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

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•(0835)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): Good morning, everyone.

My name is John Maloney. I'm the chair of this subcommittee of the justice committee, and we're crossing Canada, going to major centres, to study our solicitation laws.

I very much appreciate your attendance here this morning.

Our committee consists of Mr. Art Hanger from Calgary, Madame Paule Brunelle from Trois-Rivières in Quebec, Mr. Réal Ménard from Montreal, Ms. Libby Davies from Vancouver here, and Dr. Hedy Fry from Vancouver as well.

The general routine is that we ask our presenters to give us a presentation of up to ten minutes. After ten minutes I get a little anxious and start squirming in my seat, perhaps, and we have to very discreetly cut you off if you go beyond the period. If there are people from the same group, we would request that there be only one presenter on behalf of the group. We follow that with questions from our members of Parliament. We have a seven-minute round, and after that we go to three-minute rounds for the duration of the time.

At this time I'd like to ask, from the B.C. Ministry of the Attorney General, Director Jacquelyn Nelson to start the proceedings this morning.

Thank you very much, Jacquelyn.

Dr. Jacquelyn Nelson (Director, Federal/Provincial Policy, B.C. Ministry of the Attorney General): Thank you, Mr. Chair.

I would very much like to thank the committee for including me here today. I believe this is a very important exercise, and I'm pleased to be a part of it.

First, I'd like to tell you something about myself. I'm the director of federal-provincial policy at the Ministry of the Attorney General and past co-chair of the federal-provincial-territorial working group on prostitution. Since 1992 I've been involved in other projects associated with the sex trade as well. I was the chair of the provincial prostitution unit in British Columbia. I've served on various prostitution-related committees in government, and am currently co-chair of the FPT working group on commercial sexual exploitation of children and youth. I've been involved in a number of empirical studies, such as the consultations with 75 sexually procured youth in Victoria in 1996.

My initial approach to prostitution was to examine underlying ideologies, particularly decriminalization, legalization or regulation, and prohibition from the point of view of what they had to say about women, power relations, and so forth. Eventually, I found this approach to be overly abstract, leading inevitably to questions such as: what is prostitution; where does one draw the line—does it include a man taking a woman out to dinner with the expectation of sex; do we, as Canadians approve of prostitution; should our legal structure reflect our views on the role of women in the sex trade, their subjugation, the commodification of sex; what should we call the sex trade and those who participate in it; should we call women who sell sex prostitutes or sex workers; what about youth, are they sexually exploited youth?

These questions are legitimate, and some have led to useful answers. For example, the widespread adoption of the term “sexually exploited youth” has assisted Canadians in seeing the vulnerability of youth to the exploitation and victimization of the sex trade.

However, I now take a much more concrete approach. I felt too much time was spent debating essentially abstract questions, while outside of our safe meeting rooms women and children were being killed, neighbourhoods were becoming increasingly unlivable, and more and more youth were getting involved in the sex trade.

My focus now is to try to take a bite out of the most egregious aspects of the sex trade: the violence, the harm to neighbourhoods, and the involvement of youth. And if we can't get rid of these byproducts of the sex trade, can we at least adopt legal and social structures that don't make them worse?

The federal-provincial-territorial working group on prostitution consisted of representatives from the federal government and most of the provinces. Each of us worked within the parameters of stances that had been established by our governments. In other words, we were not independent. Our consultations and research were done with existing resources. However, we did manage to talk to a very wide range of people, including prostitutes and advocates for prostitutes.

You've all read our report, but I'll summarize it briefly. First, on youth involved in prostitution, we agreed that youth are particularly vulnerable in the sex trade, and we recommended social supports to reduce the number of these youth entering the sex trade, to reduce the harm to those already involved, and to help youth exit to a healthier lifestyle.

We agreed that adults who victimize and exploit these youth must be held accountable, and recommended increasing the penalty for procuring youth under 18 from a maximum of 10 years to a maximum of 14 years. We agreed that the relevant sections of the Criminal Code that support these goals must be enforceable, and proposed that subsection 212(4), which is buying sex from youth, be amended to add that anyone who communicates for the purpose of obtaining for consideration the sexual services of a person under 18 commits an indictable offence.

We recommended that measures be taken to increase the awareness of justice personnel about the dynamics of youth in the sex trade.

With respect to street prostitution, we looked at both the violence against prostitutes and the harm to neighbourhoods as a result of the sex trade. We noted that section 213 was introduced to address the nuisance of street prostitution, but found that nuisance was too mild a term for the harm associated with an open sex trade.

● (0840)

We failed to reach consensus on most of the amendments that had been suggested to the working group. As an example, we agreed section 213 wasn't working as intended but didn't agree on the merits of either hybridizing section 213 or removing section 213 from the Criminal Code.

We did not agree on increasing penalties, as we believed that they were generally adequate and that in some cases increases would be counterproductive. For instance, an increased penalty for section 213 would more likely be used against women selling sex than against men who buy sex. We looked at other legal strategies at the provincial and municipal levels and again found no easy answers, as many of these strategies would involve local enforcement efforts leading simply to displacement. We agreed on the need for social interventions, such as supports for sex workers and community mediation to address problems in neighbourhoods. In considering the question of decriminalization and legalization or regulation, we found pros and cons for both, and I believe you're already aware of all of these arguments.

We drew on a number of studies for our report, including many you've already heard about. However, one study is less familiar, and I'd like to give you a few highlights from our research on sexually procured youth in Victoria. By the way, I've left some copies with the analyst.

In 1996 we interviewed 75 sexually procured youth between the ages of 14 and 25 in the Capital Regional District, Victoria. The study was designed with the assistance of former sex workers, including Sherri Kingsley, and the interviewers were former sex workers trained by a prominent sociologist, William McCarthy. All youth responded to an advertisement and self-identified as being in the sex trade.

A surprising number of the youth, 37 of the 75, were male. The average age of entry for these youth was 15 and a half years of age and the lowest age of entry was 11, with females entering at a younger age than males. Most were living on the street when they started trading sex, although some lived at home or in other situations part of the time. Over 80% had traded sex for money in the

last year, and nearly half had traded sex for drugs. Over two-thirds of the sample engaged in street prostitution.

However, our assumption that there would be separate groups of youth operating on the street and indoors wasn't supported. Of the 26 youth who worked as escorts, nearly all of them had worked on the street in the last year as well. We found only 11% had traded sex to support a pimp; however, 16% traded to support a manager of an agency, 22% supported a partner or lover, and 21% supported a friend. When asked about violence, 43% said they had been sexually assaulted and 42% said they had been physically assaulted.

The face of the sex trade changes rapidly. Nearly a decade later, as we see new technologies being used to sexually exploit youth, we may argue that these findings from 1996 are dated, but I believe many of the findings are still true today. Youth in the sex trade are victimized at an alarming rate.

Many have no idea what they're getting into but certainly see their future as bleak. In the Victoria study several of the youth, when asked where they saw themselves in five years, replied, "Dead". As we watch the continuing epidemic of violence and homicides against sex trade workers, we have to take the fears of these youths seriously. We have not done a good job of reducing violence in the sex trade.

In my analysis over the years I've yet to find anyone who says that the present legal structure is working or that section 213 has reduced the nuisance and damage to neighbourhoods. As you are well aware, this section has been implicated in the epidemic of violence against prostitutes. If we assume the sex trade will continue, then our legal structure must clarify where and under what conditions it will take place.

The questions before the committee may be increasingly clear. For example, how can we keep people safe? But as you know, they are not simple questions. In particular, I would ask if there is any evidence that would support keeping the current bawdy house and communicating sections in the Criminal Code.

I hope the committee can take the many views you've heard and craft a legal and social structure that will assist in stemming the violence, the damage to neighbourhoods, and the involvement of youth in the sex trade. I truly hope you will be successful, and I thank you for your efforts.

Thank you.

●(0845)

The Chair: Thank you very much.

We have, as an individual, Jacqueline Lynn, who's a prostitution researcher.

Ms. Jacqueline Lynn (Prostitution Researcher, As an Individual): Good morning, and thank you for inviting me to the table.

I'd like to begin by talking about prostitution of first nations women in Canada. There has never been a time in Canadian history since European contact that first nations women have not been sexually exploited in prostitution. In its earliest days, when Canada functioned primarily as a military and commercial outpost of Great Britain, the Hudson's Bay Company prohibited European women from immigrating to Canada. European men demanded sexual accessibility to first nations women, so Canada's first brothels were established around military bases and trading posts. First nations women were used in prostitution from first contact, and I propose to you today that present-day prostitution of first nations women is a particularly sexual and violent legacy of colonialism.

There are two essential ideas we need to know in order to understand how first nations women are prostituted in Canada today. Firstly, we need to know that the supply side of prostitution requires a devalued class of women. Secondly, we need to know that colonialism, through its powerfully oppressive and interlocking forces, subjugated first nations women and produced such a class.

Most of the urgent needs that first nations people are trying to heal from today as a result of being colonized, such as poverty, childhood sexual abuse, childhood physical abuse and neglect, husband violence, family addictions, and alcoholism, are the same issues that render first nations women highly vulnerable to being recruited into prostitution.

Canadian first nations prostituted women form part of a highly organized sex economy that exploits millions of indigenous women globally. Prostituted indigenous women are the most disenfranchised women in the world.

Article 4 of the Convention on the Elimination of All Forms of Discrimination against Women recommends that state parties recognize that some groups of women are rendered particularly vulnerable to sexual exploitation, such as minority and indigenous women, women subject to racial discrimination, rural women, ethnically and socially marginalized women, and women with disabilities caused by substance abuse.

I'd like momentarily to talk about the essence of this thing called the prostitution exchange. If Canada truly wants to stop the violence—and I believe the committee is here to hear different people's opinions about how to do so—perpetrated against women in prostitution and particularly those who are most vulnerable, specifically first nations women, then we must understand that the prostitution exchange in and of itself is intrinsically violent.

Putting aside for a moment, but not forgetting, the everyday violence prostituted women experience, such as the assaults from pimps and johns and the social contempt of society, I want to tell you what prostituted women have told me about their experience of

being used in prostitution. Women have described what johns do to them as bought-and-sold acts of rape, which are unwanted, violating, and assaultive. The bought rape of prostitution is not just one rape, as in stranger or date rape. Prostitution is continuous rape by multiple strangers day in and day out, year after year. To be prostituted is to be gang-raped over and over.

Johns buy women's bodies so that they can masturbate on, in, and around them. While they're doing this, they expect from prostituted women the appearance of pleasure and consent. While a john masturbates in, on, and around a woman's body, he also verbally assaults her. Almost 90% of the Vancouver prostituted women I interviewed in a recent study reported being verbally assaulted by johns. Verbal assault is a taken-for-granted part of the prostitution exchange.

●(0850)

For a moment I want you to recall, if you will, the last time someone made a remark that embarrassed or insulted you. Think about how that remark made you feel, and remember how you chose to respond.

For another moment, I want you to imagine that you are a woman who is being used in prostitution. Every time a john buys your body to masturbate in, on, or around, he has pornographic vignettes running in his head, and he re-enacts these vignettes on your body. While he is masturbating, he tells you that you are a dirty whore, or a nasty skank, or that sucking is really all you're good for. You are nothing more than a sexualized, commodified collection of body parts to him.

While he is sexually and verbally assaulting you to achieve his pleasure, you have to listen to his verbal degradation. You have to spread your legs, you have to open your arms, and you have to open your mouth. You have to seemingly invite and embrace this continuous onslaught of sexual and verbal assault. This is the so-called work of prostitution. It demeans, it humiliates, and it devastates the women in prostitution who are used this way.

If we are to intervene effectively in the lives of Canadian prostituted women we must educate ourselves to understand that prostitution is sexualized male violence. We must then create public policies, programs, and service delivery that reflect this knowledge.

If we viewed prostitution as violence, we would know that no matter where it takes place, whether a prostituted woman is on the streets or in a decriminalized prostitution zone; whether she is being sexually exploited through online prostitution or on a strip club runway; whether she is in a private room in a massage parlour or in a house; or whether she's being prostituted from reserve to city or across international borders, she is being bought. We would understand that the process whereby a prostituted woman comes to view herself as product and merchandise is the worst form of dehumanization imaginable, and that prostitution in all its forms is sexual assault against all women and a violation of their basic human rights.

If we legislatively recognize prostitution as violence toward women, we would stop men from buying women, and we would stop men from profiting from the sale of them. Canada needs to look to Sweden concerning solicitation law reform. In Sweden, prostitution is officially acknowledged as a form of male violence against women and children. One cornerstone of its policies against prostitution is its focus on its root cause: the recognition that without men's demand for and use of women and girls for sexual exploitation, the global prostitution industry would not be able to flourish and expand.

Sweden penalizes men who exploit women sexually, and penalizes men who profit from this exploitation. Sweden does not penalize women who are prostituted, because the government recognizes it's not reasonable to punish a person who sells a sexual service. Sweden's law reads, "In the majority of cases at least, this person is a weaker partner who is exploited by those who want only to satisfy their sexual drives".

Most of the Canadian prostituted women I have spoken to, half of whom were of first nation ancestry, voiced several needs in terms of making their lives safer and better. One of their first and foremost needs is to leave prostitution. Women have also said there are virtually no programs or services that can help them do so.

● (0855)

I believe that we Canadians have confounded the issue of prostitution, and we have also confused ourselves. While we are busy touring nationally and perhaps internationally seeking answers from other countries, some of which have normalized and legally sanctioned prostitution, Canada's prostituted women remain trapped. I am deeply concerned that Canada will legislate for decriminalization of prostitution to all parties concerned. If this occurs, we will offer no hope for a better future; a future in which women are free from the sexual exploitation that is prostitution.

Sweden defends the principles of legal, political, economic, and social equality for women and girls because it rejects the notion that women and girls, mostly girls, are commodities that need to be bought, sold, and sexually exploited by men. To do otherwise is to allow that a separate class of female human beings, especially women and girls who are economically and racially marginalized, is excluded from these measures, as well as from the universal protection of human dignity enshrined in the body of international human rights instruments developed during the past 50 years.

I would like to end with a quote from Kathleen Barry's work entitled *The Prostitution of Sexuality*:

Strategies to confront sexual exploitation should be as global as the economy is international, and as the dimensions of women's subordination are universal, and as radical as is the rootedness of the prostitution of sexuality. As domination produces despair, struggle for liberation is the act of hope. Hope shatters the conviction that domination is inevitable, especially in a case of sexual exploitation, particularly in regard to prostitution.

I thank you for your time and for listening this morning.

● (0900)

The Chair: Thank you, Ms. Lynn.

Next, from the City of Vancouver, is Ellen Woodsworth.

Ms. Ellen Woodsworth (Councillor, City of Vancouver): I'd like to thank you all for convening this parliamentary subcommittee. I'd like to thank you for your leadership on this issue. This is absolutely critical that we're here today in Vancouver, the city that's renowned for the missing women.

We need to show leadership at the federal level on this issue and we need to work together federally, provincially, and municipally.

I'd like to dedicate what I'm saying to Sereena, who was one of the women whose DNA was found at the Pickton farm.

On February 14 every year the women of the downtown east side have a memorial march, and it was started I think 13 years ago. This is a march organized by women and led by first nations women and it's dedicated to all the women who have gone missing. That march has a list of over a hundred women's names who have gone missing, presumed dead.

It is to Sereena, but it's also to those women who have organized, who have stood up and who have fought back, and especially the first nations women.

We know that women who work in the trade and men who are working in the trade are beaten, robbed, charged, jailed, intimidated, have lost friends and family. They have been treated in a terrible way by the media. They have been treated in a terrible way by the media, the courts, by the police, and by governments.

I believe it's because of the women who have gone missing, who have a face, who are people like Sereena, a young aboriginal woman, who was very attractive, vivacious, very active in volunteer work at the Downtown Eastside Women's Centre and at Carnegie. These are women who were reaching out to us as early as 1987 but nobody paid attention to them because of the work they're engaged in and that they were engaged in.

