts of things. With women it's an entirely different scene. If they had been involved with the sex trade, the lure is great. With their skill sets, there's no work they can access, so they're commonly drawn back to that lifestyle.

In terms of legalizing or decriminalizing, I think there is a great need to decriminalize prostitution. However, I think a lot more resources are needed. Women are marginalized more than men, far more, especially the women who inject drugs and use crack cocaine. Within this region, and I'm sure the picture is similar across Canada, there's a minimal amount of housing to support women who are involved with the criminal justice system and who are involved with prostitution.

In our program, for example, methadone is a treatment. It's a tool. There are no treatment centres in this city that will allow for women to continue their methadone maintenance treatment while they're in a shelter. That's a big gap, and I think it's essential to look at those two things hand in hand.

In terms of the determinants of health, if we decriminalize this, and we're able to be there for folks in the community, and have our hand out to them, there's a better chance of decreasing all those risks in terms of blood-bornepathogens, in terms of homelessness, in terms of criminal activity, and in terms of all those other things.

That's basically from my head and my heart. I didn't prepare a formal report.

I'll leave it at that.

The Chair: Thank you, Cindy.

Brian Johnston and Doug MacKinnon, from the Halifax police service.

Constable Brian Johnston (Halifax Regional Police): Thank you, and welcome to Halifax. I'm Brian Johnston, and my partner here is Doug MacKinnon. Doug and I work in a unit known as the prostitution task force.

One thing that I want to make clear here, and that we need to understand, is that prostitution is not illegal. Solicitation for the purpose of prostitution in public is illegal. We need to be able to make that distinction right away.

The goals of the prostitution task force, as set out in 1992, when the task force came into being—then the task force was made up of the joint forces of the Halifax police, Dartmouth police, Bedford police, and the RCMP, and today it is made up of members of the RCMP and Halifax Regional Police—were seven: one, conduct police investigations into the criminal activities of the pimps and their associates, to gather evidence that will successfully achieve a conviction in criminal court; two, convince teenage prostitutes to testify in court against their pimps; three, assist in the rehabilitation of teenage prostitutes by working with social services professionals to change their lifestyles and their self-esteem; four, maintain a complete record of all apparent income, expenditures, and financial holdings of the targets, for eventual referral to federal-provincial tax departments; five, ensure that all information of enforcement interest to another police agency is passed on so that appropriate follow-up action is facilitated; six, develop sources and pay informants, if necessary, who have access to inside information on the pimps and prostitution activities; and seven, collect, analyze, and develop information and intelligence on those who are identified through police investigations as being the main organizers or participants in any unlawful activity, as under section 212 of the Criminal Code.

Now, from where we sit, not really knowing the scope of what this committee intends to propose to Parliament, we would see it as almost impossible to enact laws that are going to provide any great protection to the prostitutes or street workers. Once a prostitute on the street gets in a car, you have no control over what happens in that car. They're at the whim of the person or persons who are in that vehicle.

I would agree with Direction 180 that we have to be able to provide more resources for street workers who are willing to get off the street, who want to be rehabilitated back into society. We need to make penalties stiffer for pimps and johns who use their services. I'm at a loss, though, when it comes to trying to influence you on laws that can strengthen...or that can protect prostitutes. Those laws just aren't out there.

I think our resources need to go into rehabilitation, into equipping the police with more avenues and resources to try to fight the pimps and johns who take advantage of these street workers.

Doug might have something to add.

● (1015)

Constable Doug MacKinnon (Halifax Regional Police): Perhaps I would just add that I think the primary focus should be on the safety of the street workers. The people we deal with are primarily the workers who are forced out by pimps and by drug addictions. There's no way I can think of to protect them any more from the pimps or the drugs without, as Brian mentioned, having more resources to offer them alternatives.

Cst Brian Johnston: We also need to understand that prostitution is in some way involved with major crime. You have motorcycle groups, you have organized crime....

When young people are taken from, let's say, Nova Scotia and abducted up to Moncton and then on to Toronto, to Montreal, to Vancouver, to parts of the United States, then that's where I think our resources need to be funnelled, to try to stop those types of things. Where you have prostitution, you have the criminal element, and those are the people we need to come down hard on.

I don't want to repeat myself, but as I stated earlier, there are no laws we can enact that are going to protect the street workers out there. When they're out there, they're at the mercy of whoever picks them up.

The Chair: Thank you very much.

Doug.

Cst Doug MacKinnon: We have a bit of a problem with young persons being taken from here to other centres for the purpose of prostitution. There is no offence for transporting juveniles out of the province. That might be a tool that could enable us to intercept these children and have them returned to home, or to the province, away from the clutches of the people who are taking them out of town and out of province for their own gain. I don't know what you'd call it, but in the U.S. they have certain laws when you're taking them over state lines.

So there could be something along that line, maybe.

● (1020)

The Chair: Thank you.

Madam Sloane, please.

Ms. Dawn Sloane (Councillor, Halifax City Council): Good morning, and welcome to Halifax.

Welcome to my district. It's very diverse. I'll give you a little background. It has everything from social housing all the way up to high-priced condominiums, commercial areas, and residential areas of modest income.

I guess the biggest thing I would like to add to what's been said here already is that since I've been living in the area I've been living in, and that's on Creighton Street, I have experienced everything from being followed by men to my work—this is before I became a counsellor—to being threatened by them and told, “Get in the car, bitch”, which is so degrading. It can make you so mad that you just want to break their windshield, but you're not allowed because that's against the law, and that's understandable.

I think the biggest problem we have here is the pimps. I think Brian and Doug have the right idea. The pimps are the ones who are making the money and they're the ones who are the criminal element. The women who are involved—again, as Cynthia said, this is the only thing they can do without any kind of skill and without any kind of rehabilitation that can help them.

When I was hopping mad about what happened to me, I started asking the ladies in my community, “How do you feel about walking home from work, or to work, or to a friend's house?” The first thing they said was, “I don't feel safe at all.” When I asked why, they said “Because people are following us.” Now, this was a while ago; this was back in 1996.

So we decided to start a neighbourhood watch with a twist. If a car followed us, we were to write down the make, the name, the serial number, how many people were in the car, and if there was any interaction, and it was then passed on to the police. It was nine months of my life in which I would leave work, go home, and basically watch to see how many cars would go around the block at least three times—at least three. You would see the regulars there all week long. I can still remember writing down everything, putting it into an Excel spreadsheet, and every week faxing it to the police department.

Now here's where resources come in. I got a call about a month after starting this little project that I had initiated. It was the police and they said, "Thank you for all your hard work. We really appreciate it, but we're going to have to ask you to stop." When I asked why, they said, "Because we don't have money for fax paper. You're using it all up." Fax paper, paper, something so minimal in our lives—we waste it daily—and I'm being told that I can't try to help my community be safe because there are not enough resources. And as I said, this is the bare minimum; this is street-level kind of information that I'm telling you.

After a while I was contacted by the task force and I said, "We need to do what they're doing in other places. We need to have john schools." When someone is arrested or is brought in, the criminal element.... Of course, to actually pick up a prostitute is not against the law—solicitation—but how do we know what that person is going to do? We've heard of people missing, disappearing, being found dead. Well, you have to be able to protect people who are walking down the street, and if they're in the sex trade, they must also be protected.

The john school, I have to say, has been, to me, instrumental in helping the community, because as soon as it hit the newspaper that if you were arrested, the first time you had an option to go to the john school.... I find there are not that many reoffenders. Doug and Brian can answer this. I believe there was one offender out of 180, or something like that. I'm not sure of the actual numbers, but it was very minimal. It was almost nothing.

When you think about it, that helps. It not only helps those who are trying to do their job in helping the prostitutes get off the street and rehabilitate themselves, but it also helps those who are scared to walk down the streets. So we're talking about the safety of everyone here.

● (1025)

It was mentioned about young people leaving, or being taken to different areas of the country, and actually the continent. Why can't we do something with truancy? If most of these children—we'll call them children—are supposed to be in school, why can't we make sure they are in school? If we know they're at risk, have this truancy thing. When I was a child, I remember we had one truancy officer, and I can tell you that if you were even at the store at five minutes after the time school was supposed to start, he would be there to find you. This is the kind of thing we need to do.

Obviously our kids are running astray and they're getting involved with people of the criminal elements. I'm very scared for all of them, because I can imagine it's very easy to be scooped up into that lifestyle, especially if drugs are dangled out in front of them, or presents from the pimps such as clothing, or attention, if that person is actually not getting attention at home. These are things that I've heard not only from ex-prostitutes but from people who have almost fallen into that trap.

The other thing I want to mention is that now most of the prostitution—and there are several layers of prostitution—has gone underground; it is now in escort services. You won't see as many prostitutes on the streets these days, but the thing is—and this is not be rude to anyone who is in prostitution or anything—the ones who are on the streets, the ones who are being abused, are mostly the ones with HIV, drug issues, and maybe because of their looks they are not being picked up or taken care of as much as the ones who are in the escort services. You have to remember that most people, if they are going to have their fantasy come true or if they have an addiction, want it to be with someone who is half decent looking. That sounds kind of odd, but we have to think about that. We have to think about what is happening to those persons who are sick, who are ill, and who are being basically discarded and are desperate for money for their drug habits and things of that nature. We have to get more resources to give these individuals more help.

The only other thing I want to mention is that I actually spoke at the john school several times, and it was almost like this, sitting around and having people listen to you, and you're not really sure how they are going to feel about what you say about them or how you feel about what they've done that has basically affected your life.

One of the ex-prostitutes who actually speaks at the john school—this is ironic—and I both grew up in the same neighbourhood, a block away from each other. We went to the same school; her father was in the military, and my father was in the military—except I wasn't raped by my uncle. When she finally broke down and told her parents, they kicked her out of the home and said she was lying. She ended up at one of our shelters for women, and an individual kept coming around and telling her how beautiful she was and kept buying her alcohol, drugs and clothing. The next thing we knew, she was moving in with him. Yes, well...she was moving in with him and his wife. She was in the basement, and she was beaten and told that she was going to be a prostitute.