It's because of those women, and because of the horror of what was found at the Pickton farm, which we still haven't had a public inquiry about, that I believe we're looking at these laws today. And I'd like to thank MP Libby Davies, whose riding this occurs in, for leadership on this. It's not an accident that this riding of the downtown east side is the lowest per capita income area of all of Canada.

I think sex trade needs to be removed from the moral discourse that it presently resides in. It needs to reside in a discourse of economics and income, and that's why I'm raising the issue of women in the downtown east side, because the majority of people involved in sex trade do so for economic reasons. Most of these workers involved in the sex trade are not visible. They're in escort agencies, body rub parlours, health enhancement centres, and various other places, but some of them are on the street. Often they're on the street because they have a criminal record and they can't go inside. This is the tragedy of our laws. They're on the streets, they're vulnerable because of our laws, because of what we're doing and something that we can do something about as elected officials.

Many of these women face double discrimination, not only because they are they involved in the sex trade, which has criminalized them, but because of their race, their cultural background, their abilities, or their sexual orientation. I've heard horrendous stories from transgendered people who have been involved in the trade and how they've been attacked and brutalized. There are the gays and the lesbians and bisexuals who are involved in the trade, who we don't hear much about, but again who are brutalized and doubly discriminated against.

We see increasing numbers of people working on the streets over the past few years since the provincial government cut income assistance. I see Doug nodding his head, and I've heard many people in the police talk to me about this, and our own study on homelessness in the city of Vancouver said that over 70% of people who are homeless cannot access income assistance.

If you can't access income assistance or in this province if you've been on it for two years and you can't get it any more, it means you have no money. You can't rent an SRO, a ten foot by ten foot room.

If you have mental disabilities, you may be selling your sex to get some drugs to cover the pain or you may be selling the drugs you have for your schizophrenia, or for various diseases, because you need to get some money for food, and maybe that's not enough money so you'd sell something that you do have to sell.

● (0905)

Some of us might not like the work; some people might like the work. Some people have a choice about this work; some people did not have a choice about it. But isn't that true of all of us who work? Why are we discriminating against some people in some work? Why are we driving many people into suicidal conditions, into terrible poverty, into situations where they're extremely vulnerable?

We need to look at what impact cuts to social programs at the federal and provincial levels have had, whether it's the cuts to income assistance I just referred to or the cuts to legal aid, the cuts to housing programs, the loss of well-paid union jobs, the increase of non-standard jobs. Over 40% of women work in non-standard jobs, which means they work part-time and don't have benefits, don't have guaranteed income or protection. Many of them work in their home or in sweatshops.

Cuts to child care, cuts to advocacy, cuts to mental health services—all of these impact on ways particularly for women to make money. What we saw at the Downtown Eastside Women's Centre was more and more people working on the streets, maybe one or two hours a week. They need to supplement their incomes. Many of them are single mothers. These women need to feed their children, and this is how they're feeding their children. If this is how women want to work, that's fine. We need to support that work; we need to make sure the working conditions are safe, and that they get fair wages, and that they're able to run their own lives.

Women who are presently being trafficked cannot reach out for help, because our laws presently target those women. Those women get charged; those women get deported. This is a serious indictment of the rights of those women. Children are being exploited, and I won't even go into that area.

Cities have responsibility around licensing, around zoning, and around fees, and we're looking forward to the PIVOT report, which will come back to us as they analyze what the regulations of various municipal and other levels of government are that we could address and use to make conditions better for people in this work.

We need leadership. We need your leadership at the federal level. We need decriminalization of prostitution, and we need to look at it seriously and do it as quickly as possible. We need funding for housing. We need a national affordable-housing program with at least 2% of the budget; this is a serious question for the safety of people in this trade. We need to restore funding for women's organizations and women's centres, core funding. These are the organizations that can be there to support women, whether it's in setting up 24/7 safe centres for women or just in having some place women can go during the day to get medical, legal, and housing aid.

We need money for health care. We need money for safe injection sites, for projects like the NAOMI project. We need health care money for detox and for advocates. These are all serious gaps in our system that make life more and more difficult for anybody involved in the trade.

I believe we're looking at the situation of sex trade workers now because of the missing women, but we're also looking at the situation of sex trade workers because more and more people are involved in the trade because of the tragic situation of the Canadian economy today, where more and more people are poor and a smaller and smaller number of people are wealthy. It is about poverty. It is about people needing to make a living. We need to address this in terms of those workers involved in the trade.

● (0910)

We need to take a look at the New Zealand model. I don't think the Swedish model is working. The Swedish model has targeted the women. It has taken this off the street, but has driven it into other areas. We don't know where these women are, they can't reach out, and they are being stigmatized.

We need to get this discussion out of the moral paraphernalia. We need to bring it where it belongs: we need a discussion about income and how people make their income, and we need to change the laws. I sincerely hope you will proceed, have courage, and decriminalize it. We look forward at the municipal level to working at changing our lives, our laws, and our bylaws.

I'll leave it at that, but I want you to remember Serena, a first nations woman, a volunteer, a caring woman, who is dead now because we didn't act. We can act, and I hope we will act.

Thank you very much.

The Chair: Thank you very much.

Next is Lynne Kennedy, from the Vancouver Police Board.

Mrs. Lynne Kennedy (Member, Vancouver Police Board):
Good morning, Mr. Chair and committee members.

I am Lynne Kennedy, a member of the Vancouver Police Board. I'm here representing the board and speaking on behalf of our chair, Mayor Larry Campbell. Deputy Chief Doug LePard will be making a presentation on behalf of the police department, so I'm speaking on behalf of the board. We are very pleased to have this opportunity to present some information to help you to understand the view of street prostitution here in Vancouver.

I intend to focus on two projects that have required action by the board. The first is a report that came to city council, and subsequently to the police board, entitled "What Can Be Done Differently—Recommendations From the Addictions Sex-Trade Prevention Consultations Sessions". The recommendations of this report focused on what the municipal, provincial, and federal governments can do to prevent children and youth from becoming involved in the sex trade, to help families of those who have fallen prey to the streets, and to help sex trade workers exit the trade.

The decriminalization and/or legalization of prostitution is a hot-button issue in many countries and for many individuals, but experience has shown time and again that the legalization of prostitution is simply harmful to women. Instead of protecting women, legalization is just an easy way for the government to rid itself of a problem it cannot control while making money off the misery of women. The legalization of prostitution does not prevent the abuse of women, but it does make any legal recourse even more difficult.

It is important that people involved in this issue understand the repercussions of decriminalization and legalization as well as alternatives to keeping prostitutes safe. Today I'm going to speak to you about some of those repercussions and suggest to you some alternatives that came out of this forum with family members of the women who have gone missing from the downtown east side of Vancouver. I would like to put some context around their issues by referring to a study, *10 Reasons for Not Legalizing Prostitution*, by Janice Raymond of the Coalition Against Trafficking in Women International. There are many different opinions on this, of course, but I would like to list just a few of her points.

First, legalization and decriminalization of prostitution is a gift to pimps, traffickers, and the sex industry. It promotes sex trafficking. It increases clandestine, hidden, and illegal street prostitution. It does not protect the women in prostitution. It does not promote women's health. It does not enhance women's choice.

Now, not all women who are prostitutes think alike. There are women in systems of prostitution who do not want the sex industry legalized or decriminalized. Many prostitutes state strongly that prostitution should not be legalized and considered legitimate work. They warn that legalization would create more risks and harm to women from already violent customers and pimps.

Prostitutes are not the only ones who don't want to see prostitution decriminalized or legalized. The families of the missing women we met with felt the same way. Of all the recommendations to come out of the ASTEP forum, legalization was not among them. Instead, the forum came up with five major actions that may prevent women

from entering the sex trade, help make those who are involved in the sex trade safer, and help women exit the sex trade when they want to. It is my belief that our resources could be put to better use if we focused on these recommendations rather than studied the idea of legalization.

The first item they spoke to, and I will speak to, is sensitivity training. Emergency and victims services workers require sensitivity training in the special issues that affect prostitutes—for instance, lack of education, developmental delays, sexuality issues, and gender and cultural inequality.

The second item was addiction and substance abuse services and treatment. As sex trade workers form a transient group, there should be more effort to educate them on what services are available so that if they want help, they can get it. We should ensure treatment on demand, and there should be an investigation into the viability and security of rapid detox treatment and recovery centres.

The third point is around the evaluations of agencies that provide services to prostitutes. They felt that evaluations should include the assessment of the following: the relevancy of the services offered, measured results and outcomes, and forensic audits of those agencies.

Another item was a 1-800 number. A 1-800 number needs to be set up to report missing people. It should be a regional source for police so that the missing person's loved ones don't have to make a report to individual municipalities.

● (0915)

The jurisdictional issues need to be put aside for the safety of the public and the women. A toll-free number should be set up for sex trade workers to report bad dates and to provide other sex trade workers with more accurate and up-to-date information on dangerous consumers.

The next point is education and access to facilities. Education needs to be addressed on two different levels, in schools and on the street. We live in a time when children need to be taught not only about sex but also about drugs, health, and the dangers of the street. As for those who have already fallen prey to life on the street, we need to provide them with all the resources they need to escape.

The legalization or decriminalization of prostitution is not the answer to the problem of prostitution, but neither are these recommendations. However, these recommendations do have an advantage over legalization, as they provide alternatives to prostitution and attempt to make the street safer for these women. Just because prostitution is a problem that appears impossible to eradicate doesn't mean that we should legalize it, especially since it doesn't solve the problem and in fact it may make it worse.

The second program I wish to comment on is the prostitution offender program of British Columbia, which is a community-driven, self-funding educational alternative for men who are arrested under section 213 of the Criminal Code of Canada. The Vancouver Police Board holds the contract for the City of Vancouver and we have with us today two officers, Oscar Ramos and Raymond Payette, who are presenters at our programs, who can answer questions about it.

The focus of the POP is the street sex trade and the far-reaching negative impacts that this trade has on communities. The POP's target is the demand that drives this trade, namely, the sex trade consumer, or john. The goal is to convince the john to stop using the sex trade and to stop supporting an industry that is directly responsible for the commercial sexual exploitation of women and children. Education is one of the strongest tools that the POP can use in addressing these issues. The philosophy is to educate rather than humiliate, hence this program is educational rather than punitive. It provides information to the johns so they see the sex trade for what it really is.

One of the proposals before the committee is to remove section 213 from the Criminal Code. That would put an end to this program and to similar programs across Canada. These programs are gradually changing men's attitudes about prostitution. These programs are challenging societal views of prostitution, which tend to believe that men can participate in prostitution. Just don't hurt anyone and don't get caught. The facts are, however, that people do get hurt.

Included in our package is data published in the *Journal of Offender Rehabilitation*, 2004, "Attitude Change Following a Diversion Program for Men who Solicit Sex", which shows the effectiveness of the Vancouver program in changing the perception that prostitution is a victimless crime.

Also included is a letter from Amanda, one of our presenters, and I would like to read a portion of it to you. She wanted to come today, but she was too afraid to come, so she wrote this letter:

I just don't know where to start. I wanted to be engaged with the community as much as the next sex trade worker, but do you know what? I feel too much like I'm out on the track again and the old hos get the good corner because they are bigger and louder. I don't feel like getting up and screaming. That's not what I do. I don't want my work to be affected and for more people to suffer while we fight among ourselves. I feel as though no one is listening—I mean, really listening.

I speak to men who used to buy me. I used to be bought and sold. I speak to young people about the reality, the real, real reality, not the one that comes to the mind of a politician, but the reality that exists in the sex trade. The reality is the 90-year-old-man's shrivelled dick in my mouth.

I want to tell you politicians that you need to try it before you decide, and if you can't see yourself, your daughters, or your sons doing it, then why should you make it legal? I can think of no other profession with the level of post-traumatic stress disorder, disease, mental illness, alcohol and drug addiction, isolation, shame and stigma, or challenges in changing professions than this one. These are working conditions that laws don't change.

You have not tried to have a dialogue. You have once again divided my community and have forced us to say yes or no to a very complex question.

- (0920)

You put microphones and affidavits in front of drug-addicted sex workers and never debated the law or human rights.

You didn't educate us first on what we're even talking about. Legalized, decriminalized—who are you talking to? Now the community is divided. As a sex

worker, I feel ashamed to have an opinion, because the other opinions are louder and have been given your centre stage.

What do you want from this? Have you even asked yourselves this? Is your mind already made up, or can you hear me? What do you want—women to be free from violence? Then give them dignity and a place where they can be free. Don't justify the oppression of purchasing people.

Amanda

Our program is the only forum in which women who have been in the trade can face johns and tell them the truth. It is amazingly uplifting to see a young woman tell the johns all the things she never could, because if she told the truth when she was working, it would have severely diminished her ability to make money and to satisfy her pimp.

Why would we legalize an activity that causes so much physical and emotional pain and leaves so many women feeling hopeless? It's important that this committee search out those voices that are being silenced in this process. There is a need to talk to people who have not been recruited for political benefit.

Thank you for listening.

The Chair: Thank you very much.

We'll hear now from the Vancouver Police Department: Deputy Chief Constable LePard, and Matt Kelly, who is with the vice unit in Vancouver.

Nice to see you again, Matt.

Deputy Chief Doug Le Pard (Vancouver Police Department): On behalf of Chief Constable Jamie Graham and the Vancouver Police Department, thank you for the opportunity to address this important and complex issue.

It's my intention today to add to the diversity of the legitimately held opinions you're hearing and share with you some of our knowledge and experience about the sex trade.

First, I would like to note as a starting point that it is our experience that very few sex trade workers truly choose this dangerous and soul-destroying occupation, and a majority that we deal with desperately want to leave. But many are trapped by poverty, drug addiction, a lack of options, and a threat or reality of violence. Many enter the sex trade as children. It is our experience that most of the children drawn into the sex trade were already victims of abuse in their own homes. These people are vulnerable to coercion because of their difficult circumstances. In many cases, they are also vulnerable because they are dealing with drug addiction.

So we do not accept that the majority of sex trade workers should be considered adults simply consenting to sexual activity. These are women being victimized over and over again as they feel forced to engage in prostitution.

Before making further comments, I would like to briefly summarize some of the efforts that the Vancouver Police Department is making to reduce victimization of sex trade workers. For example, in 1998 the Vancouver Police Department developed a program called Deter and Identify Sex Trade Consumers, or DISC, which is intended in part to protect at-risk youth from sex trade recruitment as well as to identify and track pimps, recruiters, and others of special interest. Lynne already mentioned Oscar Ramos and Raymond Payette, who are sitting in the audience. They developed that program. It was recognized with an award from B.C.'s Lieutenant Governor in 1999, and it is now used by 30 police agencies in Canada and the United States and has attracted international interest, including that of Interpol.

In 2002 the VPD worked with the sex trade worker advocacy groups to look for ways to reduce violence by predators. We arranged for a sex trade worker advocate to give lectures to our police recruits about the survival sex trade. We developed specialized training for our members in the downtown east side about the needs of sex trade workers and how to increase the chances of a successful investigation when one is victimized.

In 2003 we worked with sex trade worker advocacy groups to develop a training program for sex trade workers with our police use-of-force experts as instructors to teach at-risk women how to prevent assaults from taking place, to defuse angry clients, to physically disengage from a violent client, and if all else fails, how to defend against a violent client. We have gone on to provide train-the-trainers courses to provide for peer-to-peer training. In June 2004 an independent international jury selected this program for a national award from the federal government.

Finally, our sexual offence squad has been extraordinarily successful in charging offenders who prey on sex trade workers because of the skills, sensitivity, and extraordinary resources we devote to investigating cases of offences against sex trade workers. For example, in a recent case we formed a task force of 34 detectives and spent hundreds of thousands of dollars to investigate a suspect who we alleged committed very violent offences against numerous sex trade workers in Vancouver and also committed offences against child sex trade workers in Asia. That offender is currently committed to trial on dozens of offences.