When we hear these kinds of stories.... This is where the criminal element has snuck in to where we are supposed to be helping individuals, and they're being scurried away. They're being basically tempted by the things young people would want. So I hope we would try to do something. If we're talking about revamping the solicitation laws, we have to start protecting the younger ones to make sure they're not whisked away.

As for my personal opinion about prostitution, I think it should be legalized. I think doctors should be taking care of the women. We should be cutting out the middlemen—the pimps—and those who are basically from criminal elements. They have been able to do it in some states in the U.S. They do it also in Holland. You have to have a health card. People are taken care of much better than being basically thrown on the street and told to make some money for somebody else. They're actually doing it because they are making money for themselves and they are treated properly, with dignity.

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

The Chair: Thank you.

Laurie Ehler, from the Elizabeth Fry Society.

Ms. Laurie Ehler (Administrative Coordinator, Elizabeth Fry Society of Mainland Nova Scotia): I am going to be reading from a brief that I have prepared.

I work with the Elizabeth Fry Society, and we work with women involved in the criminal justice system or women at risk in the community, so many of our clients across the country in our national association have been involved in prostitution.

To us, legalization and decriminalization are one and the same. When a state decriminalizes all aspects of the prostitution trade, the state will have to create policies and other mechanisms to control the development and expansion of brothels, sex shops, clubs, and other sexual services, with government becoming the newest pimp on the block. It becomes about business, taxes, and economic growth, as we've seen in other countries, not about the continued misogynous violence against women, criminally low social assistance rates, and the fraying of our national social safety net.

In many countries legalization and decriminalization amount to sanctioning all aspects of the sex trade—the women themselves, the buyers, and the pimps, who under the regime of legalization are transformed into third-party businessmen and legitimate sex entrepreneurs. Legalization and decriminalization of the sex trade also convert brothels, sex clubs, massage parlours, and other sites of prostitution activities into legitimate venues where commercial sexual acts are allowed to flourish legally, with few restraints.

The present Criminal Code provisions do not prohibit the selling and buying of sex, but make only the communication of the transaction an offence. Women continue to be criminalized for prostitution activities, but the johns are often legally and socially protected, and their lack of accountability goes unchanged.

Regardless of prostitution's legal status, it is our position that the need is to advocate for the decriminalization of the women and men who work in the sex trade. No man or woman should be punished for his or her own exploitation. However, Canada should not decriminalize the pimps, buyers, procurers, brothels, and other sex establishments. I must note that many street workers do not advocate for the criminalization of their customers, as it destroys their ability to earn money and maintain their economic independence.

In Sweden it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold, and sexually exploited by men. To do otherwise is to allow a separate class of female human beings, especially women and girls who are economically and racially marginalized, to be excluded from these measures as well as from the universal protection of human dignity enshrined in the body of international human rights instruments.

In the year 2000, the Dutch ministry of justice argued in favour of a legal quota for sex workers. Also in the year 2000, the Dutch government received a court judgment recognizing prostitution as an economic activity. In the years since lifting the ban on brothels in the Netherlands, eight Dutch victim support organizations reported an increase in the number of victims of trafficking and twelve victim support organizations reported that the number of victims from other countries has not diminished. Contrary to claims that legalization and decriminalization would control the expansion of the sex trade if pimping were legalized and brothels decriminalized, in the year 2000 the sex industry increased by 25% in the Netherlands.

It is documented that this type of state sanction in many countries has opened the door to increased trafficking in women and young girls. As prostitution has transformed to sex work and pimps into entrepreneurs, so too has trafficking transferred into voluntary migration for sex work. The Netherlands is targeting poor women into the international sex trade to remedy the inadequacies of the free market. Prostitution is thus normalized as an option for the poor. It is estimated that between 45,000 and 50,000 women and children are trafficked annually in the United States. It appears Canada still does not have a handle on the number of women trafficked through its border, and history is clear that the legalization or decriminalization of prostitution in its many forms will only increase the present trafficking problem.

In the Netherlands, the women in prostitution pointed out that legalization or decriminalization of the sex trade does not erase the stigma of prostitution. Because they must register and identify themselves, women are more vulnerable to being stigmatized than they have been already; thus the majority of women in prostitution still operate illegally and have gone further underground. Some who originally supported the legalization of brothels and other aspects of the sex trade on the grounds that it would liberate women are now seeing the legalization as actually reinforcing the oppression of women.

● (1030)

In many countries, women's groups advocate that women in sauna prostitution, for example, have even less control over what services they perform. On the streets, very few women will consent to anal sex, and fewer women are performing sex without a condom. But in the saunas, the owners, who obviously don't want their customers to go away disappointed, decide what the women will do and how they will do it. Very often that is anal sex and sex orally or vaginally without a condom.

The argument that legalization, with support to take the criminal element out of the sex business, is strict regulation of the industry has failed. The real growth in prostitution in Australia since legalization took place has been in the illegal sector. Over a period of 12 months, from 1998 to 1999, unlicensed brothels in Victoria tripled in number. In New South Wales, where brothels were decriminalized in 1995, the number of brothels in Sydney had tripled by 1999, with the vast majority having no licence to operate or advertise. The lack of police resources has enabled the illegal development in this industry to go unchecked. This has also left women feeling unsupported and having no more choice but to continue to live in the brutality of the trade.

In two studies in which 186 victims of commercial sexual exploitation were interviewed, women consistently indicated that prostitution establishments did little to protect them, regardless of whether the establishments were legal or illegal. One woman said that the only time they protected anyone is when they protected the customers.

One of these studies interviewed 146 women and victims of trafficking in five countries. Of the women interviewed, 80% had suffered physical violence from pimps and buyers and endured multiple health effects from the violence and sexual exploitation, regardless of whether women were trafficked internationally or from local prostitution.

A legalized system of prostitution often mandates health checks and certification, but only for workers, not for the consumers. Health examinations for sex providers but not the consumers will make no public health sense because monitoring prostituted women does not protect them from HIV and AIDS or STDs.

In the five-country study on sex trafficking, most of the trafficked and prostituted women interviewed strongly stated their opinion that prostitution should not be legalized nor considered legitimate work, warning that legalization will create more risk and harm to women from already violent customers and pimps.

Internationally, there is no evidence that legalization or decriminalization of the entire sex trade makes things better for women in prostitution. There is evidence that the degradation and exploitation of women, as well as the harm, abuse, and violence against women, still remain in state-sponsored sex trades. A state-sponsored sex trade sanitizes the reality of prostitution, legitimizes the violence, and lessens women's voices.

Instead of abandoning women in the sex industry to state-sponsored prostitution, laws should address the predatory nature of people who exploit and buy women and men for sex. Rather than sanctioning the sex trade, Canada must step up to address the demand of penalizing the individuals who buy sex, not sell it. We have seen that john schools have not been an effective tool for many.

Sweden has drafted legislation recognizing that without demand there would be no supply. Thinking outside the repressive box of legalization, Sweden has acknowledged that prostitution is a form of male violence against women and children, and with that, the purchase of sexual services is criminalized. Sweden's violence against women government bill prohibits and penalizes the purchase of sexual services. This law recognizes that it is those who buy women and men for sexual purposes should be criminalized and not the sellers themselves. The law is gender neutral and is, as mentioned previously, a fundamental part of the comprehensive Swedish strategy to combat prostitution and trafficking of human beings.

The initiative to criminalize the prostitution buyers originally came from the Swedish women's movement. Feminists analyzed women's position in society, including how men use women and girls for prostitution purposes. In agreement with other feminists worldwide, they concluded that prostitution was another patriarchal tool of oppression and that there were effects on women and girls who indeed were kept in prostitution.

Street prostitution has declined in Sweden in the three years since the law has passed. The number of prostituted women has decreased by 50%, and 70% to 80% of the buyers have left public places. Furthermore, a Swedish report maintained that there is no indication that prostitution has gone underground or that prostitution in sex clubs, escort agencies, and brothels has increased. Police have also stated that the Swedish law prohibiting the purchase of sexual services has had a chilling effect on trafficking.

● (1035)

Finally, our position is that rather than cashing in on the economic profits of the sex industry by taxing it, the government must decriminalize the workers of the trade, but not decriminalize any other aspect. Do not support brothels, red light districts or establishments that further exploit and victimize women. Government could seize assets of sex businesses and then use these funds to provide real alternatives to women in prostitution.

Measures to prevent trafficking in prostitution or to prosecute traffickers, recruiters, pimps, and buyers will be inadequate unless government invests in the futures of prostituted women by providing economic resources that enable women to improve their lives.

● (1040)

The Chair: Thank you very much.

From Stepping Stone, one of you will be making the presentation?

Ms. Rene Ross (Chair, Stepping Stone): My name is Rene Ross, and I'm the president of Stepping Stone. I will also introduce Daniel Roukema, who is our vice-president on our board of directors, and also Jeannine McNeil, our wonderful executive director.

We're very fortunate to have a private audience with the committee this afternoon. Therefore, we don't want to be repetitive in our statement. We're here at this public hearing this morning to answer questions and to provide clarification and to give you the realities of prostitution in Halifax. We understand you're going across the country, and we're not going to repeat a lot of the things you would have heard during your hearings. We understand we're talking to an educated audience that has already heard all of the pros and cons on prostitution.

I will let you know just what we do and I would like to comment on a few of the points made by our colleagues on the panel.

Stepping Stone was formed after the murder of three prostitutes in 1985 here in the city. We are located in Halifax's north end. We are actually in Ms. Sloane's district. Our program users are women and men currently or formerly involved in the sex trade and youth at risk of becoming involved in the sex trade. Stepping Stone is an apolitical organization that does not advocate for prostitution, nor does it necessarily support the sex trade industry. We recognize the social and economic realities that confront our target population and we do not interfere with nor attempt to stop the work of our program users, but we assist in making their life choices as safe as possible.

One of the main components of our work is our stroll outreach program, where our staff, who are former program users themselves, go out on strolls throughout the city. We pass out clean needles and condoms. We make referrals and resources to the community. Through this, again, we try to make their lifestyle choices as healthy as possible for them.

Another component of our work is our non-residential house, which you toured this morning. That is a safe haven for sex trade workers in the city to come to. We have a computer there for Internet access for job search. We're able to do one-on-one counselling there. We also have partners from the community who come in and provide HIV/AIDS testing and a variety of resources to them.

The big challenge for me today is to speak on behalf of the 300 program users we have. That's a heavy task for me, and it's not one that I take lightly. What I take offence to is the stigma attached to prostitution—that these women and men have no choice over what their profession is, that they are unable to guide their own choices. They are not all victims of family abuse, as has been mentioned here on the panel this morning. They have not all been sexually abused as a child. They are mothers, they are fathers, they are students who go to our universities here in the city.

The one thing each one of them has in common is that at one point during their profession they have endured violence or harassment. When I say harassment, I do not just mean by johns; I'm also speaking of the Halifax Regional Police.

I would like to say straight up that the work of Brian Johnston and the prostitution task force is commendable. We have met with Brian, and we need to communicate and work with the Halifax Regional Police on an ongoing basis, which we are currently in the process of doing.

Last week I asked a program user what they thought of the prostitution task force, and they answered that they have helped them immensely in their life. However, you do have one part of the police force that is rehabilitating, that is providing support, but within that same police force you also have the vice squad, and the vice squad is where we see a lot of the problems. A couple of months ago one of our program users was violently beaten. She went home and called the police. A policeman came to her door. He saw who it was, because she was known to them. He picked up the phone and called in to headquarters and said “It's just a prostitute”, and he left.

● (1045)

They're being picked up on the street, and because they can't get them under the communicating law, because it's so hard for them to do, they're picking them up on a lot of related charges. We had a program user a few months ago who threw a chip bag on the sidewalk and was fined $400. How does she pay that fine? I will quote her: “I have to hook more to pay that fine off.” It's a revolving door syndrome. What we would like to see with the Halifax Regional Police is not rehabilitation afterwards and getting them off the street; we would like to work with them on preventative measures beforehand.

I would also like to comment on something Ms. Sloane stated. Not only is our house in her neighbourhood, but I am also a resident of Ms. Sloane's district. I can certainly relate to everything she said. My home was broken into a few months ago. It's a challenging neighbourhood. It's a wonderful neighbourhood. I love it, but it's not without its problems, as are many neighbourhoods in the city. To get rid of the johns is to get rid of this income for these men and women. When you do that, you need to put something else in its place.

As Cindy said earlier, social assistance is not enough for these men and women to live on. They're getting paid more by doing the work they do, and there's not an alternative for them. Poverty rates in this province are extremely high. One in five children in Nova Scotia lives below the child poverty line. We need to take these things into consideration and find out the reason why men and women in Halifax are working. We refuse to say that most of them have been kidnapped or put into the trade beyond their will. We do have a large majority who are drug users, but it's hard for us to determine which came first. Are they a drug user and now they're working to pay off that habit, or have they turned to drugs because they're in prostitution? A key thing to note is that a large majority of our program users are in rehabilitation. Again, we employ former program users. We are there to give them resources. We have a lot of success stories. We have had a lot of success since our association was implemented.

I'll stop there. Again, I want to thank everybody for coming. Throughout the day I hope we will be able to cover everything and answer any questions you may have or that our fellow colleagues here may have of us.

The Chair: Is there a representative here from the Coverdale Centre in the audience who hasn't come forward yet? Okay. Thank you.

Madam Brunelle.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Thank you.

My first question is directed to Mr. Johnston. First of all, I want to congratulate you on your comments about reintegrating prostitutes into society. I've yet to meet a law enforcement officer who is as open-minded as you are.

You talked about stiffer fines for pimps and johns. Have you stopped to wonder how high these fines could go? In some places, johns have been fined. Do you think pimps should receive stiffer fines? Have you given that matter any thought?

● (1050)

[*English*]

Cst Brian Johnston: I think in some instances the punishment doesn't fit the crime, and these pimps are back out of jail without having spent a whole lot of time incarcerated. They go right back into the same trade, the same business they did prior to being charged.

As far as the johns are concerned, I believe one of the provinces out west has a program where on the second offence they have started confiscating the john's car and publishing their names. I know we have a program here for first-time offenders where they can go through adult diversion so that their names aren't publicized. It's only the second time they are charged that their name is publicized.

Because of the nature of the crime, john school, in my personal and humble opinion, should not be an option. We need to identify these people who are using prostitutes and they need to be punished for the crime.

[*Translation*]

Ms. Paule Brunelle: Mr. Johnston, studies have shown that sex-trade workers are reluctant to file complaints with the police when they are victims of violence, because they apparently are told that violence is a risk associated with their profession. Do you feel that if prostitution were decriminalized, relations between law enforcement officers and prostitutes would improve?

[*English*]

Cst Brian Johnston: I would again have to say no, I don't believe decriminalization is a good idea. I would agree that in some instances we have to work with police officers so that they understand that it doesn't make any difference who the victim of the crime is, that they are a victim and that crime needs to be investigated. I would guess it's a case of police officers not truly understanding.... I believe you have to see street workers as persons first, and if they come to you saying they have been assaulted by their trick, that needs to be investigated, and if there is evidence there, then that person needs to be charged.

Again, we're talking about decriminalizing something that isn't a criminal offence, other than the solicitation in public. I'm waiting for someone to be able to convince me—and thus far I haven't seen it—that decriminalizing prostitution is going to be of any advantage to the street worker. I see the street worker still being victimized by laws that would tend to decriminalize what he or she is doing.

[*Translation*]

Ms. Paule Brunelle: Thank you.

Ms. Sloane, you're a Halifax municipal councillor. Correct?

● (1055)

[*English*]

Ms. Dawn Sloane: Yes.

[*Translation*]

Ms. Paule Brunelle: Two decades ago, the Fraser Commission discussed the possibility of letting one, two or three prostitutes use an apartment to ply their trade legally. Do you think that's a practical solution to the problem of street prostitution, one that would restore some peace and quiet to residential areas? Prostitution has become a serious problem in some neighbourhoods, particularly in Montreal. Is this a solution that you would be willing to consider? Do you think the residents of Halifax would be receptive to this suggestion?

[*English*]

Ms. Dawn Sloane: For the typical Halifax community—and I say "typical"—I would say no. I think what would happen then would be a branding of persons' homes, and basically it would be like with sex offenders—someone would be pointing and saying "That's a prostitute's house". I don't think that's what a lot of these women want. I think they like anonymity, and I don't blame them. I mean, we all sometimes want to disappear from our jobs—I for one, and I'm sure you do too—and sometimes you can't.

I don't think branding someone's home as a place of work is going to help anything, really. Where are they going to get the contacts? They still have to meet somewhere to contact their tricks or their johns. So they're still going to be somewhere in the vicinity, but then they would just go back into their apartment—unless you're talking about a call service, which is different; again, that basically involves some kind of an illegal group.

[*Translation*]

Ms. Paule Brunelle: The suggestion wasn't that prostitutes use their own residence, but rather that one or two prostitutes share an apartment where they could ply their trade. A number of prostitutes have confided to us that they would feel safer doing that because they wouldn't be in some strange place where someone might be hiding in a closet. This would also alleviate some of their fears of being victims of violence. Some prostitutes offered this up as one solution. They certainly weren't suggesting that they work out of their own homes, because many of them have children. These apartments would be a secure place that a limited number of prostitutes—one or two—could use for their work.

[*English*]

Ms. Dawn Sloane: Thank you for the clarification on that. I was thinking that it would be their own home.

It's still a common bawdy house. Again, you have to think about the cleanliness and the hygienic part of this also. We still are looking at not just one person, but several using an area. I would be concerned about that as a prostitute. Let's put it this way: hypothetically, if I was a clean prostitute who was not taking drugs and was basically helping my family with a supplementary income, I would we worrying about who else had been using that apartment. Yes, you could have a couple of friends who are also prostitutes, but you're not making sure that it's clean.

We know there are things out there. I just had a problem with my community with bed bugs. Granted, that's bed bugs; it's a different kind of problem or annoyance to humans. Still, I'm thinking on that nature.

Where would these be located, anyway, these common bawdy houses? Would they be in a red light district? Would there be one in each community? We would have to get into that depth of talking about this or discussing this. I can see it now: we have NIMBY systems about sewage treatment plants. And I'm not saying this is in any way related or even in the same thing; I'm just concerned that the NIMBY system—not in my backyard—would be flaring up like crazy.

The Chair: Ms. Davies.

Ms. Libby Davies (Vancouver East, NDP): Thank you very much for coming today. I'm sorry I missed the answers to Madame Brunelle's question.

We've been travelling across the country. Actually this is only our third day out on the road, so to speak, but we have heard quite a lot of witnesses in Ottawa. I would say that there seems to be a very strong consensus that the status quo is not working. There are different opinions about what we should do, but I think there is a fairly strong view that the status quo, the law or resources that are available, is causing all kinds of problems. We have had a lot of different opinions around decriminalization, for example. I'm not sure that anyone has actually advocated legalization. Most people seem to think we need to stay away from actually some sort of state intervention in terms of licensing and regulation. A lot of people have spoken about the idea of repealing these sections of the Criminal Code that pertain to prostitution, although some people have also advocated the Swedish model.

We also spoke to a lot of sex workers in Toronto, and in Montreal yesterday, and we'll be hearing more as we go across the country. I think that's a very important view that we hear, because it's often not a very visible voice.

I'm just picking up on what the representative for the Elizabeth Fry Society said.