I provide this information to you to give you a sense of the level of the VPD's commitment to reducing the victimization of sex trade workers, not just treating them as offenders.

I'd like to talk a bit about strolls. It's been suggested that safe strolls can be created. I want to be perfectly clear: there is no such thing as a safe stroll. Any time you have a situation where a sex trade worker gets into a stranger's car and enters the stranger's control, she is at high risk. The risk of violence is not at the stroll itself, generally. It is the fact that sex trade workers leave the stroll with a stranger who may be a violent predator. We know that the rate of violence against sex trade workers is extremely high, with a significant number of unreported offences. According to the Department of Justice, the murder risk for sex trade workers is between 60 and 120 times that of the general female population. No matter how safe the conditions at the stroll, the risk once the sex trade worker leaves in a car is extreme.

About brothels, it has been suggested that having regulated brothels will address the risks presented by street prostitution by moving sex trade workers off the street. This is a myth. In Vancouver we already have an off-street sex trade in the form of escort agencies, for example, yet we still have a very troubling street prostitution problem. In jurisdictions where brothels are legal, such as outside Las Vegas and Reno, they still have a significant street prostitution problem.

● (0925)

That brings me to my next point. With respect to young people, surely no one is suggesting that a child should be allowed to work in a legal brothel. With respect to adults, the fact is that our most vulnerable sex trade workers could never work in a licensed brothel. As I said earlier, these are women who have serious addictions and diseases. They could not be licensed and many are too dysfunctional to work in any kind of regulated setting, so these women will remain at high risk for predators. In fact, according to a PhD thesis on the issue in 2001, the most highly addicted sex trade workers are the most likely to be the victims of a serial killer. Their addictions are a far more powerful force than any fears for their safety.

Legalization of brothels will not address the needs of this group of women. The answers are much more complex and lie in ensuring there are strong supports for children and families, such as the literacy programs the VPD strongly supports, to prevent drug addiction and to address other problems that lead to at-risk behaviour and the sex trade. Where that fails, we need excellent treatment programs to give addicted sex trade workers a fighting chance to improve their lives.

With respect to our enforcement strategies, we need the discretion to charge sex trade workers as a last resort when they continue to behave in ways that cause distress in communities, such as working near a school or playground, but we also need laws to use as a mechanism to direct sex trade workers to education about exit strategies. Many started very young and often have no other skills and no other life. We need to have the authority, such as with a condition of probation, to direct them to other agencies that can help them. We believe the law must not only deal with the nuisance aspects of street prostitution but also recognize sex trade workers as victims so we can remove them from the control of pimps and johns, regardless of where they are working.

We believe enforcement should focus primarily on the pimps, proprietors, and johns. With respect to pimps, we need legislation that provides the tools to address those situations where the sex trade workers are in fear of their pimps or where they are children and simply do not understand the situation they are in. With respect to johns, they include exploiters, abusers, and predators who seek out the sex trade workers to victimize them. Whether the sex trade worker is on the street or in a massage parlour or elsewhere, the johns are always there, and we need legislative tools to deal with them.

Sex trade workers are not usually the focus of police enforcement, but they are central in all our enforcement strategies. When we charge a sex trade worker, it is often in an attempt to create a gap or wedge between the sex trade worker and her pimp. With conditions placed on her, she becomes less of a marketable commodity and less of an asset. With less peer and pimp pressure on her, she may have the chance to work towards getting her life together and exiting the sex trade. Criminal charges can be and are stayed to assist sex trade workers who are seeking to exit the sex trade.

I want to read you an email one of our vice squad detectives received earlier this month from a former teenage sex trade worker that speaks to this issue:

I never thought that I would thank a cop in my entire life, but you deserve it. Thank you. You played a big role in me finally getting off the streets. If no one cared, I can guarantee that I would still be there today. But I have a job now and I have the life that I wanted in the first place. I wake up in the morning loving my life and feeling glad to be alive. I thought you should know that.

Lynne Kennedy has spoken about the john school or POP program. I'll just say we support that program.

In conclusion, I can say that in our experience most sex trade workers do not freely choose to enter the sex trade. When they find themselves in the sex trade, it is very difficult for them to exit. While clearly not the solution to prostitution-related problems, the current legislation provides a tool to deter young people from entering the sex trade and to assist sex trade workers in leaving it. The legislation also provides a tool to address those who, using violence and coercion, profit from the sex trade; to address the increasing problem of human trafficking, and we've had a successful case in Vancouver recently of charging the traffickers; and to address the very real symptoms of the sex trade created in communities, including violence, discarded drug and sex paraphernalia, and the distress and danger caused by johns and predators coming into a neighbourhood.

Legalizing currently illegal aspects of prostitution will not solve the current problems. Further, legalization will reduce the stigma associated with buying sex, therefore likely increasing the demand, which will exacerbate the problem. Legalization will not keep criminals out of the sex trade. A better answer to the prostitution problem is to improve society's response to underlying issues such as family violence, drug abuse, and poverty.

The Vancouver Police Department is proud to have contributed to reaching consensus around how we deal with difficult problems, the first supervised injection site in North America being an example. We want to be at the table and part of the solution for other difficult problems like those posed by prostitution, but we are clear that simply legalizing currently illegal aspects of prostitution is not the solution to the problems.

Thank you for the opportunity to speak to you about this important issue.

• (0930)

The Chair: Thank you very much.

I'd also like to recognize another officer, Dave Dixon. Officers Dixon and Kelly both gave us an excellent briefing last night and a cruiser tour of the area, the east side of Vancouver, which we were most appreciative of. It was an excellent opportunity for us. Thank you very much.

From the Hastings North Business Improvement Association we have Liz Bennett and Patricia Barnes.

Mrs. Patricia Barnes (Executive Director, Hastings North Business Improvement Association): Good morning.

My name is Patricia Barnes. I'm the executive director of the Hastings North Business Improvement Association, a member of the Community Partners Group. I represent the BIA on the steering committee of the Living In Community: Balancing Perspectives on Vancouver's Sex Industry project. Our BIA has approximately 600 members located in east Vancouver. We are east of the downtown east side. My business district includes a portion of the Powell Street industrial area, which has been known for a number of years as the unofficial red light district in Vancouver. We experience the survival sex trade—that's at street level—and commonly see young women and girls, many aboriginal, walking the streets at all hours of the day and night.

The street sex trade was pushed into this area in the belief that having the strolls in an industrial area with no residents would lessen the outcry from the residents, the complaints heard by city hall, and the pressure on the police department. What was forgotten was the fact the sex trade operates 24 hours a day, seven days a week, and impacts on business. Businesses are moving out of the district, as they can no longer sustain profitability in an area where customers are afraid to visit and employees are afraid to work. In addition, johns pick up sex workers in the light industrial area, and then drive into residential areas to complete their business. This is resulting in complaints from the residents, including day cares, schools, and parents trying to walk their children to and from school. Another fallout is the condoms and needles littering our streets. It is also important to note that these johns face little, if any, repercussions for their activities.

Both our businesses and residents are dismayed not only by the impact of the survival sex trade on their community and businesses, but also by the impact on the women, and the danger in which they are being placed by our society. Pushing sex work into a light industrial area increases the danger for these women, as their city turns a blind eye to their plight. As a community, we have tried to clean up our area, but two years ago realized the result of our action. We experienced an inundation of new women on the streets, and after some investigation, discovered vice-squad action had been taken on Kingsway, which had pushed sex workers and drug dealers into our neighbourhood and into Strathcona.

This was the beginning of the Community Partners Group, comprising business improvement associations, community policing centres, and neighbourhood houses. Three neighbourhoods—Hastings North, Renfrew-Collingwood, and Strathcona—started meeting, and we agreed pushing sex workers from one neighbourhood to another was unacceptable. We were creating problems for other communities and placing street-level sex workers in even greater danger. This group realized we needed to get the attention of all levels of government if we were going to impact on the current situation.

We also recognized that the people and groups at the table needed to put aside their biases if we were going to come together and have any real impact on sex work and its effect on sex workers and communities. We finally put a proposal forward to the Vancouver Agreement for a project to look at current research and best practices throughout Vancouver, Canada, and other countries. This information will be presented to, and public response gathered from, all communities within the city of Vancouver, and a report of resulting recommendations would be produced, similar to the process that led to the four pillars drug strategy.

The proposal was approved, and the Living In Community: Balancing Perspectives on Vancouver's Sex Industry project was initiated. A steering committee has been struck, and consists of representatives from BIA—so that's businesses around Vancouver—community policing centres, neighbourhood houses, Coastal Health, the Vancouver Agreement, the Vancouver Police Department, PEERS, PACE, WISH, DEYAS, a resident at large, and experiential women. So we brought together as many people as we could who are affected by what's going on in their streets.

This committee will look into the research that has been undertaken, look at best practices, initiate city-wide public discussion, and present recommendations to all three levels of government. The expected outcomes are as follows: a more informed and coordinated approach to responding to the health and safety impacts of sex work; increased awareness about issues facing sex workers among residents, businesses, and other community members, and greater shared knowledge about the impact within communities; increased community engagement, through collective issues identification and problem-solving; enhanced partnerships among sex workers, residents, community groups, businesses, and government to address the identified issues; decreased negative repercussions from sex work for workers, residents, businesses, and the community as a whole; recommendations for action to improve existing realities for, and relationships among, Vancouver residents, businesses, sex workers, and neighbourhoods.

The BIA is involved because our businesses are affected on a daily basis by the sex industry. Our neighbourhood is not only home to survival sex work, but many of the women involved in the industry also live in our community and are not being protected. We recognize not only that our laws must be changed, but also that supports must be in place, both for sex workers and the communities impacted by this trade.

● (0935)

We acknowledge that the sex industry may not be eradicated. However, it needs to be made safer for all those involved, by whatever means possible. The current situation is unacceptable.

I will now pass on to Liz Bennett to complete our presentation.

Ms. Liz Bennett (Community Partners' Group, As an Individual): Thank you, Patricia.

I apologize for splitting our presentation, but there were reasons why. As a member of the Community Partners' Group, I represent Strathcona—the cute little houses of old Strathcona, right next to what has long been accepted as a red light district.

I moved there in the late eighties after a decade in the west end, and those of you who know the history of this know that this means I've been on hand at ground zero to experience two of the most dramatic efflorescences of street-based prostitution that Vancouver has ever known—in both cases, an established stroll that suddenly became a tourist attraction, until local outrage forced officials to intervene.

I'm just a resident, which is partly why I'm here. I don't work at all with these people. I'm not like Patricia. I'm not a social worker. I'm not in business. I'm just a resident, but I've seen this as a resident and I want to address the questions of unequal power and respect or lack thereof that underline this whole issue and that are essentially what the Community Partners' Group was able to agree on to start the processes that Patricia just explained.

I have to be clear, as I think Patricia was, we're talking about street prostitution. We don't have the expertise to talk about indoor prostitution.

I want to start with something that really is an urban legend. I didn't witness it myself. I don't know if it was ever reported to the police, but it is said that in Strathcona one day when prostitution was at its peak in the nineties, with prostitutes far above the usual quality for our neighbourhood being visibly trucked in by johns and put on corners, a man in full leather with a motorcycle helmet, with a covering over his face so he could not be identified, parked astride his motorcycle on East Pender Street within a block of Strathcona school, while a prostitute on her knees on the sidewalk gave him a blow job. Needless to say, she was not masked.

It's quite clear from this image—whether it's true or not—what the power structure is. The prostitute has no power. The man on the motorcycle has the money that allows him to get what he wants, where he wants it. There is no power with the prostitute, who must go along with his wishes if she wants to be paid, and she probably needs to be paid. There is no power with the residents of that street who claim to have seen this, who are not likely to be able to get a policeman on site until this masked rider has, like the Lone Ranger or Zorro, disappeared over the horizon.

It's commonly recognized, I believe, by most people—almost all people—that street prostitutes have little power. No matter where they started socially or how they reached the streets, once they're on the streets, street prostitutes have few resources at their command. Sometimes their powerlessness leads them to anti-social behaviour. Mark Budgeon, who used to be the coordinator of the Strathcona community police office when it still existed, did give me a list, which has been filed, of the types of things that would happen—the ones he could remember.

But these people are the minority. Most of them just stand there quietly. For the most part they obey their client, their pimp, a policeman coming by, and in Strathcona, even an anonymous resident who raises his voice and tells them to get back on the north side of Hastings where they belong. You've been there. You know that the north side of Hastings is a light industrial district. I'm sure you've been told what that means.

When I was in the west end twenty years ago, I was totally astonished at the way all these free spirits, who looked so independent, disappeared literally overnight. I was more distressed by the fact that when a renegade did appear on a corner after that general shuffling off, it wasn't police cars moving them on. It was big black limos with tinted windows. That was creepy. That was twenty years ago. It wouldn't surprise me now. I know a little bit more. I was younger then.

It's not perhaps as recognized that the neighbourhoods don't have power, that the people who all those west-end prostitutes were moved to—the light industrial neighbourhood on the other side of Granville—didn't want them. They weren't prepared for that influx.

• (0940)

I knew people who worked there, and they were not prepared for a 24-7 prostitution trade. They weren't prepared to have customers' car windows being knocked on by people who could be their kids, making indecent proposals.

So they don't have power; they weren't as powerful as the residents of the west end. From where I stand, the sharp increase in street activity that occurred in Strathcona in the early nineties was far more intrusive than the similar increase in the west end—and in both places, I was right there, right at ground zero. I've thought about this quite a lot, but it's not because I live in a townhouse on the fifth floor, but because in Strathcona there's no Stanley Park for privacy. In the west end that was a big difference, as people got in their cars and headed for Stanley Park. In light industrial areas, such as Strathcona, Hastings, and north residential areas—and I understand this happens in Collingwood and other areas of the city—people have nowhere to go except back alleys, loading bays of businesses, and literally the streets of the city. And they do this mostly at night, but also during the daytime.

To me this indicates an incredible lack of respect by the johns for the people who live and work in the area of a stroll. A good number of those johns don't live in neighbourhoods with strolls. And I'm willing to bet that if somebody did start a stroll in their neighbourhood, which would be a higher property value neighbourhood—Strathcona's getting pretty pricey—they would probably fight tooth and nail to keep a stroll from being established in the areas where they live.

To me there's something toxic about the continuing disrespect for people, the prostitutes personally, and the neighbourhoods. This can't be cured by any legislation, and I think most people realize this. But it is clear that the current legislation is making a bad situation worse. I'm sure that whoever drafted sections 210, 211, subsections 212(1) and 212(3), and section 213 of the current Criminal Code intended to provide useful tools for maintaining public order, but they aren't working that way. People who understand the law better than I can, the B.C. Civil Liberties Association, have all explained this.

This isn't to say that I believe the laws should be dispensed with entirely—I don't have the information to make that call—but only that the laws must work to protect us all, and that it is necessary in drafting new laws for legislators to try to avoid the mistakes of the past.

I want to bring up a potential problem that I see. A lot of people propose introducing stiffer laws against johns and pimps, because it's almost impossible now, with no written contracts, to prosecute them. I think that kind of approach could open the way for unscrupulous or spiteful prostitutes to use their recognized status as victims to hit an innocent person with a 21st century twist on a breach of promise suit, and say, “You promised me this”, when it's not true. In fact, I have heard of something like this happening in my neighbourhood with women jumping into a man's car, him calling her bluff, but ultimately losing in a he-said, she-said situation, to his embarrassment. He would have been better off just giving the money she wanted. This isn't right either.

So I reiterate, I don't know what new legislation should look at, but I believe the Canadian public is willing and ready to accept that the world's oldest profession is here to stay and needs to be regulated without prejudice, like all other businesses. What I do hope is that after carefully considering the testimony, this subcommittee will be able to provide Parliament with recommendations that lead to well-drafted laws that protect both the sex trade workers and the community they live and work in.

Thank you for your patience.

• (0945)

The Chair: Thank you, Ms. Bennett.

Mr. Garth Barriere.