I remember one of the sex workers saying to us yesterday that the worst violence that women experience is probably in their marriages, yet we don't think about banning marriage.

I think it's really a matter of how we approach this issue and look at what the impact of the law has been.

I'm from east Vancouver. That includes the downtown east side where we've had the very horrific situation of women missing and murdered. I think a lot of us have come to the conclusion that the law, particularly the communicating law but also the bawdy house law, is really contributing to the risk and the harm that sex workers are facing, particularly on the street. I'm learning more now about what's happening off the street as well in terms of escort services.

I would just like to ask all of you what your position might be. This may be difficult for the police to answer because your job is to enforce the law and not necessarily to talk about how the law should change. But feel free to offer an opinion on whether or not you would see a repeal of the communicating law, for example, or the bawdy house law as something that would actually improve the situation.

We've heard so many times that the presence of those laws inhibits women from making complaints, because what they're doing is basically illegal, even though, as you point out, prostitution itself is not illegal. In actual fact, some of the worst stories of violence we've heard have been about the relationship with the police. There are other violent situations, but there's also this fear of reporting. If you're a prostitute, who is going to believe you? Who is going to follow up?

One thing I've been thinking about is, would the repeal of say the communicating law and the bawdy house law actually improve that situation, and would it allow us to focus more on what we can see are coercive or harmful situations?

The other problem is that we tend to look at this with one lens and say, well, prostitution is bad and the people who do it are bad. We look at it in terms of exploitation. There's very little attention paid to the fact that there are elements where we're talking about consenting adults. We may not like what's going on, but this is also an issue of choice. One of the ways to remove some of the stigma is maybe by looking at a repeal of these sections.

● (1100)

I would like to know if you support that direction, and if you do, what do you think should be done? Is it just a matter of repealing those sections and saying that's the end of it, or are there other things that would then need to be done to create a better environment? Are there other regulations that would need to be brought in, for example, with municipalities?

I'd like any thoughts you might have on that. I'll just throw that out to you to see if you have any comments.

Cst Brian Johnston: Very quickly, the solicitation law is in place for a reason: so that street workers can't set up, for example, next to an elementary or junior high school or in a residential area and conduct business. Again, I don't see how repealing that law is going to help street workers be safe.

With a common bawdy house, somewhere still the victim is the worker who is working in that common bawdy house. He or she is not getting the money. Somebody else is pimping them. It may not be the pimp you see on the street with the flashy car and the flashy clothes, but it's still somebody.

● (1105)

Ms. Libby Davies: Where should people go, then? Where should they go? If prostitution is not illegal, isn't it very contradictory and hypocritical? You say prostitution is not illegal, but you can't communicate, no bawdy house, no—

Cst Brian Johnston: You can't communicate in public. If you want to meet someone in a bar and the two of you strike up a conversation and go back to his or your hotel room and do whatever, that's out of the public's eye. What you do is your business.

Ms. Libby Davies: What about if you go back to your place—somebody's, not your place...?

Cst Brian Johnston: If you do it a number of times and you're bringing clients in, then your place becomes a common bawdy house under the law, and you're being paid for those services.

A whole lot of investigation and study of the law needs to be done before we talk about trying to change the law to protect one particular group, because the one particular group we're trying to protect is not being protected by changing those particular laws.

Ms. Libby Davies: Okay, let me flip it around. Is the communicating law protecting women?

Cst Brian Johnston: The communicating law is not meant to protect anybody. It's meant so that the practice doesn't take place in public.

Ms. Libby Davies: But it does.

Cst Brian Johnston: And when it does, those people are charged.

Ms. Libby Davies: Okay, so how is that helping women on the street? All the evidence I have is that the communicating law is actually forcing women to make incredibly rash decisions about getting into somebody's car and being driven away to an area where there is very little support or help. The communicating law is about dealing with a perceived nuisance. Is that right?

Cst Brian Johnston: It is, yes.

Ms. Libby Davies: Is it not then better to actually focus more on having prostitution off the street and to actually providing some place or places where you can say this activity can take place? It seems that this is the crux of the problem, in that what we do is so contradictory. We can say that the law was designed to protect women, to stop exploitation, to deal with public nuisance, but the impact.... First of all, is any local community being protected? I don't think so. Are the women on the street being protected? I don't think so. They're more at risk. So something has to give somewhere. Where does it give?

Cst Brian Johnston: If you ask women, in particular, and young children in areas where this street solicitation goes on if they are being protected by that law, I believe they will tell you, “Yes, because it's not happening in my area”.

What we're talking about here is either John Q. Citizen is going to become the pimp or through regulation the government is going to become the pimp. Either way, the street worker is still being violated, no matter how you cut the pie.

Ms. Libby Davies: We did hear lots of testimony yesterday on this notion of what the pimp is, and in some cases it might be your partner. It's very complex. We present these things in very black and white issues, and it is much more complex than that. We had situations described to us in which your partner could then be charged with living off the avails of prostitution because they happened to be your partner and you're paying half the rent and so on. We've had these very simplistic legal mechanisms to deal with the problem, but it seems that there is an enormous amount of complexity and impact from that.

I don't know, maybe it's expecting too much, but I kind of wish police agencies could recognize those contradictions. But maybe that's not your job. That's our job, I guess.

● (1110)

Cst Doug MacKinnon: Living off the avails has to be a predatory type of situation. A partner who's paying half the rent is not a predatory situation—

Ms. Libby Davies: We heard lots of stories where people actually feel incredibly vulnerable, because if anything happens and they complain, they know the force of the law is going to come down on them in terms of the bawdy house, procurement, etc. Maybe there's some discretion, and it may vary from officer to officer.

Cst Doug MacKinnon: No, it's the courts.

Ms. Libby Davies: But in terms of what the police decide to go after and how much someone is harassed....

Ms. Dawn Sloane: It's still the courts.

Cst Doug MacKinnon: If it's not a predatory situation, it's a waste of our time to go through the courts, knowing they're going to dismiss it.

Ms. Libby Davies: But the police play a very big role in the life of the prostitute in terms of how they are...I could use the word “harassed”, or they're targeted, they're followed, they're known to the police. This is well known. So the police very much have a role in this as well in terms of how you move toward enforcement.

Yes, ultimately, it's up to the courts, but the police are the first line there in terms of that contact with a prostitute and how that person engages with law enforcement.

The Chair: Thank you, Ms. Davies.

I was just going to ask if anyone else would like to get in on this discussion, and I see Dawn Sloane has her finger up, and Rene as well.

Ms. Dawn Sloane: I just want to mention that it is the courts. We see a lot of things on different levels of crime. I've seen them in Halifax. We've had people who we know have done crimes, but because the evidence isn't there, we know if it goes to court, it's going to be sloughed off. It's going to be basically, well, you don't have enough of this, so we're not even going to bother going to the courts anymore.

I feel—and this is my personal opinion—that the courts are running us down so badly that people are giving up. I can say that about several things, from everything from break and enter to arson. We had an arson case just a couple of years ago where this woman had lit 150 fires, yet every time they went to do something, the law was there basically to protect her and not the victims.

I think we need to look at what's going on in our courts. I will say it as tactfully as I can: I think they are candy-assed. I think we've gotten to the point where we don't know if something is actually a crime or not. It's gotten to the point where we're sitting there frustrated—and I say this as a municipal councillor. I'm frustrated when I call the police and say, can you please help me with this issue, and they say, if we take it to court, they're going to get off, or they're only going to get two weeks, or they're going to be out walking the streets in five minutes. To me, that is not the way we should be doing business in this country. What we should be doing is protecting those we can protect, and the only way to do that is to change the laws so that people actually feel safe again, because they don't feel safe.

I just had a gang of kids stab somebody, and everybody is saying, well, you know, if we take them to court...we know who they are, but we're not going to bother pursuing it too much because we know it's basically going to be a slap on the wrist. To me, that's an insult to everyone's intelligence, and it certainly doesn't help our schools and it certainly doesn't help our kids. It certainly doesn't help those who are out there in a trade such as this, or someone who just wants to be a good, law-abiding citizen. We need to change the laws right from the front, and that's at the justice system.

Ms. Libby Davies: But on this issue you would actually agree with the legalization, I think I heard you say.

Ms. Dawn Sloane: Yes, I would, and that's because I feel women's health would be protected more. I'm going to say this as someone who doesn't really know that much about it, but my perception is that those who are in the sex trade do not have the ability to be on a health care system. They're not on Blue Cross. They end up with some kind of infection—it could be a yeast infection or something like that—and they're not getting the help they need. That's what I would be concerned about.

As a female, I know there are things that happen to women's bodies that need to be taken care of, and if they're not being taken care of by the health system, and they're not because they are not in any kind of position to have that extra help, such as money to actually go to a doctor to get a prescription and get it filled.... Some of these prescriptions are very expensive. That means that woman, if she has a yeast infection, still has to go out on the street to make money to pay for it, because no one else is doing it. The pimp doesn't have health coverage.

● (1115)

The Chair: Ms. Ross, did you have your hand up?

Ms. Rene Ross: I'll let Jeannine speak.

Ms. Jeannine McNeil (Executive Director, Stepping Stone): I'm glad you brought that up, because sex trade workers actually are known to be very safe with sex. Actually, the sex trade workers we work with practise very safe sex.

Also, later this afternoon we're going to talk about increasing the services of Stepping Stone and organizations that work with sex trade workers. The reason we want to do that is that we do offer.... You're right, a lot of them don't have access to health care, but we help them with that. We bring nurse practitioners and health providers to them so they don't have to go to their doctor, because there's a lot of stigma attached to their going to the doctor.

I believe the reason people aren't safe on the streets is that they're having to spread out. I do believe the solicitation law, as it stands now, makes it so that the women and men have to separate. They can't watch each other. They can't take down licence plates. They can't take down identifying information. As Dawn Sloane said, they are underground, but they actually are very much on the street. You don't see them because they don't want you to see them, because they don't want to be arrested. So they don't work together anymore, they work separately, and that does increase the violence, for sure.

Ms. Rene Ross: That actually goes along with what I was about to say, Jeannine. I wanted to comment briefly about, as somebody said, this happening in my area. According to research, according to our statistics, and from what we're hearing qualitatively on the streets, the sex trade is expanding throughout the city of Halifax, and we certainly have a transportation budget that will also support that.

What's happening is this. A few years ago we did have more common strolls. When I moved to Halifax from a small town, I knew that one of the main strolls was on Hollis Street, and I had never even lived in the city before. What's happening now is that because of the criminalization they are going underground more and they're also spreading out throughout the city.

Another reason for that is that a lot of them are made to sign boundaries by the police, as is the case in other cities, saying that they will not be in this area; if they're caught in this area they'll go to jail, or what have you. So what's happening is that they're actually spreading out to other areas, into Dartmouth and other districts, and into more suburban areas. I have received a number of calls and talked to a lot of neighbourhood associations, and they say, “Rene, why are there prostitutes in front of my house? Why are they here? What's going on? They're spreading throughout the city”. These communities, of course, don't know enough about it, which is another big reason why we're doing this: to educate and shape the public opinion.

We believe if it is decriminalized, it's also going to bring a lot of the sex trade workers out from seclusion and we're going to be better able to reach them. This is not only a safety concern for the sex trade workers, this is a safety concern for us. At one time we were able to go out and actually do a lot of our rounds on foot. We can't do that anymore, because they're so underground and because they're in the dark and secluded areas. We need again—as I mentioned earlier, we have a transportation budget for the safety of our staff—to actually use vehicles to go throughout the city. There is also—as I anticipated there would be, on a bit of a separate note—a lot of HIV/AIDS talk.

I would like to say that according to the research we've read that was specific to sex trade workers in Atlantic Canada, it is not the sex trade worker that is passing on the disease. Actually, the biggest threat with these diseases is from the johns and from the general public. I just wanted to reiterate what Jeannine said, that the vast majority of our program users practise safe sex.

I just wanted to clarify those points. Thank you.

The Chair: Anyone else? Perhaps I could ask a few questions, since some of our members have gone.

Ms. Sloane, you referred to john schools, and your testimony was 124 participants and one or two reoffenders, was it ?

● (1120)

Ms. Dawn Sloane: It was around there, yes.

The Chair: Brian Johnston has indicated—-

Cst Brian Johnston: Probably in excess of 500 males have gone through john school, and of those 500, three are repeat offenders.

The Chair: I would say that's a pretty good record. It's a better record than what Dawn was saying. You would advocate increasing the penalty for johns?

Cst Brian Johnston: Absolutely.

The Chair: This is on a second offence.

Ms. Dawn Sloane: Yes. I say take their car. I think the first thing that should happen—and this is my own personal opinion, of course—is if a community sees a certain kind of activity that's happening with vehicles, such as circling of blocks and things of that nature, I think the licence plates should be taken down and an actual letter sent to the home. That would certainly open up a couple of wives' eyes, wouldn't it, and it would certainly cause a little friction at home. Maybe buddy would keep it in his pants. Anyway, that's my opinion.

Mr. Daniel Roukema (Vice-Chair, Stepping Stone): Can I just add one thing to that? I do agree with what Councillor Sloane has said, as well as the Halifax police.

I do think it is important that we also stress that you are innocent before being proved guilty in this country. I circle the block all the time. Half the time I'm lost, half the time I'm bored. I have never solicited in my life. You can't assume that just because somebody is circling the block they're out to cause trouble and break the law.

Ms. Dawn Sloane: If this is chronic—I'm not saying if you went around the block twice in one day because you got lost and you said, oh, yeah, I think I'm supposed to go that way. I'm talking chronic. I can still remember the licence plate number of someone who circled my block every night, four times a night. That's what I'm talking about—chronic. Of course, I wouldn't go after you, Daniel. I'm talking about someone who feels that.... I'm sorry, I'm nosy. My windows are open. I'm watching every car that goes by. I live on a one-way street. As someone who is in the neighbourhood watch, that's what you do. If you care about your community, you will put your neck on the line and you will take care of it.

The Chair: Brian.

Cst Brian Johnston: Just because somebody circles a particular block three or four times is not the reason their licence plate number is taken down and a letter is sent home. You have to, in some way, approach a prostitute, have a conversation with him or her, and then your licence plate number is taken down. We just don't randomly take down licence plate numbers of people who circle the block. The thing with citizens is that that licence plate number and that activity has to be corroborated by somebody else before we would send a letter to the registered owner of that particular vehicle.

The Chair: Ms. McNeil.

Ms. Jeannine McNeil: I just want to say that I don't necessarily agree with taking down the licence plate numbers of the johns. I'll speak on behalf of the sex workers who use our program, because they see this all the time. The problem isn't usually the people you see visibly who get arrested. The problem is the violent offenders you don't see, the ones the police don't catch. That's because they're offenders. They're violent. They don't want to be caught. They're sneaky. They're the people who are raping the women and beating the women.

A lot of the johns they have, the regular johns, are good to them. They pay them. They take care of them. They're not bad to them, so they don't want to see them arrested. I do realize it's illegal. At the same time, those are the people they have good relationships with. I really think we need to focus more on the violent offenders, that is, the people who are raping the prostitutes, and the general public as well. That's where I think the focus should be.

The Chair: Ms. Ross.

Ms. Rene Ross: Very quickly, I just want to follow up on that. Hypothetically, let's say tomorrow all the johns were off the street. We took them all off. No matter how we did it, they're all gone. Now what? What happens to the women who are using this as their profession and as an income? What are they going to do? How are they going to feed their families? How are they going to clothe themselves? What is going to happen is you are going to drive an already marginalized population deeper into poverty.

What do we do about all the homeless men and women who are going to be a result of this? We really need to think about that. It's very easy for us to shoot from the hip and say, okay, we'll just get rid of the johns; we'll get rid of the pimps. We really need to think beyond the scope of what we're talking about today, and we need to look at other resources in our community. We need to look at social assistance. We need to look at the shortage of food in this province. We need to look at poverty rates. If you're going to take something away—Daniel and I were talking about this the other day—you need to put something in its place. You just can't take that resource away from those men and women and say, okay, now survive.

That's all I have to say.

● (1125)

The Chair: Another area we've heard anecdotally about is that when an offence is committed you can apply for a pardon after three or five years, depending on the nature of the offence, and then that offence is removed from CPIC. The suggestion from a street worker was that notwithstanding that, the local police service still had their own record system, which would prohibit.... Again, this was the concern about an exit strategy. This individual said this is one of the prohibitions from exiting what she's doing: she can't get a job because she has a criminal record. She potentially doesn't have a criminal record, but the police still have this, and she has to go to them as well.

Does this exist in Halifax as well?

Cst Doug MacKinnon: Communication is a summary offence; there is no photo, no fingerprints, and there's no criminal record. If you were to run somebody's name who had convictions for section 213, they would not have a criminal record for that. They have criminal convictions, possibly, but if you query the name there's no criminal record of that. It has to be an indictable or dual procedure.

The Chair: Dual procedure.

Ms. Dawn Sloane: There's one other thing, and this is one thing I heard from an ex-prostitute. Even if they get off the street and do get a job, how do you know that one of the johns or somebody who knows her as part of that old profession is not going to come in or cause maybe some kind of embarrassment or something at her workplace?

The Chair: That's probably a fact of life. I'm not sure.

Ms. Dawn Sloane: Yes. And that's one thing I've heard from one person. She had gotten off the street and was basically trying to better herself. She was going to school, the whole nine yards. She had a part-time job to help supplement her income. A guy walked in, looked at her, and said, "Hey, didn't I do you one time"—that kind of thing—and she was mortified and she quit that night.

So we have to start thinking about how we can protect them when we actually are able to help them move on to a different profession or be able to educate themselves.

The Chair: My seven minutes are up.

Madam Brunelle.

Sorry, before that, was there another response?

Ms. Rene Ross: I just wanted to say very quickly that even when women are reintroduced into the workforce they need to have equal pay for equal work. I'll quote right here: "Over 60% of women in Atlantic Canada have an annual income under $13,786."

A lot of them make more money in the trade than they would at the jobs they are skilled at, which are minimum wage jobs. So again we need to look outside the scope of the immediate issue, and also provide other resources for these men and women.

Thank you.

The Chair: Thank you.

Ms. McNeil.

Ms. Jeannine McNeil: I also wanted to add that once you are a prostitute, what I hear a lot from women and men, sex trade workers, is that they'll always be a prostitute, that they can't get away from that. That's not only when they are an ex-prostitute, but even when they go home to be with their kids at night or they're on their way to the grocery store with their kids, they're always identified as being a prostitute. I think that's part of the problem as well, that often arrests happen when they're not even working because they are known in the community, especially a community like Halifax, which is very small.

[*Translation*]

Ms. Paule Brunelle: My question is for Ms. Ross. Earlier, you said that there was an important link between poverty and prostitution. You argued that if a prostitute was slapped with a $200 fine, she would be forced back onto the streets in order to pay the fine. Therefore, that's not a solution. We should be looking at upstream prevention measures. Have you thought of any such measures? Tell me more about what we should be doing, aside from waging a general war on poverty and doing the job of the social workers?

● (1130)

[*English*]

Ms. Rene Ross: I have spoken a lot about poverty, you are correct, but that shouldn't be our focus. It is true that it is the reason a lot of our program users have entered the trade, but that is not the case for all sex trade workers in the city. As I mentioned earlier, we do have a number of students in the trade who are there to pay off tuition. But again, poverty is the big one.