Mr. Garth Barriere (Barrister and Solicitor, Pink Triangle Press): Chairpersons and members of the subcommittee, my name is Mr. Garth Barriere, and I'm a lawyer in Vancouver—practising mostly in criminal law. I'm also a long-time writer for Pink Triangle Press, the organization I appear on behalf of today.

Pink Triangle Press is a non-profit media group serving Canada's gay and lesbian community. Pink Triangle Press publishes three newspapers, *Xtra* in Toronto, *Capital Xtra* in Ottawa, and *Xtra West* in Vancouver. Pink Triangle Press also has Internet and television projects.

As a result of seemingly endless police raids and prosecutions on gay and lesbian sexual spaces, the press began a campaign called “Bawdy Work: Getting the Criminal Code out of your life”. That campaign called for the repeal or reform of a number of provisions of the Criminal Code that continue to criminalize consensual sexual expression. I've provided a title page with some recommendations and two articles, which I understand will be circulated later among the committee members.

The press advocates for those changes to the Criminal Code because the law should not police consensual sex, and doing so causes much more harm than it could ever claim to prevent. The press equally believes that many of the laws regarding prostitution need to be repealed or reformed because they also cause much more harm than they aim to prevent, and perhaps worse, they obstruct the creation of a safer society for all.

As Gary Kinsman wrote in an article published by the press, “Once we are rid of the sexual policing of consensual sex, we can focus all of our energies on addressing the real roots of sexual violence and harassment as we build a world defined by erotic pleasure and the ending of sex-related violence and danger.”

Of particular concern to the press is the bawdy house law, which interestingly has been applied to both places of prostitution and gay bathhouses. Gay bathhouses are safe, regulated places where gay men, and on separate occasions gay women, come together to meet, socialize, and share physical intimacy.

Despite the important role those spaces have played in the development of our communities, and the positive tool they have provided in our response to the AIDS crisis, police raids and prosecutions continue on the offensive allegation that the sexual acts that take place there are indecent. Bawdy house charges remain outstanding against a bathhouse in Hamilton, Ontario.

The harm caused by that application of the bawdy house law is unacceptable in an advanced, free, and democratic society. Not only do the individual persons charged as keepers and found-ins suffer psychologically, emotionally, and financially from a criminal process, but the uneven application of that offensive law is experienced as a direct attack on gay sexuality.

Unlike the random acts of violence directed at gays or lesbians, this attack is sanctioned by the state. Similarly, the bawdy house law prevents acts of prostitution from taking place in a safe place and instead has exposed prostitutes—male, female, and transgendered—to the unacceptable level of harm that inherently exists on the streets. In a cruel twist of irony, the criminal prohibition on bawdy houses may produce the very nuisances that the soliciting law is trying to prevent.

The justice system has started to re-examine the application of the bawdy house laws to gay bathhouses. Crown prosecutors in Calgary recently stayed charges following a raid on a bathhouse there, on the grounds that there was no longer a substantial likelihood of proving that the community would not tolerate the acts that take place there. A police raid on a woman-only bathhouse event in Toronto was later determined by the trial judge to be a breach of those women's constitutional rights to be secure from unreasonable search and seizure.

It is also time that Parliament amend the laws relating to prostitution to ensure that they do not cause harm to men and women—gay, straight, and transgendered—who work as sex trade workers in our society. We also call on Parliament to address the other provisions of the Criminal Code that we have highlighted in our material.

I'm going to just end with this. Prostitution in Canada—the exchange of consideration for sexual services—is not illegal, and unless Parliament is prepared to make it a crime, it is incumbent upon Parliament to make the practice of prostitution as safe as possible for all.

● (0950)

One thing that I haven't heard anything about in this committee today is that there are a large number of members in our community—men, women, transgendered—who are older, more mature, and practise prostitution out of the safety of their apartments. We don't hear very much about them, presumably because they're not causing the kinds of nuisances that street prostitution creates. Their needs and the level of exploitation, if it exists at all, are greatly reduced.

But as long as prostitution remains legal—the exchange of consideration for sexual service—all prostitutes should be allowed to conduct that activity in the greatest amount of safety possible. We say that provisions such as the bawdy house laws actually obstruct the creation of a safe environment, or a safer environment, for prostitution to take place. We ask this committee to consider either repeal or reform of that provision and the other provisions that we have highlighted in our materials.

Thank you.

The Chair: Thank you very much.

We'll now to go the questioning, starting with Mr. Hanger, for seven minutes.

● (0955)

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

I'd certainly like to thank the presenters today for all this quite valuable information, I believe, to add to our list and for purposes of assisting us in making a decision later on. This has been a very productive morning—at least, I found it to be so.

I have a question for Jacquelyn Nelson. You work for the B.C. Ministry of the Attorney General, and you've obviously done a fair amount of research and debate on this issue, not only the general issue of prostitution, but it sounds like quite a bit to do with the youth involvement. You mentioned something about recommending that there be increased sentencing, from 10 to 14 years, I think it was, in one area. What was that particular area?

Dr. Jacquelyn Nelson: This is an area of section 212, procuring youth involvement in the sex trade. At that time we also looked at, and this was passed, aggravated procuring—that is, the use of violence against youth. A higher penalty was recommended for that offence as well.

Mr. Art Hanger: Okay.

You're probably just as familiar as any of us that when a court makes a decision, often the decision never goes to a maximum. We could extend the maximum to life, in some cases, and it never really reaches that point. Often just precedence sort of dictates where a sentence will be when a judge makes a decision.

Have you ever looked at minimum sentences when it comes to some of these particular issues?

Dr. Jacquelyn Nelson: The working group did look at the question of minimum sentences and found generally that where minimum sentences are introduced, they're counterproductive. Judges are reluctant to have their discretion taken away. Often people may get no sentence at all.

What we found to be a powerful tool, and in this I'm drawing on my experience with the provincial prostitution unit—I was the chair of the joint management board for that—was increasing the awareness of police, crown prosecutors, and the judges about the dynamics of the sex trade, so that they could go into court very well prepared to explain the dynamics of that, and particularly the dynamics of youth involvement in the sex trade.

I must say, we have had excellent trainers from both the Vancouver Police Department and the RCMP, who made quite an impact on police. We also train crown prosecutors and the judiciary.

Before the provincial prostitution unit was established in 1996, we had eight charges in eight years under subsection 212(4), buying sex from a kid. None of those were custodial sentences. Most of them were conditional discharges. After the introduction of the unit, where the unit went around training police across the province and crown prosecutors, we had, within a few years, over 100 charges under subsection 212(4) and we were getting sentences. Men were being sent to jail. So I think that's a far more powerful approach.

A number of people have talked about the importance of awareness and education. I think it's a powerful approach.

Mr. Art Hanger: On our trip yesterday we went around to a number of facilities that were directed toward helping, whether they were exiting programs for prostitutes or just making it safer for them on the street. One thing that came back loud and clear was that there were no facilities to really address the emergency needs that might arise on a day-to-day basis. When a prostitute gets in trouble on the street, there's no real place to go. Even if it's just an excess amount of drugs, a bad trip on drugs or whatever, they just don't seem to have a place.

Is the B.C. government looking at that issue, or is it oblivious to it?

•(1000)

Dr. Jacquelyn Nelson: I believe the ministry of everything, I'm told by my colleague—community, aboriginal women, etc.—has put a mobile van on the streets in the downtown east side, which came

out of the Vancouver agreement. This is certainly something that's been supported by a group within the B.C. government called the Assistant Deputy Minister's Committee on Prostitution and Sexual Exploitation of Youth.

We absolutely agree. This is one of the things that our working group at the national level found as well. We need immediate resources and we need someplace where women can go to be safe.

In the study that I left with the researchers, the most important thing that the youth said—this was youth from 14 to 25—was that they needed 24/7 outreach people who could help them immediately—perhaps, as somebody mentioned here, a toll-free call or something so that they can get immediate help.

So as you're recognizing, the law can do only so much. We do need services.

Mr. Art Hanger: Right, and I'm very much aware that many of these other issues have to be addressed in a different jurisdiction, whether it's provincial or municipal, and not necessarily federal, although I guess federal funds could be available. That's sometimes a dilemma as well.

I always appreciate police input. I think police officers see a side to things that a lot of other people never see, whether it's from the academic world or even from a layman's point of view. This input on how the police see things is always essential for any committee to closely evaluate.

You made a comment about the girls on the streets, that they already have, if they really looked at it, the opportunity to go inside. What they would do inside would not be illegal, but rather a legal act, more or less, and it wouldn't include this situation where there could be this danger that exists on the street. Yet their choice would be to be on the street. Why would the choice be to be on the street if they had a safer haven they could step into?

The Chair: Thank you.

Constable Dave Dixon (Vancouver Police Department, As an Individual): Maybe I can answer that.

I'm probably as big an advocate, for the 25 years I've been on the job, for the women of the downtown east side, and the majority of them will tell you they're safer on the street. Even some of the escort girls say it's more dangerous inside, because they are in a locked room, a closed room away from eyes and ears, so they feel safer out on the street. There are people around who can hear their screams, basically.

Mr. Art Hanger: Many of those girls have stressed that this is what they aspire to, this room or this building that they can operate from. They have told the committee that. But you're saying the girls have actually told you the opposite.

Cst Dave Dixon: That depends on who you talk to. The majority of women have told me that they feel safer and have more control outside.

The Chair: Madam Brunelle.

[Translation]

Ms. Paule Brunelle (Trois-Rivières, BQ): Good morning, ladies and gentlemen. Thank you for coming this morning and for the work you have done to help us resolve this difficult problem.

Ms. Nelson, you spoke to us about section 213 of the Criminal Code, which is not yielding the results that we were hoping for. You have said that the sex trade is changing quickly and that the legal structure therefore needed to change. Your question, and indeed the one that this committee is asking is as follows: How can we ensure the safety of the prostitutes themselves and the neighbourhoods that are impacted by these problems?

If Parliament were to repeal section 213, could we deal with the negative effects of street prostitution by using the Criminal Code sections pertaining to offences such as disturbing the peace, indecent acts, extortion or intimidation? Would such provisions be appropriate?

• (1005)

[English]

Dr. Jacquelyn Nelson: I'll be first to say I don't know the answer. I think there are benefits to at least partial decriminalization of section 213. I'm speaking personally, and not as a representative of any government or even of the working group. I would look to the Fraser report, as you're all very familiar with that. However, I think additional supports would have to be put in place. If we were to get rid of section 213, it would have to be accompanied by other measures that would permit women to work in safe environments. That would have to mean simultaneous repeal or at least modification of section 210, the bawdy house provisions.

On the safety of women working indoors, I absolutely agree there are some extremely unsafe indoor venues. Again looking to the Fraser report, the suggestion of one, two, or even three women working together and managing a business out of their own home might be a workable model. I would suggest that there are models of this sort, as well as the very violent and exploitive indoor venues in Canada.

In Edmonton we see both. We see an escort agency where police actually go in and talk to the women. They say, "If you have a bad date, call me. Here's what you can do to protect yourself." They tell them they're not committing a crime by trading sex for money, which they don't know. Many of them are kept in virtual slavery conditions in some of these venues. So you have to look at what kind of venue you can set up.

So decriminalization of section 213 or patchwork approaches aren't going to work. I'm afraid I don't know the solution.

[Translation]

Ms. Paule Brunelle: Mr. LePard, you have said that the law is a tool that can be used to prevent young people from entering the trade and that it is also a tool that can help them leave prostitution.

What solution would you suggest? Should the legislation be more severe? If it is a tool, is it severe enough? How do you explain what I have been able to see in your streets, namely that prostitution appears to be growing exponentially? Prostitution is always present and we

see more and more of it. You have only to think about all of these dead prostitutes to realize that this is a truly difficult situation.

Could you explain what you meant by your statement?

[English]

D/Chief Doug Le Pard: Thank you.

You've asked a number of different questions. I don't know whether it's true that our prostitution problem is growing exponentially. It has gone in cycles, and I think that is more related to other issues—social circumstances, the level of support that's out there, poverty, the drug situation, and so on.

With respect to deterring sex trade workers from entering and assisting in leaving, I know—if we can talk about leaving for a minute—that there are many cases that my colleagues here, Constable Dixon and Sergeant Kelly, have been involved in working with young women, in which they have used the criminal law as a tool to compel young women to seek or take advantage of resources that may help them exit the sex trade. For example, it might be a condition of probation that requires they meet with a counsellor who can help them develop exit strategies.

With respect to deterring them from entering the sex trade, because of the very fact that it is illegal and we could immediately approach, for example, someone who we believe is communicating in public for the purpose of prostitution or johns who are coming in and trying to avail themselves of the services of young women, we can intervene very early in that.

Perhaps my colleague, Sergeant Kelly, who works with these issues every day, could expand on this.

• (1010)

Sergeant Matt Kelly (Vice Unit, Vancouver Police Department): The reality of it now with section 213 is we can deal with both the demand and the supply side. We can identify women, especially young women, or newcomers to the city or someone who's newly breaking into the sex trade industry. It allows us to check them and gather information from them such as their real name. I explained to some of the members last night that we'll sometimes spend two to three hours on the street...as we did last week with one 17-year-old, who was lying to us and claiming that she was older. Section 213 gives us the ability to have a charge that will allow us to identify her and then give her access to resources. Those resources don't really exist in the middle of the night in Vancouver, which is part of the problem—we have no way to get them to these places—but the detectives I work with follow up and try to get them involved in exit strategies, if they can.

On the other side of the equation, with the johns, section 213 allows us to educate and reduce some of the myths you've heard that exist around the sex trade industry, such as that the women actually enjoy it and they've chosen to go into it. These, of course, are myths. Section 213 allows us to not only deal with the demand side but also with the supply side of the equation. It can allow us to prevent the mentoring, if we can get them early. It can also allow them to exit, if we can refer them, rather than arrest them, to some of the groups out there, such as PEERS and other groups, that offer exit and training strategies for women.

Contrary to popular belief, we rarely arrest women in the sex trade—only those who are some sort of nuisance to the community or who are trying to do it on a residential street, near a school ground or playground, which are things the deputy alluded to. It is a tool for us to control, and it's also a tool for us to use leverage against pimps and others who are profiting from the exploitation of these women.

The Chair: Thank you, Madame Brunelle.

We'll move on to Ms. Davies.

Ms. Libby Davies (Vancouver East, NDP): First of all, thank you to all of the witnesses who have come today. In some of the panels we've had, people have generally been of a similar position. This panel today has been very excellent and very interesting, because a whole variety of viewpoints have emerged.

In listening to you all, and I hope I'm not being too optimistic here, I did think there were an enormous number of points of commonality, it seemed to me. This would be true not just of this panel but across the country. Everybody agrees that sexual exploitation of youth is serious and it has to face very stringent legal sanctions. I think we all agree with that. I think there's very strong agreement that poverty, and the increase in poverty, is driving women into the survival sex trade. Everybody agrees that exit services, support resources, are minimal and they need to be increased. Those choices and opportunities need to be there.

Everybody agrees that reducing violence and harm faced by sex workers is critical, and everybody agrees that improving the safety of sex workers and local communities is really important. I think people agree that moving sex trade on-street prostitution from one community to another is useless.

I really appreciate the work that's going on through your community partners. I was on city council in the eighties, and right through the whole thing, in the west end, and then Mount Pleasant, and then to Strathcona, to the downtown east side, we've been through all of that. I think a lot of residents' groups have come a long way in the complexity of what they're dealing with here. So I really appreciate your comments.

I also want to say that no one has really been advocating legalization, for those of you who said no legalization. No one has really been advocating that. It seems to then focus down on this issue of what we do in terms of the law for those who are currently there and whether or not the law is hurting or helping. That's where you get the big division.

The other thing I was going to say is that everybody seems to agree the status quo isn't working as well, and I think we've even heard some police comments around that as well.