When I talk about preventive measures, I'm also talking about support from other organizations, not only our organization but also the Halifax Regional Police. Actually—and maybe Ms. Davies can clarify this for me—I've read somewhere that in Vancouver the police will actually work with sex trade workers on occasion and help them, for instance, with self-defence and violence prevention. I've read that one of our sister organizations out there works with the police, and I'll give an example. The police will go in and say, this is how you identify a bad trick; when they pull down their pants, make sure the pants only go down so far, so if they attack you in the car, you can run and they will trip or fall. That's the kind of thing we would like to do, and that's in the prevention of violence.

We need to provide more social programs in Nova Scotia and we need to provide more assistance to women and to their families. Women in Nova Scotia continue to be marginalized, and not just sex trade workers but women as a whole, and their children. So we need to work collaboratively with other organizations like ours on the municipal level and also provincially and federally.

The Chair: Ms. Ehler.

Ms. Laurie Ehler: I want to say that federal institutions have also put in place employment strategies where they're training women in very non-traditional employment roles, so they're able to come out, even with a criminal record, and work in construction trades and different trades where their criminal records aren't impeding their ability to obtain employment. I think in this province there needs to be thinking outside the box around what some of those programs need to look like, and they could be given to women free of charge, to support families in a better way.

I definitely support what my colleagues from Stepping Stone have been saying. This is about oppression, and poverty is about more than prostitution per se. I do certainly support the repeal of the communication laws because it allows women the opportunity to assess situations without jumping into vehicles and getting themselves into very dangerous situations.

Thinking outside the box and trying to come up with those solutions that other countries have been developing and being successful at is definitely one of those things that I hope will happen.

The Chair: Mr. Johnston.

Cst Brian Johnston: I don't know where these statistics from police departments doing what was mentioned are coming from. Certainly we have never heard tell of police departments getting involved in that type of resource sharing with prostitutes.

However, I do know that here in Halifax Regional we are part of a committee that is known as the prostitution education program. We have been successful in rehabilitating and retraining a number of ex-street workers to go back to school, to get certificates, to take courses so they can then go out into the workforce and make something of themselves.

I don't think it's right to say that police departments aren't getting involved in rehabilitation of ex-street workers. We are.

The other thing we have to understand is that there are laws on the books and there are laws that we as police officers have to enforce. It's as simple as that. If the laws weren't there, then we wouldn't have to enforce them. Because they are there and we are getting complaints about them, then those laws have to be enforced. We are doing as much as anyone else to try to rehabilitate these street workers and turn them around to be useful citizens.

The thing is, the trade they prefer to be involved in is dangerous for them. That's why as police officers we try to persuade them into some other line of work, because there is no way that we can provide the type of protection that we hear people talking about for them.

The comment was made that it's not their regular tricks who are violent towards them; it's violent offenders. Well, if that information doesn't come to us, there's very little we can do. Any regular trick can turn, like that, into a violent offender. There's no protection whatsoever out there.

We hear talk of them working together in groups. It doesn't make any difference. Once I get into that car and you're still on the sidewalk, there's very little you can do for me—very little.

● (1135)

The Chair: Ms. Davies.

Ms. Libby Davies: Just to respond to Ms. Ross' question, I believe there is a local group that works closely with the Vancouver police. I don't know the nature of the program, but certainly we'll be able to find out more when we go to Vancouver because we'll be hearing from many of the groups. I know there is one group that has a fairly strong working relationship with the department, so they may have some training programs. I don't know.

I want to come back to this question of danger and safety and pick up on the comments of Constable Johnston, because I think we really have to question what it is that creates the dangerous situation. Something we've heard repeatedly at these hearings is that, yes, there are some dangerous situations and there are dangerous clients, but the fear of the sex trade worker to report that is huge.

When we hear from police representatives who say, well, if you don't come to us we can't do anything, that is correct, but I think we have to question why the complaints are not being made. It's the fear of reprisal. Why is there a fear of reprisal? It's because of the status of the law and the power and authority the police have to make that reprisal in a number of ways—officially, unofficially, formally, informally—and that's a very powerful thing in terms of motivating someone to do something or not.

I think it does come back to the question—when we look at safety, safety relates to the impact of these laws. Whose purpose are they serving now? Who are these laws helping? I really have to question whether they're helping anybody, least of all, I would say, the prostitutes.

I don't know if anybody is familiar with the Fraser committee report. There was actually a major report done in 1985 under a Conservative government. Paul Fraser was appointed with a panel and they went across the country looking at prostitution and pornography. Many of their recommendations were not adopted, but one of the things they did recommend—obviously it wasn't adopted—was the idea that one or two women could work out of their own homes. Again, it was based on this issue that you have to provide some place. It's so contradictory to say it is not illegal, but basically the activity can't take place. I think they were trying to put something forward in a very low-key, low-impact kind of way.

Some people talk about red light districts, and that's usually very explosive. Whose neighbourhood wants to be a red light district?

I would like to know how people might respond to the idea that you would have something that has more of a low impact, that would provide a safer venue, and whether or not you think that is something worth looking at as a rational outcome of the work we might be looking at here.

It's for anybody who would like to respond.

● (1140)

Mr. Daniel Roukema: Everything we said kind of goes hand in hand. What I will do is just emphasize again what Ms. Ross said about socio-economics as a large reason why people are engaging in prostitution, whether they are forced into it or whether it is their own choice. I cited an example a couple of times of my having been at three universities in my lifetime as a student, and all through university, including graduate school, I knew of students who prostituted themselves for the purpose of being able to pay for tuition.

I read a statistic just a few days ago, and unfortunately I can't source it, because I'm just full of these statistics over the last couple of days. I read that only 6% of rape victims in Canada report the crime. That's extremely low. If you add to it the fact that somebody is a sex trade worker and has been assaulted, and you have to add those dynamics to it, I'm sure you can probably cut that number down even further. That certainly creates a real problem.

You talked about people feeling shameful and guilty and about people saying “It's my fault this has happened”. That's what removes people from wanting to participate in this.

I have conducted an awful lot of research in the last few years, not in the field of the sex trade per se, but having to do with the marginalization of populations. When you look at marginalization, regardless of whether it's a visible minority, regardless of whether it's a woman or what it is, we need to really understand that the only way a lot of these problems are going to go away is if you recognize that these populations are marginalized and try to identify some recommendations and implement recommendations to turn that around. That is everything from foreign credential recognition to racism. I very strongly believe that one of the things that needs to happen—I'll throw this out and we are going to talk about this in more detail this afternoon—is Canada's hate crime. An awful lot of the violence that occurs against women, men, against sex trade workers has to do with ignorance and with hate. It has to do with the NIMBY—not in my backyard. How dare you come in my backyard and execute this kind of behaviour?

Right now the hate crimes protection is based on race, creed, sexual orientation, religion, and a few others. When I read that, I was surprised that it didn't have gender, especially after what happened in Montreal with the Montreal massacre. That person very clearly hated women and massacred them, and there was no hate crime legislation under which he could have been convicted.

The other thing that is very important in addition to gender is the work you are involved in and your occupation. You are politicians. You're not the most popular profession in Canada. I'm not going to parallel that to sex trade workers, but they're not in the most popular profession in Canada either. I am serious here. We hear of sex trade workers getting killed. We hear of politicians being assassinated because people don't like them, don't like what their decisions are, don't like what it is they do. I really think that is what needs to be looked at as the root cause of why this is happening. Once you understand why this is happening, and if you look at the economics of it.... Rene is right: if you take economics out, you have to put something back in.

That is why, for example, I very strongly advocate for the decriminalization, because if you charge a sex trade worker, if you slap her or him with a $400, $500, $600 fine and say that is going to have to be paid, if their only source of income is going back on the street, they are going to go back on the street to pay off that bill, and that does not work. We need to have those social programs. We need to be able to reinvest money into our communities and truly believe that when money comes into people's wallets they will use it responsibly.

● (1145)

A lot of sex trade workers are parents. They need to be able to feed their kids. If the Government of Canada, the provincial government, and the municipalities do not provide them with the financial opportunities to thrive, they're going to find ways to thrive themselves. It's human instinct, it's survival of the fittest. We need to find ways to help them.

The Chair: I'm going to take my three-minute round, if I can.

I understand you have a DNA data bank system here in Halifax. Is that accurate?

Cst Brian Johnston: Yes.

The Chair: I would like to know how it works. Is it consensual? Is it part of a probation order? How has it been received by the community? How has it been received by the sex workers? Has there been a success rate? Have you been able to utilize it to match it with bodies, perhaps, or whoever?

We have a national data bank. I'm interested in knowing where this information goes. Where are the samples kept? Who has access to them?

These are the types of questions I have.

Cst Doug MacKinnon: As a result of a couple of bodies being found locally and our taking a long time to identify who the victim was—and they were both sex trade workers—we thought we would just start asking the sex trade workers for voluntary DNA samples. We hold them in our office. The only thing they can be used for is the identification if we find a dead body. They're not sent off to Ottawa; they're just in a file drawer.

The Chair: How is the success? Do sex workers in fact participate?

Cst Doug MacKinnon: Some do, some don't. Some of the sex trade workers knew these victims and are quite willing to give us a sample just in case something happens to them, I guess.

The Chair: There's nothing as a result of probation orders? It's strictly consensual?

Cst Doug MacKinnon: It's strictly consensual.

The Chair: Ms. Ross has a question.

Ms. Rene Ross: Not a question, just a quick comment. The DNA data bank is something we've just started thinking about recently at Stepping Stone. A lot of our program users have been approached. Certainly, if anything happened to me, I would want my family to know about it. I would want them to know it was me. I think the problem is how they're being approached.

The problem is when a police officer goes up to one of our program users and says, we need your DNA in case we find your dead body in a ditch somewhere. Something was said to a program user by a police officer a couple of weeks ago, and I quote the program user. She said, “The cop looked at me, Rene, and he said, 'I hope you don't die on my shift tonight, because I don't want to have to do the paperwork'”. It's how they're being approached for this DNA, and it's also a marginalization of them.