I want to come back to this question of where there is a disagreement and put forward this proposition: wouldn't it be better to minimize as much as possible on-street prostitution, provide safe venues where there is better control and choice and the ability for sex workers to lay complaints legitimately, and have them responded to by the police, to focus on the violence and the coercion, but provide that greater control? I think that means some sort of decriminalized regime. Most people think they're saying that to us, so I have a couple of questions.

First of all, how much municipal involvement should there be? How much should we rely on the municipality to sort this out? If we do look at some sort of repeal, would you see the municipality as a useful place to sort this out or as a complication? Is that something we should focus on?

Second, would you agree that whatever we do, sex workers themselves, and businesses—we heard about the bathhouses today. If there is law reform, those impacted by it must be involved in the direction that takes place.

Third—and this question is to Ms. Nelson—I either read in the task force report or somebody told me, and maybe you can clarify that, the reason the task force didn't recommend decriminalization was that they felt politically it was not something that was saleable. I can't remember if I read it in the report or whether somebody told me that, that it was at this impasse. If that's the case, I wonder, if—and this might be too far out for you to answer, I don't know—there was a political appetite to look at decriminalization, do you think the task force would have gone there and seen it as a solution? You've given your personal opinion, but these are all senior bureaucrats and policy-makers who are very involved in this issue, and yet they got to that point and they couldn't go any further, from what I remember reading. I was wondering whether it became a political barrier that you are facing, as opposed to a rational public policy barrier that you could have gotten over if you felt the political barrier wasn't there. This is just a question about that.

•(1015)

The Chair: Ms. Nelson, would you like to respond to the last part of that?

Dr. Jacquelyn Nelson: I'll get that one out of the way.

The Chair: Well turn to our police officers for the first aspect.

Dr. Jacquelyn Nelson: The more difficult questions can be answered by the Vancouver police.

All I can say about the decriminalization discussion is that the different provincial representatives, as I said, were operating within the parameters of stances that had already been taken publicly by their government. We could only go so far. I think, however, the fact that the working group did focus on trying to reduce violence and harm to neighbourhoods and the involvement of youth speaks to your question at least a bit.

Ms. Libby Davies: The other two questions had to do with how much municipal involvement and whether or not sex workers and others who are impacted should be involved in whatever detailed changes begin to take place under law reform and other issues.

Ms. Ellen Woodsworth: I think it's very important that we do decriminalize prostitution. I don't think we've really gone into today how much more terrible the working conditions are because the work around prostitution is criminalized and the johns are there, the violence is there, and the media. We know that in the downtown east side many people come in and commit acts of violence because they see this as criminal and feel they can get away with it. It's a whole underclass of people.

Certainly the municipal role around zoning and licensing is already there. I think the catch-22 about that is you will have different zoning and licensing in different parts of the country. In Vancouver, obviously, we're very aware of the tragedy of Pickton farm. There has been significant discussion. We do fund PACE and WISH. We're trying to get the 24/7 going. We've worked on the mobile van. The police have done a wonderful job of training street sex workers in self-defence. We've taken various initiatives so that people's understanding of this is that it's something that's here and we need to make sure the conditions are better.

We do need to take a look at our zoning laws and the licensing fees. The charge for body rub parlours is the third highest charge. It's over \$6,000. It's compared to the charge for the racetrack or the PNE. Some of our statutes under body rub parlours are clearly discriminatory. They're probably sexist as well. They don't deal with the bath houses or the same sex sex trade.

I think there are lots of different ways we can have a role.

In terms of the Vancouver Police Board and your comments, Sergeant Kelly, I have to say that in 2003, 489 women were charged, which is a significant increase over the past. I have statistics here from the Pivot report, which I could provide you with.

• (1020)

Sgt Matt Kelly: I don't think the Pivot report is indicative of what our statistics are. I would suggest that the number of women would maybe be into double digits.

Ms. Ellen Woodsworth: These are from the Vancouver Police Board. I'm not going to quarrel with you.

Sgt Matt Kelly: You said Pivot. I work in the area. We did not arrest 400-and-some-odd women last year.

Ms. Ellen Woodsworth: I'll give you the report I was given. I believe this committee was also given this report. Then we can have that discussion.

Sgt Matt Kelly: They may have. But if it's not from the police department, then they are not our statistics.

Ms. Ellen Woodsworth: My point is that there are things we can do at the municipal level, such as what Seattle does in terms of marijuana, where we can apply section 213 as a small priority on the list of the work the police have to do. I think we're in a situation right now that is similar to where we were with drugs. We need to move forward in any way we can until there is decriminalization, which would really enable us to create the safest working conditions for the workers, whether it's around zoning or licensing.

The Chair: Who would like to make a quick response?

Mrs. Lynne Kennedy: I'd also like to respond, because of course I served on the city council for ten years with Libby. I think there are some things we can't do as local government. We need help from the federal level and the provincial level to give us direction and support to be able to do it.

In the consultations we had with the families of the missing women, they talked about sensitivity training not only for police officers but for all city staff. I think that's the type of thing we can put into effect at the city level.

The issue of the 1-800 number to help keep prostitutes safe and to give them more information was raised. That's something that I think we at the local level could become advocates for. Ellen has already mentioned poverty, drug treatment, treatment on demand, and detox. Many of the survival sex trade workers are drug addicted and drug sick. We all need to work together to fix that. But we clearly need help from the federal level to be able to do it at the municipal level.

Ms. Ellen Woodsworth: And we need the province at the table.

The Chair: Thank you.

Dr. Fry.

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

I want to thank everybody for coming. I always tend to come after Libby and agree with a lot of the things she says, so she leaves me with very little choice in what kinds of questions to ask.

I want to say that for me one of the most significant presentations here today came from Liz Bennett, because I think we've heard about criminalizing, decriminalizing, legalizing, and I think Libby makes it very clear that no one is talking about legalizing.

It seems to me there is a disconnect here between the fact that prostitution itself is legal, but soliciting isn't. Then we hear that this particular piece of legislation with regard to soliciting is unevenly enforced. You aren't allowed under the soliciting piece of legislation to ask anyone to come to have sex with you. You're not allowed to do any of that. Yet, we see Yellow Pages ads all the time. We see ads in the back of the newspaper. No one pays attention to that. No one criminalizes anybody. No one charges them for any of this. As for living off the avails of prostitution, you have someone who owns an escort service and a massage parlour and who is therefore profiting from this, but no one charges them and no one takes the law to them.

It seems to me it's only when the act of prostitution or the act of soliciting is a nuisance that people get charged, and while I understand—and I want to make it very clear that I'm not talking about under 18. That's a zero tolerance issue. We're talking about adult prostitution, and we know this is a complex issue. What has happened, from wherever I've heard information, is that the people who are the most vulnerable, the people who are doing survival sex on the street, who couldn't care less, regardless of what happened with Pickton...they are endangering themselves every night, and because of their desire, their need—because they are addicted or they need to feed their kids or they need to do what they need to do—they will go down to where we drove by last night, into this dark little place down under the docks, taking all kinds of risks. These are the people who get picked up. These are the people who get criminalized and these are the people to whom the law applies.

I would suggest that this is a problem, because it's obvious that the problem is not the prostitution, not the soliciting, but how, when, and where you solicit. I might even beg to say that the problem depends on how much you are charging. If you're charging a lot of money and you can do it in a wonderful little ad in the newspaper, then that's okay.

What I think we need to talk about is if the law is unevenly applied, if the law is obviously either not working because it's not enforced or because people think it's really not appropriate to enforce it, and if we're talking here about the people who need help, it doesn't make sense to criminalize them. I just want to know how we could....

I've heard it said that people don't want to work in bawdy houses or out of their homes, etc. Obviously everyone says we have to deal with the reasons why people are doing survival sex. We need to deal with addictions. We need to deal with poverty. We need to deal with exploitation. We need to deal with some of those marginalized people who are living in desperate circumstances. We need to do that. We need to help those who want to exit to exit, but as for the people who work in escort services and massage parlours, some of them obviously don't seem to want to exit. I was told that some of them are charging as much as \$1,000 a night. Obviously this is good money because many of them seem to think this is an okay thing to do.

What we're talking about then is something that people turn a blind eye to. What we're talking about is how to make it safe for those people who are the most vulnerable and who are into the survival sex industry. How do we make it appropriate for those people to practise in a safe way, so that they're not exploited, forced into doing some things they don't want to do, and not subject to violence, etc.? That's my big question.

The second thing is, when you say you use the law to compel people to exit or you force them into detox, etc., I hope you're talking about children, because if you're using the law as a coercive measure in itself, that doesn't seem to me to be an appropriate use of law.

• (1025)

There has to be some other way that you can get somebody off the street. As a physician, I can tell you that if you force somebody into detox, if you force somebody into anything, it's a revolving door. They'll come out and they'll go straight back into it because they don't really want to quit. Until people want to quit, for various reasons, you can't make them. It's a simple fact. The statistics bear that out. Outcome analysis bears that out in every single thing you do.

The other thing I heard is, let's take care of the johns, which is what they're doing in Sweden. But my big question is, if there is a big industry here, no industry would exist if there is no demand. So if you take johns and you put them in for a day and you tell them, be good boys and don't do this any more, and they just want to get out of your hair, they're going to say they'll be good boys, they won't do it any more. Somebody's still doing it, or are we just creating new crops of johns every day out of somewhere and the old guys aren't going back and doing it in different places and just saying what you want them to say?

So the question is, why do johns exist? Why do people need this industry, and how do we talk about this in a rational and reasonable way without discussing any other issues? The morality of the issue is the safety. The morality of the issue, for me, is the coercion and the exploitation. How do we deal with that immorality, and how do we deal with substance abuse and all of those other pieces?

I wanted to quickly say, before I hear your answers, that I listened to two women last night, and one of them said to me—and I saw her later on, on the street actually—“I am ashamed to speak about this because I don't want my children to know what I do, but if I don't do it I can't feed my children and I can't give them the things they need.”

So that's the question.

• (1030)

Mr. Réal Ménard (Hochelaga, BQ): Is that a question or a speech?

Hon. Hedy Fry: A bit of both, Réal. I'm following your usual thing, Réal.

Mr. Réal Ménard: I love you. You know that.

The Chair: That was a long comment and a large number of issues.

First, Mr. Barriere, please.

Mr. Garth Barriere: I can't say that the use of the criminal law against sex trade workers has no value at all. I know from a criminal lawyer's perspective, a defence lawyer's perspective, that one of the easiest probation orders to breach is a probation order that you attend for counselling or assessment. There are just hundreds if not thousands of charges laid like that every year, and people are prosecuted for it. It seems to me to continue to criminalize, to use the criminal law to try to get somebody the help they need, and then to criminalize them when they fail to get that help is not a solution at all. How to get individuals the assistance they need is a difficult question. I would submit that the use of criminal law is inappropriate.

There have been attempts, for instance, in Alberta, and I believe in this province as well, to in fact detain youth who are involved in the sex trade and try to get them out and get the services they need before they get entrenched. That may be an approach that has some value, as long as, of course, there are the procedural fairness checks and balances so that the people who are detained are not detained unduly or too long.

I actually think there is some value in those kinds of interventions, at least for youth, but that seems to me a different thing. It's not a criminal intervention. It's an enforced intervention by the state but doesn't criminalize or continue to criminalize the person. That's all I'd say about that.

The Chair: Does anyone else wish to respond?

Ms. Jaqueline Lynn: I would like to respond, Hedy, to your question about how do we create a john, basically. I think your question really goes to the formation of male sexuality, because when I see a woman, the thought of giving her money for sexual access to her body is so foreign to me. As a female, I do not understand that, and when I try to understand it from a male perspective, I need to examine sociologically how male sexuality is constructed so that a male can look at a female as an object in which he can deposit himself. It's just how he can use a body. Basically, it's a big question and it's not something that...I think we need to look at it more.

While we're looking at it, though, I think we also need to legislate to penalize those men who use women and children in that way. But basically, why are we raising men and boys who will one day look out at women and say they can buy that thing for their own sexual gratification? I don't want to live in a world that constructs male sexuality along those lines, and unfortunately I do.

• (1035)

Hon. Hedy Fry: We advertise it every day in the newspapers and in the movies.

The Chair: Ms. Woodsworth, please.

Ms. Ellen Woodsworth: I think something we've glossed over is that by criminalizing activities around this work we're impacting all sex trade workers, whether they're making \$1,000 a night or whether they're making \$2. All people engaged in it are hiding; they have to use the protection of pimps or agencies.

Someone told me last night he charges his workers \$40; whatever they charge the client is fine. People are clearly making a lot of money out of this, but they're mostly other people, not the workers themselves.

People can't reach out for help. They can't use this job on their résumés.

We can't know, as governments, how to address the concerns that are out there because we don't know the breadth of the problem. All we see is the tip of the iceberg, and it really is just the tip of the iceberg. But the majority of people involved with this trade also need some support and should have support from us as governments.

We can guess what needs to be done—we've had various reports telling us what needs to be done—but as long as it's considered illegal and therefore immoral, we really don't know the depths of the problem. We've heard how terrible it was on the Pickton farm, but it's much, much worse than this. Many people are involved, and we won't know and can't acknowledge it because it's clouded in the illegality and immorality that taint it at this point.

The Chair: Mr. Ménard.

[*Translation*]

Mr. Réal Ménard: Mr. Chairman, I would like to ask three brief questions.

First of all, to Mr. Garth Barriere, I would say that your composure and elegance has not gone unnoticed. I will begin by asking you the following question.

You seem to indicate that there is this whole issue of gay bathhouses in Vancouver, which are commonly called saunas, if I understood you correctly, and which also exist in Montreal, Toronto and other big cities. To your knowledge, are the bawdy house provisions used to prohibit people from going to these places? What is the situation with respect to the Criminal Code, gay bathhouses and the attitude of the police in Vancouver specifically?

Mr. Garth Barriere: I believe that I have understood your question, but I will reply in English.

Mr. Réal Ménard: Please do.

[*English*]

Mr. Garth Barriere: From a lawyer's perspective, I think there's a question about whether or not the bawdy house laws apply to gay bathhouses or saunas any more, because the question is whether the acts that happen inside them are indecent. The question is whether or not the community would tolerate what happens inside those environments, and I think it's an open question as to whether or not that's still the case. The Crown in Calgary recently thought not, obviously.

But the problem is that the law's still there; it's still on the books and it's still being applied. There are bawdy house charges in the case of a gay bathhouse in Hamilton, Ontario, and the spectre of those environments being policed and prosecutions being made is one that for our community is unacceptable. The harm that can be caused by those kinds of policing and prosecution is immeasurable, including suicide, which has resulted in the past. Many men who use bathhouses are closeted, and it may be the only environment in which they can seek out socialization and affection from other gay men.

My understanding from a past police officer for the Vancouver Police Department who was the liaison for the west end was that the police in Vancouver had no particular interest in policing the gay bathhouses in Vancouver.

I can tell you one thing about the gay bathhouses: they're regulated to death already. They have everything from licences for selling chips and pop to health regulations, business licences from the city, and so on. One in Vancouver recently was seismically upgraded.

[*Translation*]

Mr. Réal Ménard: Thank you very much. I hope to have the pleasure of reading your articles and discussing them with you in person.

I would now like to ask the deputy police chief a question. First of all, I would like to know how many sex workers operate in your territory, to clear up any myths.

Secondly, when you began your presentation, you said that people started working as prostitutes when they were children. Am I to understand that in Vancouver, in the cohort of sex workers that you know, most of them began as child prostitutes? Could you provide us with some details about this situation?

I have a third question for the municipal councillor, whose intervention I really appreciated. In many respects, she reminds us of the gentle vivacity of my NDP colleague in the House of Commons.

• (1040)

[*English*]

D/Chief Doug Le Pard: Mr. Chair, to your first question around how many sex trade workers we have working in Vancouver, we can say roughly that the number who are actually on the street, the visible sex trade workers, fluctuates, but it's probably around 100. The number who are more covert, we really have no idea of. It's far more than that, obviously.

I'm sorry, I think I missed part of your question, but you were asking me to confirm that many of the sex trade workers start as children. Was that the question?

Mr. Réal Ménard: Yes.

D/Chief Doug Le Pard: That is our experience. Many of the young women we deal with still are children when we check them. I think Ms. Nelson talked about some of the research saying that the average age of entry was somewhere around 15, which is certainly consistent with what our experience is. We know that we have strolls in Vancouver, for example, on Franklin, where there are predominantly very young women, teenage women.

So yes, that is our belief, that most of the women who enter the sex trade do it at a fairly young age, at least the ones we deal with. And that's why it's our concern that we not simply say, well, because they've reached adulthood, this was a choice made freely. When we think it is a choice that was made as a child—the young woman has maybe become an adult now, but she made a choice when she really wasn't capable of making an informed choice and had no other choices because of her circumstances—then it is not freely chosen.

[Translation]

Mr. Réal Ménard: My final question is for the councillor.

You said, and I will try to quote you as accurately as possible, that women who were the victims of sexual traffic cannot be helped because they are being targeted by the law. This is a statement that gives us food for thought. Outside of Vancouver, very few police officers were able to provide us with accurate figures on the sex-traffic trade. Do you have any information on this issue? For example, do you feel that the Immigration and Refugee Board refuse to grant refugee status to those individuals who are being trafficked sexually? How do you see the laws helping? For example, we reviewed the Immigration and Refugee Protection Act, which contains provisions on sexual trafficking. Since the adoption of Bill C-27, the Criminal Code now contains provisions on sexual trafficking. I would like you to provide us with more information on this matter. If the police were to have information on sexual trafficking, it would be useful to the committee.

[English]

Ms. Ellen Woodsworth: The statistics I referred to earlier are from the police board's own statistics. I see that in 2003, 489 women were charged, mostly under the enforcement of the communications law. We know section 213 is being applied. At certain times the police have decided not to apply it, but it has been applied significantly over the past, especially in 2002-03. So for whatever reasons that's happening, it certainly—

[Translation]

Mr. Réal Ménard: We must be clear that section 213 does not pertain to sexual trafficking. When we talk about sexual trafficking, we are not talking about that particular reality. The witnesses have encouraged us to make a distinction between sexual trafficking and transport. Section 213 does not pertain to sexual trafficking. Do you agree with me?

[English]

Ms. Ellen Woodsworth: Right. I agree with you.

But my reference to trafficking was.... I don't have any statistics on it, unfortunately, and I think there needs to be a lot more work done on that. Unfortunately, because of the criminalization of the sex trade, we can't get....

There are some organizations. Maybe you should talk to ASIA. I don't know if ASIA is presenting. They have done some work in this area.

[Translation]

Mr. Réal Ménard: I believe that Mr. Kelly had some statistics or information on that issue. Would you share this information with us? I noticed that you perked up earlier, not sexually but professionally.

● (1045)

[English]

Sgt Matt Kelly: It's currently a very hot issue. We have charges that have gone forward on one individual in a body rub parlour who kept women from overseas as virtual sex slaves—who took away their identity, who kept them basically caged. Those two women we know of here in Vancouver—we're working with the RCMP on those charges. They've gone forward to crown counsel and they're going before the courts shortly.

The women were treated as victims. We did suicide watches for them. We also gave them access, through their government, back to their homeland, and they've now returned home. It's a very complicated, difficult, and expensive operation. There is nothing in place right now in Canada. They have no status—they are not refugees, they are not landed immigrants, they are not visitors, they're nothing, so we couldn't get them medical attention, we couldn't get them accommodation. We went to one of our non-profits to get housing, but it had to be supervised because she was suicidal, and then we did a 24/7 watch on the other female, with the deputy's assistance, through the department.

We have very few statistics of things going to charges, because they're so complex. These women are, of course, reluctant to come forward, but we know there are many of them. Two of the detectives in the room also uncovered a nest at Granville and 53rd that made the newspaper in the summertime, where numerous Korean women who came over on visitors' visas were working as sex trade workers in a neighbourhood brothel.

[Translation]

Mr. Réal Ménard: Do you plan to use certain provisions? When we reviewed the Immigration and Refugee Protection Act, we included certain provisions dealing with pimps, namely those individuals involved in sexual trafficking. These provisions do not pertain to the women.

Ever since Bill C-27 was adopted in either 1997 or 1998, the Criminal Code now contains certain provisions. Do you use them? I am not referring to section 213, but to new provisions made available to you by the legislator. Have you used them?

[English]

The Chair: Thank you.

Sgt Matt Kelly: That's what we used for the charges pending before the courts now. As I've said, it's very expensive, very complicated, and a terrible tale.

The Chair: Thank you very much for your attendance here today, and the advice and assistance you've offered us. We very much appreciate it.

We have a dilemma; we have conflicting advice. We'll have to sort this out, but let me assure you that you've all contributed to this exercise, and we hope we will produce a report acceptable to most panellists.

Monsieur Ménard.

Mr. Réal Ménard: Do we get a break?

[Translation]

The Chair: It will only be a five-minute break.

[English]

We would like to break now from the spontaneous presentations. Take only five minutes, please; we have to keep moving.

•(1048) _____ (Pause) _____

•(1054)

•(1055)

The Chair: We will now resume.

I will now ask Annie Parker, Janine Stevenson, and Scarlett Lake to come forward to the table, please. Thank you for coming here.

This is sort of a spontaneous round, roughly a three-minute comment, perhaps, from all of you, and then we'll go to three- to five-minute questions from our members. We have about a half hour to do so and then we'll have to cut it off.

I would ask Annie Parker to start.

Ms. Annie Parker (As an Individual): My name is Annie Parker. Seven and a half years ago I got involved in the missing women situation in Vancouver. My ex-husband-boyfriend wrote a prostitute report with a dirty cop in Ontario. He was molesting my daughter and he wanted child custody. He didn't want to go to jail. He hired a dirty cop and wrote a report that I was caught in the act of solicitation. This is on my record.

I moved out to Vancouver and approached a police officer about my ex, who was continuing to stalk me. The police officer looked up the report, came to my house on the night shift, brought scopolamine with him, put scopolamine in my drink, put me in the trunk of a cruiser, brought me to his clubhouse, sexually mutilated me, raped me, and made a pornographic tape. He then set me up with a predator, Pickton, then Boudray, and then Eddie Murphy, another predator.

Boudray abducted me. I reported the attempted abduction to the police. My statement was supposedly lost for two years, until I went to the press, and then it was found again.

The police on the case believed I victimized this police officer with the pornographic tape. It was sold publicly in the store. The police officers in Vancouver are playing something called the "hooker game," where they are murdering prostitutes. For my involvement in this case, I understand that the 200 women—I think that's the closest statistic—were murdered before they found out there was a pornographic tape that was being sold of these women. That seems to be what the racket is. I was brought to a luxury clubhouse that these people have a fairly sophisticated pornography industry operating out of. I had my hands broken, both of them, for going to Pivot and reporting this.

I had my pelvis broken by being raped by corrupt officers on the Boudray case. The two police officers who were bragging about it in North Vancouver were fired from the force. The date rapes continued on the case. I had my leg broken for reporting the corrupt officers who were doing rapes on the case. The police officers on the RCMP case got involved about two years ago with the corrupt officer running the case. It's a corrupt, bogus case. The officers are raping me once or twice a week on the case, sadistically, on top of a broken, infected leg, while I get murdered, and this is considered to be my responsibility because I'm a prostitute.

The Chair: Janine Stevenson, please.

Ms. Janine Stevenson (As an Individual): Hi. My name is Janine Stevenson. I work as a registered nurse with the street nurse program. The street nurse program is a HIV/STD prevention program with the British Columbia Centre for Disease Control. We work with populations that are at risk for HIV and sexually transmitted infections.

On behalf of myself and the street nurse program, I would like to address this committee using a public health plan. If this committee can see the situation that confronts sex workers as a public health issue, it may be easier to provide recommendations that will be for the good of all Canadians.

The street nurse program came into existence in 1988. Our work takes us not only into the lives of sex workers but also into the lives of the clients who procure sex. Our nurses work with sex workers on the streets in the west end, downtown east side Vancouver. We go into close to 28 massage parlours in Vancouver and Burnaby, which, as you've heard earlier, are licensed by Vancouver as health enhancement centres. In our clinics we work with male, female, transgendered escort workers, and adult entertainment workers.

Many customers of sex workers also access our clinics looking for sexual health counselling, testing, treatment, and referrals. As someone mentioned yesterday and today, it is important to take note that the sex industry in British Columbia alone is an enormous and multifaceted industry that cannot be addressed by a one-size-fits-all solution.

Our program also travels to small communities and reserves across British Columbia. Sexual health still remains a difficult topic to discuss. Sex work in rural B.C. is even more hidden and more stigmatized than in larger urban centres.

As nurses, we have met the 12-year-old who was coerced into sex work in Prince George by the older, grey-haired man who offered her heroin. We've met Korean, Malaysian, Thai, Vietnamese, and Chinese women who are working in massage parlours. I submitted an article, which recently was published, that looks at the issues Thai and Vietnamese massage parlour workers face in San Francisco.

We have met adult entertainment workers who are unable to talk to their family physicians about the work they do. We have met sex workers intimidated by health professionals. We have met customers terrified to disclose to us that they have paid for sex. We have met sex workers afraid of johns and we have met johns afraid of being taken advantage of by sex workers.

Canadians do not feel safe—be they men, women, or transgendered workers or customers. The law needs to address these safety issues. When sex work is criminalized, it forces people into unsafe situations. In unsafe situations, both men and women are at risk for HIV and STDs and numerous other health issues. The law needs to address the stigma. Working women are still considered the vectors of disease, the vectors of HIV. For us working in the nursing profession, we know this to be far from the truth.

When a customer feels stigmatized because he has paid for sex, he is too embarrassed to seek out health care. This impacts on his emotional and physical health. This stigma will also affect the health of the sex worker, his wife or girlfriend, and his other sexual contacts.

Public health is jeopardized and diminished by the status quo. We recently ran a focus group with male patrons of sex workers. These customers knew very little with respect to HIV and sexually transmitted infections. All the men expressed enormous relief to be able to speak about their fears, their concerns, their confusion, about the legal issues they were facing when accessing paid sex.

The laws need to be clarified for all Canadians. There is tremendous confusion. Programs need to be developed at municipal, provincial, and federal levels to address all aspects of the sex industry. The laws need to ensure the physical and emotional safety, health and well-being of sex workers and their customers across Canada. I have a little list that supports some of the recommendations that have already been made this morning.

There needs to be more—lots and lots more—discussion on sex work in our society. This is just a little beginning. We need sex work sensitization programs for all health professions—I cannot stress that enough—language-specific health care services that understand the culture and issues facing migrant workers. We need sexual health education for all ages in urban and rural centres—we've been having

a thing on teenagers on the CBC in the past week, and the lack of sexual health education in our schools has come up over and over again—problematic substance use treatment programming, trauma and grief counselling, and increased services for use on the street and entering sex work.

• (1100)

Thanks for giving me this time.

The Chair: Thank you very much.

Scarlett.

Ms. Scarlett Lake (As an Individual): To begin, I'd like to introduce myself. I own and run an escort service here in Vancouver. I've had a long history in the sex trade. It's been about 25 years. I saw clients for many years myself, but not so much any more, and I consider myself a madam and an activist.

I would say that my experience in the sex trade is very healthy and positive. I've had a very comfortable living. I've met very nice people, and I consider myself as somebody who looks after the ladies who work for me in a responsible manner and hopefully give them an alternative in terms of being able to work in the sex trade without being victimized in any way, shape, or form.

I do feel a responsibility toward women who are working in less than comfortable situations that way, who are on the street or being taken advantage of by pimps or less responsible kinds of employers.

To deal with solicitation itself, I'll just read you what I have here.

I wonder about these few questions: is the law about solicitation ever used to curtail or limit activities in any other line of work? First, I don't know whether this is a particular area that's being targeted somewhat unfairly.

Second, could such a law have been invented in some other era to cater to the prevailing attitudes and prejudices of the public at that time?

Third, is it possible that such a law was put into place to correct a complex social problem, which in many ways no longer exists?

Fourth, is a law against solicitation actually a law against free speech as well as free enterprise?

I understand that any city would prefer to have licensed practitioners and places of business operating properly and safely under their domain. The alternative would be unregulated and unprofessional purveyors of various products and services potentially creating a poor environment for consumers to be protected and served well. I submit that those who are in a business such as the sex trade, who cannot openly have a place of business and still be legal, and who also cannot solicit business are effectively being obstructed unlawfully from earning their livelihood. Prostitution itself is a legal activity.

Any group, such as sex trade workers, caught between one law and the other are essentially being victimized. This group cannot openly ply its trade. It cannot do it behind closed doors and it cannot do it in the streets, yet supposedly it can do it. Where and when this can be done is the most absurd question, provoking even more absurd suggestions like handling the sex act in one location and the payment in some other location, perhaps distant from this.

When a group like this is legally prohibited from realistically engaging in a legal activity, the scene is well set for the group, as a whole or as individuals, to be victimized. Sex trade workers are victims of a system based on hypocrisy and are further subject to being victimized by those who have some ability to supposedly shelter them, or pretend to shelter them, from this hypocrisy. Workers in the field of sexual services are very unlikely to call in the police to uphold their rights or to protect them from those who would prey on them.

The ongoing concern is that the police are there to uphold laws, whether those are antiquated or irrelevant, and will look at that aspect of the problem, not the danger posed to the worker. Therefore, the escort, prostitute, massage practitioner, lap dancer, etc., will be very much alone in the matter of protection of herself and her rights.

• (1105)

Furthermore, obtaining licensing as a sex worker appears to be a foolish endeavour, as the city or municipality where he or she operates then has information that can be used to find and charge that worker with a crime. There is no particular advantage to placing oneself in the hands of those who would potentially prevent your being able to earn your living.

I thank you.

• (1110)

The Chair: Thank you.

Mr. Hanger.

Mr. Art Hanger: Thank you, Mr. Chairman. I'd certainly like to thank the presenters this morning for their input.

I'm curious, Scarlett. You run an escort service and you call yourself a madam and an activist. You see the situation on the street, do you not, the street prostitution?

Ms. Scarlett Lake: I see it no more than anybody else who drives around town and looks out their window, but it's not of particular relevance to my business.

Mr. Art Hanger: Is the escort service sex for money?

Ms. Scarlett Lake: Yes.

Mr. Art Hanger: So you run an operation where you provide girls to clients, and they pay. The clients pay the girls and you take a cut. On the street, the girls work maybe for, what, a pimp?

Ms. Scarlett Lake: I don't really know. I'm assuming some do; I'm assuming that some are private individuals.

Mr. Art Hanger: But what you're suggesting here is that the law on solicitation in particular be removed.

Ms. Scarlett Lake: Pardon me?

Mr. Art Hanger: Are you suggesting that the law on solicitation as it sits, impacting street prostitution, be removed—the solicitation law?

Ms. Scarlett Lake: I can't see how.... I don't know if I have all the solutions. It's a very complex problem. I think examining what one can do and what one can't do and why, where, and how is a very broad area to address. It would be too simplistic to just say you can't solicit. I'm assuming "solicit" means talk to people for the purpose of transacting—

Mr. Art Hanger: I'm just using your words. You mentioned, in your presentation about the solicitation law, that you think it's restrictive; it's not freedom of speech or expression, etc.

Ms. Scarlett Lake: Yes.

Mr. Art Hanger: You're making a presentation; I'm just trying to get your position here. Are you suggesting the law be repealed, or what?

Ms. Scarlett Lake: It seems to me that soliciting is just like placing an ad in the paper, which is the kind of thing escort services do on a regular basis.

Mr. Art Hanger: What would stop the girls on the street from going into an escort service?

Ms. Scarlett Lake: There shouldn't be anything, particularly.

Mr. Art Hanger: So they're there by choice?

Ms. Scarlett Lake: Anyone who works for me certainly is.

Mr. Art Hanger: Are the girls on the street there by choice?