On the issue of DNA itself, we're still looking into that and talking about it at our association, but we do have some definite issues with how they're being approached.

Again, regarding the two gentlemen here from the prostitution task force, I would like to say we've only heard good things from our program users about how they and their task force, which is composed of just the two of them, treat our program users. They do treat our program users with respect. It is not them; it is the vice squad, and specifically rookies and new police officers that are coming up.

I just wanted to have that comment about the DNA.

Thank you.

The Chair: We've heard this theme of disconnect between the police and sex workers in virtually every community we've been in so far. Your comments on the local task force are very good, but how do we get the bulk of the police department to have a little more sensitivity to the street workers? You indicated that if we knew about these problems it would do something. But we've also heard information here this morning about a prostitute being beaten and the police officers just walking away from the door, saying, "You're a prostitute".

How do we bridge the disconnect with the rank and file police officer?

Ms. Cynthia MacIsaac: I just want to respond regarding the presence of police officers. At Direction 180, the community was putting a petition forward to have us relocated, because injection drug users are not the most attractive bunch of people, so the merchants' association wanted us to go on our merry little way and put us somewhere else. We worked with our police and the department and the new police officers who were in the community. We've learned from Vancouver, of course, about how having more of a police presence helps to alleviate the fear, and it has worked really well.

I'm sitting here thinking about the police and I'm thinking about the task force. You guys aren't on the streets, but it's that first contact. There needs to be some sort of sensitivity training for the police when the girls are on the streets. It's about "Hey, how are you doing? My name's Constable So-and-So. What's your name?" Establish that rapport. Then the women and men, whoever, would feel more open to contact them when they're in a situation that could be harmful. I think it has to start there. And the decriminalization piece....

Time and time again, as Daniel said, people are raped. They don't report it. Why? Because it's going to be their fault. It's the same with injection drug users. If they have an abscess, they don't want to go to an emergency room. They wait until it turns into endocarditis or flesh-eating disease before they do something. It's the same with prostitution and people who are involved with the sex trade.

So we really have to dispel this stigma and have everyone involved right on the street with the people.

● (1150)

The Chair: Mr. Johnston or Mr. MacKinnon, do you wish to respond?

Cst Brian Johnston: I have two things, very quickly. One, it's about education. Secondly, it's about enforcement. It is not our job to enforce laws against street workers; therefore, we can be more open, more friendly with them. We're not the people who are going to be charging them with the 213. Can you be friendly with someone you're going to end up charging? Well, you can respect who they are, but being friendly-friendly, I'm really not sure that works.

One of the things is that the street worker doesn't want to talk to a uniformed officer as much as a uniformed officer doesn't want to talk to them, because they see the uniformed officer as someone who is stopping them from getting that next trick on the corner. If a trick drives by and sees her talking with a uniformed officer, there's no way he's going to stick around until that uniformed officer has gone. That's pure and simple.

The approach Doug and I take is that we have the time and the resources to be able to pull up to these street workers, tell them who we are, and have conversations with them, because to them we're not a threat. So the rapport we have is a better relationship than the relationship they would have vis-à-vis other police officers in the department.

The Chair: This morning we heard of a situation where a street worker called the police because she had been beaten. The officer came to the door and radioed in and said, "It's just a prostitute", and walked away.

Cst Brian Johnston: Number one, I can't believe the police officer would have gotten there, radioed in and said it's just a prostitute, and that would have been the end of it. There is no way that would have happened, no way at all, because he or she would have been told it's a complaint, take the report, and investigate it.

The other thing is that countless times Doug and I have both said to Stepping Stone, to prostitutes on the street, if that happens, you have our number, give us a call, we'll do the investigation.

The Chair: Ms. Ross wishes to respond.

Ms. Rene Ross: I would like to say, Mr. Johnston, that if we called you every time that happened, you really wouldn't have any time to do your job—

● (1155)

Cst Brian Johnston: It's okay, go ahead.

Ms. Rene Ross: —because the phone would be ringing off the hook.

The program user that this happened to is going to be testifying this afternoon, so you can ask her about that yourself.

I also wanted to comment on, you know, "We're there to enforce the law", and "It's not our job to be friendly". Well, it doesn't take a lot of time and a lot of resources to treat every person—every person in this city, in this province, in this country—with respect. And what is the job of the Halifax Regional Police? To protect its citizens, regardless of what law you're protecting them under. If being good, open, and trusting and building communication is a clear component of protection—and it is—then that's what needs to be done.

Thank you.

The Chair: We'll go to our next round of three minutes.

Madam Brunelle.

[*Translation*]

Mr. Daniel Roukema: Could I say something first?

The Chair: Quickly, please.

[*English*]

Mr. Daniel Roukema: Merci.

Ms. Ross was speaking about dignity and respect, and Mr. Johnston was speaking about education and enforcement. One of the things that are becoming more and more popular in Canada is "sensitivity training", a great buzz term. I have a fundamental problem with sensitivity training, because all it does is teach us all to be diplomats. It teaches us how to tell somebody to go to hell and make them look forward to the trip.

What we really need is anti-discrimination training. We need to understand what people's realities are, what people's backgrounds are, especially when you have the power of authority. So if you're walking down the street and you see a sex trade worker, she's not a whore; she's a person who has a story, who is there for a reason. If you arrest somebody who is black, he's not pimping; he has a story, he has a background, he has a history. You need to understand what the situations are, and then comes the dignity and respect. And it is certainly a two-way street.

So whatever you do, please don't say in your final report that we need sensitivity training, because then we'd just become a bunch of diplomats. What we really need to do is understand the diversity and the real stories of all Canadians.

The Chair: Thank you, Daniel.

Madam Brunelle.

[*Translation*]

Ms. Paule Brunelle: One thing bothers me. We've heard that the average age at which youths are drawn into prostitution is 14 years. It's all well and good to want to resolve the problems that prostitutes face and while it's understandable that some believe prostitution is a job much like any other, the fact remains that prostitution is not an ideal choice of profession for our youth. How can we stop them from choosing this path? As my party's critic for women's issues, I find it truly disheartening that many women still believe in Prince Charming. They're swept off their feet by men who profess their love and then ask them to become street walkers. Do you see any solutions to this problem?

[*English*]

Ms. Rene Ross: Part of the mandate of Stepping Stone, as you know, is to work with women who are at risk of entering the sex trade. We do presentations at schools. We believe education around that is a large part of it.

Again, the scope is a lot larger. A lot of the younger sex trade workers are coming to the city from smaller towns throughout Nova Scotia. As I've already stressed, we need to look at not just prostitution but at poverty, at the home lives of these children, at the resources here in the city for when young people come into the city. Education is a large part of it.

Not everybody is going to be able to do what I'm going to do. I currently have a four-month-old baby girl at home. When she's old enough, years down the road, maybe when she's nine or ten, I'm taking her out, with some staff from Stepping Stone, and she's going to go on a stroll and help pass out condoms and clean needles. I'm not going to hide this from her, I'm going to educate her about this. I think it's very important to educate our youths, to tell them about the reality, to not be afraid to discuss it.

I think a big issue with this is that we attach so much morality to it. People need to get away from thinking about the actual act itself. They need to think beyond the sexual acts that are performed in cars downtown. They need to think of why they're there, to think of the background and everything that's mixed in with it. As Daniel said earlier, there are stories around it.

So I think education is key, and this, today, is key, talking about this, giving a dialogue to it. We're going to be doing some media around this. This is an excellent chance for Stepping Stone to talk about this. We haven't talked to the media or anybody about this for a number of years. Because of the stigma attached to our organization, it's very difficult for us to get our message out there.

There are other things, but I think education is key.

● (1200)

The Chair: Thank you.

Ms. Davies, you will have the final word. It's the last round of questions.

Ms. Libby Davies: Just as a follow-up to that comment, another committee of Parliament, the Special Committee on the Non-medical Use of Drugs, actually came to Halifax and visited the needle exchange. One thing that became very clear to us was that the illicit nature of some substances is one of the greatest barriers to realistic education, particularly when it comes to young people. The whole model or the whole message is “This is illegal”, which makes a lot of kids tune out. They don't get beyond that.

So I think your suggestion about providing much more realistic models of education in schools, in community centres, in...well, workplaces too, whether it's around substance abuse or whether it's around things like prostitution, or just even sexuality generally. I mean, some of these subjects are so taboo, and we're so afraid to tackle them, that we rely on criminal enforcement as a way to solve the problems, when really we're dealing with sometimes complex social but also economic questions, or people's own view of themselves. I do think that's a very important point: we need real education, at a local grassroots level, that talks about people's choices.

That's not really a question, but perhaps you have a comment.

The Chair: Mr. Johnston, or Daniel...?

Cst Brian Johnston: I think all of us around the table would agree that education is a key, but also, I think, are stiffer penalties for those people who involve younger children at that age into the prostitution trade.

My colleague Doug mentioned earlier that we need a law that would prevent pimps from taking young girls—in particular young girls—from this province to another province for the purpose of being involved in prostitution. We need stiff laws and stiff fines for whoever is caught and charged with doing that. I think that's one of the things that will discourage young girls of 12 or 14 from being forced into this line of work.

In my 26 years of policing, none of the young women I've talked to have said to me, yes, I want to be a prostitute when I grow up. It's not something they aspire to. It's usually something they are forced or tricked into. I think we need to make sure that those people who are doing the forcing and the tricking pay the penalty for what they are doing, especially when they target very young women.

The Chair: Thank you.

Jeannine.

Ms. Jeannine McNeil: I just want to reiterate what Rene said about education, and to emphasize that what we need is support from the school system. You may or may not know this, but when they tried to release a sex book here in Nova Scotia, they couldn't. I've seen this sex book, and to be honest, I don't really know why they wouldn't release it. I think they were scared. I think in many cases the parents didn't know as much as the kids did, really.