Ms. Scarlett Lake: I'm presuming they are. Whether they feel they have a choice or not is another story.

Mr. Art Hanger: But they could go in and start working for an escort service; they have that choice?

Ms. Scarlett Lake: I should think they would.

Mr. Art Hanger: And they wouldn't be, as we've heard in so many of the statements here, harassed by the police and they'd be safer. I assume your operation is safer?

Ms. Scarlett Lake: I'm an advocate for people being able to do their business in a safe and comfortable place of business and not have to stand on the street like a popcorn vendor or something like that. Yet if you're behind closed doors, you also want to have a method of letting people know that's where you are, and that involves solicitation of some sort. You have to let people know you're there in order to do business; you can't just sit home and wait for something to happen.

Mr. Art Hanger: So the girls on the street, then, could actually get off the street right now and engage themselves in an escort service.

Ms. Scarlett Lake: I'd like to think so. There are a lot of people out there on the lower east side, for instance, perhaps engaging in survival-level prostitution that might not lend itself to escort services. But I think there are alternatives.

Mr. Art Hanger: We've heard numerous witnesses before this committee say that women in the prostitution business want control over everything they do, everything they make; that if they're going to trade sex for money, they should have more control over that money. Do the girls working in your business have full control over their money? In other words, is their take-home pay substantial?

• (1115)

The Chair: Thank you, Mr. Hanger.

Ms. Scarlett Lake: I wonder what you mean by "substantial". Actually, I tend to—

Mr. Art Hanger: What percentage do they take home?

Ms. Scarlett Lake: They take home about 50%

Mr. Art Hanger: Fifty per cent.

The Chair: Madame Brunelle.

[Translation]

Ms. Paule Brunelle: Ms. Lake, we were told that the women working as escorts appear to have an easier life, that they chose to go into this trade and that it was lucrative.

Do you see any violence against women in your sector of activity, in escort prostitution? If there is some violence against women, what do you do to prevent it?

[English]

Ms. Scarlett Lake: I see absolutely no violence in the course of operating my business. I make sure the ladies are all very safe at all times, and.... I can't remember a situation in which anyone was at harm or at risk.

Sorry, the second part of your question...?

[Translation]

Ms. Paule Brunelle: I was asking you what you did to ensure that the women who work for you are safe.

[English]

Ms. Scarlett Lake: Right. I am very careful about who I deal with in the first place. For many years now, I have actually done a consultation process with any new clients in my service. We have an interview—often face to face, sometimes over the phone—and I speak to them for up to an hour to find out a little bit about who they

are and what they're looking for. That way I have some rapport and understanding with that client.

Having been in the business 25 years, obviously I've developed a great deal of instinct about judging people's character, and that's helped me very much over the years.

I also don't send people out in the middle of the night, when the clients may be consisting mainly of people who have been drinking a great deal or using drugs. If anything sounds suspicious about the situation, I won't send anybody out at all. I often like to have the transaction at a place where I can be present and make the introduction, and therefore meet that client directly, see him, and establish some kind of rapport. I'm always interested in establishing a regular clientele who will come back many times.

[Translation]

Ms. Paule Brunelle: Thank you.

Ms. Stevenson, you have told us that you were a nurse. You also said that prostitution was a public health issue. We have had an opportunity to see prostitutes and we observed that the health of some of them had deteriorated significantly.

Would you say that provincial governments have disengaged with respect to health care services for these women? Are there enough resources? What exactly is the situation with respect to the health of these women? I know that in Quebec, women or men suffering from mental disorders are given drugs and sent back home. That creates enormous problems. These people are often homeless, and they may prostitute themselves.

Is there any link between what I am saying and street prostitution primarily? How would you assess the health of the women?

• (1120)

[English]

Ms. Janine Stevenson: Yes, you're right.

The problem is twofold. We have an abysmal lack of health resources, especially for mental health and addiction. It's non-existent. The second part is, of course, in the health care resources that do exist, they are not acceptable because of the stigmatization. They are not warm and friendly sex trade-positive places, is another way of putting it. So you're right, yes.

[Translation]

Ms. Paule Brunelle: If I have understood correctly, you are a nurse who works in the street to help sex workers. What are the main health problems facing these women?

[English]

Ms. Janine Stevenson: The health issues come from being on the street. It's everything from malnutrition to sleep deprivation, to pneumonia, to skin conditions because they are without a home, to addiction, to mental health issues—quite severe mental health issues. I'm not sure if you've been informed, but of course we're struggling with syphilis in Vancouver, like most urban centres. So HIV and syphilis are big as well.

The Chair: Thank you, Madame Brunelle.

Dr. Fry.

Hon. Hedy Fry: Thank you.

Very interesting. I want to ask a question specifically on seeing this as a public health issue, because that's how I see it. As you know, the Canadian Medical Association has called this the number one crisis in public health of our time. And it's a comprehensive way of looking at public health issues. It's not just one thing. It's not just enforcement. It's starting all the way from prevention to harm reduction, to dealing with enforcement, if necessary, and, where necessary, dealing with treatment and all of that.

One of the things you said strikes me—and I think it's something that as committee we need to be very aware of. You say the stigma creates a lack of resources because governments are afraid to fund or put resources into what is considered to be immoral activity or a stigmatized group, which further, of course, marginalizes the group and creates discrimination. I was glad to hear you say that. I was glad because I want to make sure we understand, as a committee, that if we're going to deal with this, we need to talk about the stigma and about the marginalization.

Ms. Lake, you call yourself a madam. You say you charge 50%. What do you provide for that 50% that you take from the girls? Do you provide a place for them to have sex? Do you provide health care services? Do you provide any of the usual kinds of benefits that somebody in the workforce would get? Is there illness leave, maternity leave, or disability benefit? Are any of those things supplied for the 50%?

And what do you do to protect the women? How do you intervene on their behalf in terms of looking at good workplace support, helping to ensure that the place they work in is clean and environmentally appropriate for them? Do you ensure that you liaise with the police if they are endangered on the job? Do you make sure they're not endangered on the job? I just want to know what you provide, as a proprietor, to your employees?

Ms. Scarlett Lake: Certainly. I would love to provide many more kinds of services, such as an in-house day care and so on and so forth. Actually, my operation is a relatively small one. I do provide a place of business, if not at all times, certainly on occasion. I would like to see many other services provided for women in the business.

For my 50%, what I do is various kinds of advertising, either print advertising or Internet advertising. I also employ an assistant, who helps me with covering phones, so there's always somebody there to cover everything, and that includes any calls from the ladies to say they're having any problems, which rarely, if ever, happens. I'm basically on top of everything, so it's all taken care of.

• (1125)

Hon. Hedy Fry: Do you see that as exploitative? I think 50% is a lot. As a physician, when I had a locum, the locum got 40% because the 60% went directly to rent and overhead and the tools with which the locum worked. So I could know what that overhead went to. But if all you're doing is providing a phone service, basically, and advertising, do you feel 50% is exploitative?

One of the issues we hear a lot from the women is about being exploited, whether they're exploited by a pimp on the street or whether they're exploited by someone who works for them, such as an escort service, etc. If we're talking about this as an enterprise, as a

business, then we need to talk about good business practices and we need to talk about treating your workers appropriately. I just want to know whether you think 50% is exploitative, given what you provide.

Ms. Scarlett Lake: I agree that it certainly sounds like a lot. If you think about it, though, perhaps a restaurant is hiring all kinds of serving people and taking a lot of money out of that business and paying their workers very little. I don't think it comes under scrutiny that way.

I also am providing a service whereby I'm watching out for the health and welfare of those ladies. I'm providing them with a lot of training. I'm providing them with a place where they can ask questions or get counselling from me, essentially. I also maintain a place of business, as well as all the computer and phone lines that are needed, and I don't live a grand lifestyle. It may be better than the average person on the street, but it's not excessive.

Hon. Hedy Fry: I'm not trying to attack you at all. I'm not suggesting you live a grand lifestyle. I am saying that the women have talked to us about exploitation, and they've said it came in many forms. It didn't just come from a pimp who beat them; it came from people who charged them an exorbitant cut when they were providing very little in terms of health care and any of the services an employee would expect to have.

I just wanted to ask that question. I'm trying to understand the nature of fairness. If we're going to talk about business here, then businesses are going to have to be regulated, and someone is going to have to report the assets, and they're going to have to treat their workers in an appropriate way.

If sex workers could be unionized, they would demand far more for 50% of their cut. If we want to talk about this as an enterprise, let's talk about it as an enterprise. Let's talk about fairness; let's talk about care for the worker and a proper work environment. I would suggest that helping the worker would be to provide them with condoms, not just say there's a phone line for them, because they could get a 1-800 line, as we heard other people here suggest.

If we want to really put this into the level of enterprise, let's look at how we regulate an enterprise in an appropriate way that will protect the worker.

Ms. Scarlett Lake: I consider myself very much self-regulating, and I do provide condoms on many occasions, as well as many other things. I act almost as a mother to a lot of people. And yes, if someone came to me and wanted a job and wasn't happy with my terms, I am willing to discuss it and negotiate it. But I've done everything from taking cuts of 15% to 50%, and that's what works for me now in terms of how I'm building my business, so that I can be more effective for more people more of the time.

The Chair: Thank you.

Perhaps I can have the liberty of asking a few questions myself to Ms. Lake.

Do you require your ladies to have regular health checks, and if so, how frequently?

Ms. Scarlett Lake: I have not required that. I like to think I'm hiring people who are responsible, sane individuals who lead relatively normal kinds of lives. They're often students or perhaps even employed full time at another career while they work for me. This is often a part-time endeavour for them.

I like it that way. I like to not be dealing with survival level in any way, shape, or form in this business. I think it's a much healthier environment, both for the client and for the ladies working there.

• (1130)

The Chair: Are there any restrictions on the sexual services provided?

Ms. Scarlett Lake: I interview the ladies and ask them what they are open to, and we go through a list of possible things that might be asked for or expected or wondered about. I find out where they stand and then I try to match them with clients who are comfortable with the same set of restrictions.

The Chair: Who sets the fee?

Ms. Scarlett Lake: I do.

The Chair: And are there opportunities for extra fees over and above your fee—tipping, if you want to use that terminology?

Ms. Scarlett Lake: Tipping does occur from time to time, but it's often understood by the client that it's a one-price system. I'm also trying to be of service to clients. I don't like the sound of a lot of places where clients have gone and have been told that x is the price, and then the next thing you know there'll be extra for this and extra for that, and next they're being victimized, to the tune of twice or six times what they thought they were walking into in the first place.

The Chair: Are you licensed?

Ms. Scarlett Lake: I'm not.

The Chair: What is your interaction with the police from time to time?

Ms. Scarlett Lake: There's no interaction with the police.

The Chair: None whatsoever?

Ms. Scarlett Lake: None.

The Chair: Okay.

I guess we have time for another round.

Madam Brunelle?

Dr. Fry?

Hon. Hedy Fry: No.

The Chair: Thank you very much for coming. All three of you have provided us with an aspect that we haven't heard from in our deliberations. Your input is very important to us in reviewing the situation and eventually preparing a report. Thank you very much.

At this time we'll adjourn our meeting to go into an in camera session. This means the only individuals allowed in the room will be members of Parliament, our support staff, and individuals who assist

our members. So I would ask for the room to be vacated. It's not public. We won't be very long, hopefully. Then we will resume at 12 p.m. to start the next round and go until 1 p.m.

Thank you very much for your patience and indulgence.

[Proceedings continue in camera]

[Public proceedings resume]

• (1225)

The Chair: Our next witness is Melissa Farley.

The routine is roughly a 10-minute presentation by you—and I will get anxious after you get to the limit—which we will follow with seven-minute rounds of questioning until our time has elapsed, and then three-minute rounds.

I'd ask Melissa to proceed.

Do you have an individual with you to introduce?

Ms. Melissa Farley (Prostitution Research and Education): No, I don't.

The Chair: Okay.

Ms. Melissa Farley: Thank you for inviting me here. I appreciate the opportunity to speak with you about some of the things I've learned about prostitution after a decade of research.

I dedicate my remarks today to a young aboriginal woman in a Vancouver park who said to Jacqueline Lynn and me, "We don't talk much."

It's my understanding that the goal of the subcommittee is to avoid violence against women. Unfortunately, once we understand what prostitution is, it becomes apparent that there's no way that prostitution can be transformed into a job that's safe for women.

Prostitution is a gendered survival strategy that involves the assumption of unreasonable risks. The very definition of the job is sexual harassment. It's simply not possible to protect someone whose source of income exposes them to the likelihood of being raped, on average, once a week.

I want to quote a survivor who said the following:

I cannot avoid expressing my deepest grief in learning of the efforts of prostitution organizations to decriminalize the act of purchasing a person for sex. It is simply not possible for me to convey in words the intense pain and struggle I have endured as a result of my experience in prostitution.

I chose to work as a prostitute because I believed I had no other options. I entered prostitution due to extreme emotional and financial stress and a lack of a supportive family system.

I was able to work in "upscale" massage parlours.... [I]t is completely erroneous to assume that the brothels were immune to violence. There were incidents of attempted strangulation and forceful restraint. Customers would intentionally remove condoms against the prostitute's wishes....

I now choose to be an advocate for the right of prostitutes to be free of the forces that restrict their escape. I...urge all compassionate people to consult the data and research that has been conducted regarding the...desires of the women, men, children, and transgendered who are in prostitution.

This illustrates that those involved in the advocacy of prostitution as a job represent a very, very small minority.

I think people are genuinely confused about how to address what they instinctively understand to be the harms of prostitution. People have asked me, wouldn't it be a little bit better if it was decriminalized? Wouldn't there be less stigma, and wouldn't prostitutes somehow be protected? The answer is no. Decriminalizing prostitution does not decrease the stigma of prostitution, and women in prostitution are not suddenly, magically, safer when prostitution is decriminalized.

When people talk about the harms of prostitution, they're usually referring exclusively to physical harm—HIV risk, rape risk, physical assault risk, and murder risk, all of which are exceptionally high among those in prostitution.

My research has included people who willingly assume the role of a prostitute, only to discover later that it's far more dangerous and far more profoundly damaging than they initially suspected. Prostitution is an institution where one person has the social and economic power to transform another person into the living embodiment of a masturbation fantasy. In prostitution, the conditions that make genuine consent possible are absent: physical safety, equal power with customers, and real alternatives. It's not a choice the way we ordinarily think of a choice as being made from a range of options.

One woman in Amsterdam referred to prostitution as “volunteer slavery”, an expression that I think accurately represents both the appearance of choice and the coercion behind that choice.

• (1230)

Researchers and public health experts don't usually talk about the psychological harms of prostitution. The psychological harms of prostitution happen because, like rape and incest, prostitution is an act of sexually invasive dehumanization, as Michelle Anderson put it.

Public awareness about the traumatic harms of prostitution and sex trafficking lag many years behind public awareness of the harms of incest, rape, and battering, yet the harms are essentially the same. The difference is that prostitution, unlike rape, incest, and battering, offers financial reward for perpetrators. As we all know, there's massive money in this business. And for her, the payment of money makes sexual exploitation invisible, and taking pictures of her in prostitution turns her humiliation into sexual entertainment for someone else.

It took me many years of listening to women in prostitution to understand that the most severe damage of prostitution is not physical, it's psychological. The rates of post-traumatic stress disorder—PTSD or combat trauma—are among the highest of any group of people ever studied. We interviewed more than 850 people in prostitution in nine countries, including Canada, and found that PTSD among women in prostitution is comparable to that of battered women, rape survivors, and war combat veterans. Women in prostitution suffer extremely high rates of depression, substance abuse, dissociation, head injury, and suicide attempts.

We interviewed gay men and transgendered people in Canada and in other countries and found that the same reasons that channel women into prostitution also channel gay and transgendered youth into prostitution—family neglect, family abuse, running away from

home—and that once in prostitution, gay youth and transgendered youth are treated just the way girls and women are.