We do go to the schools, and we are able to do that to some extent, but really we're not able to go with the real information that we need to be able to give. I think people need to see what really happens. They need to have it in their faces. I applaud Rene for saying what she said about her daughter, because I think that is a good way to educate kids.

We really need the schools and the communities to be on board with this as well. We're open to doing it; now we just need the support to do it.

● (1205)

The Chair: On that word, I will conclude the meeting.

I very much appreciate your attendance here this morning. I was questioning whether we would be able to put in two hours, but I think we could put in another two hours, if we had the resources to do so. Certainly your comments have been very helpful to us, and hopefully out of this a positive report will come, addressing some of the concerns you've mentioned here today.

Thank you very much.

● (1205)

(Pause)

● (1215)

The Chair: We are reconvening. We're back in session.

We have, as a community presentation, Ms. Pam Rubin.

Thank you very much for appearing here this morning. Generally, we open this up to perhaps a three- or four-minute presentation. There may be a few questions.

And so we would start.

Ms. Pam Rubin (Research Coordinator, Women's Innovative Justice Initiative): Thank you.

I'm here today not just in an individual capacity, but I'm also a lawyer here in Halifax and the coordinating researcher for the Women's Innovative Justice Initiative, which is an organization that looks at innovative policy and programming that is designed to serve women in some way and tries to evaluate it in terms of what's happening to the women most directly affected by the legislation or programming.

It is a provincial organization that has representatives from the Transition House Association of Nova Scotia; the Elizabeth Fry Societies of mainland Nova Scotia and Cape Breton; the Nova Scotia chapter of the National Association of Women and the Law; Women's Centres CONNECT!, which is the umbrella organization for all women's centres in Nova Scotia; and representatives from the Mi'kmaw Family Healing Centres throughout the province.

I mention all those names because representatives from those organizations were not here today and I believe it is incumbent upon the federal government, when striking these travelling committees, to make extra efforts to reach out directly to the organizations whose clientele is most directly affected by the subject at hand. A newspaper article or a website is not adequate. The resources that women's organizations have do not allow them to fully participate in the public policy process, trolling the papers and websites for opportunities to make a contribution.

As an initial comment, I would have liked to see representatives of those organizations here today. Instead, you've just got me, who's representing them kind of in a bundle. Again, I didn't hear about this opportunity until very recently, so we haven't been able to discuss the issue in detail to the point where we could take a particular position. But I'd like to share with you some general views of WIJI.

The Chair: If I could interject, I appreciate your comments. We've heard that in other centres as well. It's difficult for us in Ottawa to know who the players are on the ground. We often get a contact that leads to other contacts. But we're still open to written submissions in Ottawa, and if you would provide a list of those organizations that you've mentioned, we would even contact them ourselves and request that perhaps they could submit a written brief.

We're still conducting hearings in Ottawa too. I'm not sure how much money we have left to bring people to Ottawa—again, it's resources, time and funding—but the door is still open and we want to hear from as many people as possible, to hear as many positions as possible, for assistance in coming to a very productive and perhaps useful report.

I'm sorry for the interruption. I'd ask you to proceed.

Ms. Pam Rubin: Thank you very much. Your clerk did inform me of those opportunities.

Just to give you an idea of what WIJI has been doing, we've been working on, for example, two major issues here in Nova Scotia. One is the use of restorative justice and how that might affect women. Another is the use of court-connected family mediation and how that may affect abused women. In both those areas we've worked collaboratively with government to make sure these programs are serving women properly.

Looking at solicitation laws, our first question when we look at programming usually is, what is the model, what is the world's view, what is the basic approach that this is springing from? Of course, we know at this table that historically what our solicitation laws spring from is something akin to public nuisance laws. Obviously this is not an approach that was grounded from the beginning in the human rights of women, remedying inequalities in the status of women. This model is very different from that. I think what we would all like to see is a model that is based more on our international commitments to end the exploitation of women and to women's equality. The public nuisance model is not a good starting point for that.

I'd like to offer our view that the red light district approach is very much part of the public nuisance modelling of this kind of legislation and programming; it is not grounded in the primary goal of ending the exploitation of women and increasing women's equality. I'm sure you've had other presentations listing other jurisdictions where that approach has been chosen and it has not achieved goals related to women's equality and dignity, and where in fact many problems have arisen. I'll just mention one of the largest and most grievous problems, which is the increased activity, that these districts become a centre for the global trafficking in women.

If instead we're going to look at a model where the primary purpose is the protection of women and their enhanced dignity and equality, such as what might come out of a response to looking at what happened in Vancouver when prostitutes were being killed there, if we're looking at changes to the legislation with a goal of protecting women in the future, what are the elements of that kind of legislation or programming?

Because of the short notice, I'm not really here to offer today any wording changes or even a very specific approach, but I would like to offer some process requirements for creating legislation or creating programming that will actually be effective, based on the Canadian experience and my organization's particular experience around all issues involving violence against women. Violence against prostitutes does have some unique challenges, but in essence it is not different from the challenges of eliminating violence against all women.

I think we can look at the history of the enforcement of laws to protect married women. Thirty-five years ago there was simply no protection offered by the criminal justice system against violence against women in the home. Until 1983, as I'm sure all of us sitting here know, it was quite legal for a husband to rape his wife, because she had lost her legal identity. That is what marriage was: a loss of a woman's legal identity.

● (1220)

So with a view to change and to more protection for women, a beginning point was the changing of laws to protect women in those situations. I would say the situation we're looking at with women working as prostitutes now is very similar; that is, we have to start criminalizing violence against a class of women for whom that violence has not been criminalized, in fact. So how can our laws be more effective?

Starting from that as the inspiration, what are the process requirements to actually make that happen? What we've seen again and again—again using the analogy of domestic violence—is that policies and legislation that are not directly grounded in the experience of the women experiencing the violence or in the experience of the front-line workers supporting them will be less effective, will have unintended negative consequences for women. In the progression over the last 35 years, we've seen some stops and starts and changes. As women's organizations and directly affected women enter the policy process, we see changes that are better suited to the realities of the women at risk.

● (1225)

The Chair: Perhaps you could wind up. That was a three- or four-minute presentation, and our members may have some questions. You indicated that because of time constraints you weren't able to address this vis-à-vis significant changes from your perspective, but perhaps you could give us a written brief after we're gone. We'll give you a card that says where you could send it. We'd very much like to hear from you on that aspect, and we appreciate that the time constraints have limited you.

Ms. Pam Rubin: Okay. I've been asked to wind it up, and I will. Here's the punchline.

To protect vulnerable women, as I've said, you must include at the policy table—and I'm talking about the steering committees, the parliamentary committees, all the halls of power, municipal, provincial, federal, that are making decisions in this area about legislation, about policy, about programming—all of the national women's organizations whose clientele will be directly affected by this if you want to craft an effective answer to this problem that's based on women's reality, that's going to be effective and meaningful, that's not going to cause a lot of backtracking later.

As an example of a good program, let me talk about one in Winnipeg. This is one where police and social workers get involved in the lives of vulnerable women, and not in a situation where charges are laid or are going to be laid, but rather, together with that woman, to do safety planning and exit planning, to plan an exit from her vulnerable situation. She's getting support in that way from police and social workers, working together. This program is done in partnership with women's organizations in Winnipeg, and it's well liked by the entire community.

That's just one example of the success of the kind of programming that's developed together with the women most directly affected, not just at consultations, but at the decision-making tables and at the monitoring and management tables of that programming.

Thank you.

The Chair: Thank you.

Madam Brunelle.

Ms. Paule Brunelle: No.

● (1230)

Ms. Libby Davies: I'd like to briefly respond.

First of all, thank you so much for coming, particularly at short notice for you, because it is a very complex subject and it does require a lot of thought and consideration. A lot of organizations have said that they really need to think about what they want to say, so I think the idea of a written brief from WIJA would be very helpful.

You raise a very important point when you say that the process has to be grounded in the experience of the women affected. I think that is very important. Obviously we hope that what we produce will be good, but the process by which we do that is also very important.

I want to let you know that built into our hearings, each place we go, are in effect in camera sessions. From the very beginning, the committee has felt that the one voice not being heard is the voice of the women affected. They are so marginalized, so invisible. Sometimes they're visible on the street, but in terms of a policy environment, they're invisible. So that has been very much built into our process. At every hearing, we've had representatives, either current or former sex workers, speaking in public. It's been quite incredible to hear people at the table speak out under the public spotlight, because it's not an easy thing to do with all the stigma attached. But we've also had in camera meetings at different sites, not in a hotel room, and it has been incredible.

So we very much have had that perspective. I mean, I can only speak for myself, but yesterday in Montreal, for example, we talked to probably twenty-plus women, and had several hours of very intense discussions about their experiences, about their issues, about what they want to see. That is very much part of what we're hearing and responding to, and I think your point is well taken.

In terms of national organizations, I guess you'd have to specify, because some of these organizations are very local. However, we did learn that they have a very strong network across the country. If there are other organizations that you feel we need to hear from, then you can certainly put that forward, but as I say, I don't think we're missing the boat on this one. We are hearing from these women very directly, face to face, in an environment that they consider to be safe. And that's the way it should be done.

Ms. Pam Rubin: That's wonderful. I wonder, have you had any women participate who've been trafficked from other countries?

Ms. Libby Davies: Not yet.

The Chair: It's an area we're finding it difficult to make contacts in.

Ms. Pam Rubin: Very challenging, yes.

The Chair: Even this morning we were inquiring about that. The response was that we see them very briefly, they arrive and then they're gone. There's not that much actual sex work by them in the local area before they're just gone.

Ms. Libby Davies: If you have suggestions on that in terms of organizations that we could follow up with, that would be helpful.

The Chair: No further questions?

I thank you very much for your attendance here, Ms. Rubin. We look forward to more information from you, if that's possible, as well as from your contact people, your organization. Thank you.

We'll conclude the meeting.

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