Does it make a difference whether prostitution happens indoors or outdoors? Well, we have some indication that there is slightly less physical violence indoors, but this is relative. The fact that some types of prostitution are associated with more severe harm than others does not mean that the marginally less harmful types of prostitution are not harmful at all. This is a logical fallacy that some people make.

In one study that was recently done in San Francisco, 62% of Asian women in San Francisco massage parlours had been physically assaulted by johns. This data was only from half of the massage parlours in San Francisco. The other half, those massage parlours that were controlled by pimps and traffickers who refused access to the researchers were, I would guess, probably much more violent to the women inside. But even in the ones that admitted people in, there was a 62% rate of physical assault in indoor prostitution.

Dutch researchers—as you know, prostitution is legal in the Netherlands—found that two factors are associated with greater violence in prostitution: the greater the poverty, the greater the violence; and the longer one is in prostitution, the more likely one is to experience violence.

Women don't just prostitute in one location. They all have cell phones. Cell phones mean you can work on the street, you can go to an escort agency.... A cell phone means you can do a range of types of prostitution, and today that's how it works. They move to different locations, both indoors and outdoors. There's not some absolute separation between indoors and outdoors in prostitution.

According to many studies, the rates of psychological violence in indoor and outdoor prostitution are comparable.

• (1235)

In practice, what indoor prostitution does is increase the john's safety and comfort, but it does nothing to decrease psychological trauma for the prostituted woman. In fact the social invisibility of indoor prostitution may actually increase its danger.

Acknowledging the lethal damages of indoor prostitution, a Dutch pimp said, “You can't have a pillow in a brothel; it's a murder weapon.” By the time women in indoor prostitution hit a panic button and the door is broken down by a bouncer, they've already been badly injured, according to bouncers in Australia, where prostitution is decriminalized. The panic buttons can never be answered fast enough to prevent violence. Panic buttons in brothels make as little sense as panic buttons in the homes of battered women.

For another non sequitur, imagine this. This is not a joke. The Australian occupational safety guidelines for women in prostitution recommend that women entering prostitution take classes in hostage negotiation skills. This is what you have to learn if you're going to enter the job of prostitution in a decriminalized context.

A South African organization recommended that while undressing, the prostitute should accidentally kick a shoe under the bed, and while retrieving it should check for knives, handcuffs, and rope. This is an everyday part of the job of prostitution.

In San Francisco we have de facto decriminalized indoor prostitution and massage brothels. Recently a prostitutes' rights group recommended that women should always know where the exits are, that they wear shoes they can run in, and that they should never wear necklaces, scarves, or anything that can be tightened against the throat.

Prostitution is an institution that systematically discriminates against women, against the young, against the poor, and against ethnically subordinated groups. In Canada, my research with Jackie Lynn and Ann Cotton included many first nations girls and women who did not have a range of alternatives to prostitution for economic survival. Those promoting decriminalized prostitution rarely if ever address poverty, race, and ethnicity as factors that make women even more vulnerable to entrance into prostitution and danger once in it.

Why are first nations women overrepresented in prostitution in Canada? This is a burning question that must be answered, I respectfully propose to the committee.

Prostitution differentially and brutally—

The Chair: Miss Farley, if you could wind it up, you have about a minute.

Ms. Melissa Farley: I wanted to give you some preliminary findings on my research with customers, but I won't be able to get to that unless someone asks me questions about it.

First, let me say that we have some evidence about what happens —

The Chair: I wonder if you could provide us with your brief so that we could still have that material before us.

Ms. Melissa Farley: I will wind it up. Okay.

I wanted to give you some preliminary findings on my research with customers, but I won't be able to get to that unless some asks me a question about it.

First, let me say we have some evidence about what happens—

• (1240)

The Chair: Can you provide us with your brief so we can still have that material before us?

Ms. Melissa Farley: I don't think I can present it in.... I'll do what I can. It might not be available for a while; it's going to be submitted for publication.

Let me just conclude by talking about what we know happens when prostitution is decriminalized, because there's a great deal of evidence in parts of the world where it has been decriminalized.

Decriminalized prostitution is a magnet for pimps and johns. Decriminalized prostitution offers these people a legal welcome, and they will take you up on the offer. What happens is both legal and illegal prostitution are dramatically increased when prostitution is decriminalized. It becomes just another purchase of a commodity, like toothpaste or popcorn.

Trafficking of women into Canada will increase. Good business strategy on the part of pimps means they can move women and children to countries where there are no legal barriers to the operation of sex businesses.

Organized crime increases. New Zealand has been mentioned by a couple of people this morning. We're seeing a massive increase in organized crime in just the little over a year and a half since prostitution has been decriminalized in New Zealand. That should be looked at very carefully.

Finally, the prostitution of children increases wherever you have decriminalized prostitution.

A coffee and a chat and a condom are not what women in prostitution need, or a union. Of the women we interviewed in Canada, 95% said they wanted to escape prostitution, and they even told us what they needed. They need stable housing. They want to escape prostitution. They didn't say they wanted to escape illegal or outdoor prostitution; they said they wanted to escape all prostitution. And they said they wanted drug and alcohol addiction treatment, and they wanted job training, and counselling.

With that I will stop.

Thank you very much.

The Chair: Thank you very much.

Mr. Hanger, for seven minutes, please.

Mr. Art Hanger: Thank you. I appreciate your presentation very much. It is packed with a lot of information that will be valuable for our committee, no doubt.

I want to get to the conclusion of your report. What are your recommendations?

Ms. Melissa Farley: My recommendation is that we not assume, as so many people do—both the public and legislators, Parliament—that prostitution is inevitable. It is not any more inevitable than other types of violence against women. It can be changed. It can be abolished if we set about doing that. My focus in my research these days is with customers; at the very least, we should direct our attention to the demand, because that's driving the industry.

Mr. Art Hanger: What about the issue of decriminalization? You pointed to the various countries that actually have decriminalized prostitution and maybe related activity around prostitution; I think you mentioned Australia and New Zealand. A lot of statements put forward by witnesses to this committee reflect the same thing. It is almost like a writeoff, in a way, that we're going to make this a legitimate profession, along with police officers, doctors, and others, so the stigma is removed and anyone wishing to engage in this activity would have the freedom to do so without interference, so to speak—no more than the mechanic on the corner or the worker in the mine, who face certain kinds of hazards of the trade. That's where a lot of the presentations have gone here, and I'm curious about your take on all of that.

Ms. Melissa Farley: The stigma is not removed when you change the legal status of prostitution. It's not removed in Germany, the Netherlands, or New Zealand. Even in the Netherlands, which has had prostitution legal for many years, women don't even sign up in official state registers where they would receive retirement benefits, because the stigma remains. It doesn't suddenly change the stigma.

• (1245)

Mr. Art Hanger: Why is that?

Ms. Melissa Farley: Because prostitution for those in it is an intrinsically traumatizing and humiliating act and profession. I'm not suggesting we decriminalize prostitution. Specifically, I would never suggest it. I view the behaviours of pimps and johns as predatory violent acts, and if they are not criminalized, they should be criminalized. There should be strong penalties against the demand for prostitution. Women, who have told us what they need, should be offered those services and assistance to get out.

Mr. Art Hanger: This morning we had a presentation before the committee on the activities of an escort service. The woman who made the presentation said she was both a madam and an activist. She wanted the freedom to be able to operate this business like any other business. She kept 50% of everything that was taken from the girls.

This is another interesting take, in the sense that those advocating the legalization or decriminalization of prostitution are basically saying they want full control of their own bodies to be able to use them the way they want, and by eliminating these last few remaining laws, it would be a victory for them, as women would be able to control almost everything in their life and have the freedom to operate successfully.

Ms. Melissa Farley: I'd like to respond to that.

Mr. Art Hanger: I'm definitely going to ask you to respond to that, if you would.

Ms. Melissa Farley: I would suggest that there's a great deal of research out there and there's a great deal of actual evidence to back up what I'm saying. I thought it would be horribly boring so I have not sat here and presented you with a list of 18 studies to back up every point I make. Should you want to find out more about this evidence, it's available publicly at the Prostitution Research and Education website. It's online, it doesn't cost anything, and you can download any number of papers there—prostitutionresearch.com. I will give you a card after this and I would be glad to have you go there and look at some of the evidence I'm talking about.

Mr. Art Hanger: Thank you.

The Vice-Chair (Ms. Libby Davies): Are there any more questions?

Monsieur Ménard.

Mr. Réal Ménard: I will speak in French because French is a romantic language.

[Translation]

I am somewhat surprised. I would simply like us to understand one aspect of the debate. Since 1892, the Criminal Code has contained provisions on loitering, etc. You are familiar with the entire legislative background of the various provisions on solicitation, which were obviously aimed at restricting, if not prohibiting,

the supply and demand of sexual services. And yet, ever since this committee has been studying the legislation on solicitation, we have come to the realization that the various legislative provisions, the former section 195 and now sections 210, 211, 212 and 213 of the Criminal Code, have done nothing to eradicate the supply and demand for prostitution.

How can you convince the committee that the status quo is beneficial, particularly with respect to women, be they aboriginal or members of other communities? I am trying to understand. I am not looking at the situation from a moral perspective, to try and determine whether or not it is good or bad to buy or sell prostitution services. What is important to me as a legislator is the safety of the working girls and peaceful communities.

I am a member of Parliament for a riding located in the eastern part of Montreal, where there are certainly 150 sex workers known to the law enforcement agencies. I find it difficult to understand why you are calling for the status quo, namely how maintaining the current situation will help us reach the objectives that you have described. That was my first question.

• (1250)

[English]

Ms. Melissa Farley: My understanding is that you are not approaching the issue of prostitution from a moral perspective. I also do not...I am not speaking from a moral perspective; I'm speaking from a harm-based perspective and—like you, I believe—a desire to reduce violence against women in all its forms, including prostitution. I believe focusing on the demand is where we need to go if we want to reduce violence against women.

Men's demand for prostitution is not an easy issue to address. It doesn't just start with a 40-year-old man who can't communicate with his wife and who has the right to sexual access to a woman in escort, street, strip club, or brothel prostitution. It doesn't just start there, and there have been hints of that in the testimony this morning. It begins with the very early training and the sex education, I would say, young men receive in grade school about how to treat women. It begins with the attitude of treating women...for example, as one john said, he's renting an organ for five to ten minutes.

So my question to you, and maybe you can respond to this—

Mr. Réal Ménard: It's not my role. I'm paid to ask the questions.

Ms. Melissa Farley: I don't get to ask you one back?

How do you make prostitution safer for a woman whose customer says he's just renting an organ for five to ten minutes? How would you make that safer for her, psychologically?

[Translation]

Mr. Réal Ménard: I agree with you that we need to do a lot of thinking about the clients. You probably know that a federal-provincial-territorial committee made some suggestions on this issue. Some provinces have even taken away drivers' licences. Some clients are stigmatized and are dealt with as part of the strategy.

However, the family man or the white collar worker—and here I'm using Montreal as an example—who buys sexual services from the prostitutes that you have talked about is a member of the middle class. We are not talking about poor people: we are talking about educated, well-informed people. Do you think that they are not aware of the fact that it is not good to purchase sexual services or do you think that they are unaware of the harm that they cause to the women? I think that they are aware of this. Additional information is not going to deter these people from buying services. That does not resolve the girl's safety problem. In a nutshell, I do not agree with you that, as far as jobs are concerned, it is simply a matter of providing information. I do not think that there is a lot of research that would corroborate that point of view.

If we asked you questions about typical john profiles, what would you tell us? You have referred primarily to the aboriginal communities, but what about the profile of the johns in general?

[English]

Ms. Melissa Farley: I would agree with you that the average client is not any particular man. It's men aged 14 to 80; it's men of every age; it's men of every race and ethnic background; and it is men of every professional level, from mayors and lawyers and psychologists all the way down to illegal immigrants in any country. Men buy women in prostitution.

Prostitution is a class-based organization. There is a poor level of prostitution and there's more expensive prostitution. The act itself remains the same. How I would characterize customers is they are people who feel, at a deep level, despite their knowledge of the harm...and one john said to me recently, "I know about prostitution. It takes away a part of herself. She can't look at herself in the mirror."

Do you want me to repeat that?

•(1255)

Mr. Réal Ménard: It's my office; they are so nervous. I'm so sorry.

Ms. Melissa Farley: I appreciate the challenge of simultaneous translation. I don't know how anyone is capable of doing that. I marvel at it.

It's an attitude of entitlement that many of us can't quite get an understanding of. What we have learned about men who buy women in prostitution is they are more likely than other men to engage in sexually coercive behaviours with their non-prostitute partners.

Prostitution is not a series of acts and attitudes that apply just to women and prostitution.

Mr. Réal Ménard: Would you like to repeat that? I don't understand well.

Ms. Melissa Farley: We have investigated the attitudes and the behaviours of men who buy women in prostitution, johns. We have also compared their attitudes with those of men who tell us they do not buy women in prostitution, and there are some significant differences in their attitudes and in their behaviours. Men who buy women in prostitution are more likely to accept what psychologists call rape myths. Rape myths are a set of attitudes such as this: she says no but she means yes; women really like it rough; any woman who dresses like that is asking for it. This has been widely studied,

and what we have found recently is that johns endorse rape myths much more often than non-johns.

Mr. Réal Ménard: Can I have a last one?

The Chair: Okay.

[Translation]

Mr. Réal Ménard: Are you familiar with the researcher Frances Shaver from Concordia University, in Montreal? She has established a slightly less mythical profile of prostitution and has shown that many prostitutes had three careers before becoming sex workers. She demonstrated that these prostitutes were not necessarily young people.

I would simply like to find out whether or not you are aware of the work done by this researcher. If not, our wonderful clerk may agree to send this work to you. This researcher has been studying these issues in Montreal for the past 20 years. She has eliminated some of the myths about clients and people working in the sex trade.

[English]

Ms. Melissa Farley: I would very much like to see that.

It is my understanding that with globalization, with the shrinking of economic options and educational options for women, there are more and more middle-class women entering prostitution. I do understand that, and as with everything else in the global economy, women are more and more economically impacted by a shrinking of resources and educational opportunities.

I appreciate your point that we're not just talking about extremely poor women who are in prostitution; we're talking about other women. Hopefully, my point has been that my research includes not only the very poor women but also women in indoor prostitution who are similarly impacted psychologically.

But I would love to see that.

The Chair: Thank you Ms. Farley.

Madam Davies.

Mr. Réal Ménard: Thank you very much. You are a good chairperson.

Ms. Libby Davies: Thank you very much for coming. I know you travelled from San Francisco.

I actually don't agree with a lot of what you say. I find your position very rigid. But there are some things you say that I do agree with. I certainly agree that prostitution is a class issue; it's an issue of race; it's an issue of discrimination and of violence. I think that kind of analysis can be brought to bear on a whole number of questions in different areas of work in our society. So I certainly agree that it's not only this issue; it's a whole number of issues.

I have two points. One is you're a researcher, so you obviously have been out in the field doing research. You made two points I picked up on. One was that in New Zealand organized crime had moved in in one year as a result of their regime to decriminalize. I'd like you to provide backup and evidence for that statement.

Two, you said that decriminalization leads to increased sexual exploitation of children. Again, I think it would be helpful if you would provide the evidence or the research to back that up.

Third, what I got from your remarks is that basically you see every form of the sex trade as exploitation. You see all customers—or johns, or whatever you want to call them—as exploitative. I want to tell you we've heard now from many sex workers, including women who have degrees, who see themselves in a business environment. I remember one woman who told us that some of her clients were disabled men who had no partner, and she was providing a service for those men and felt okay doing it; it was not exploitative.

I don't want to get into a big debate. You have very strongly held views, and that's fine; I'm glad you came to present to us. But I think you need to back up some of your statements. I guess for me the issue is, whether it's legalized or not, it's there, so what do we do to minimize the risk and harms, and how do we actually provide better control and choice? I too am not interested in any kind of moral debate, which is really what I see underlies your presentation—although you don't say it, but that's how I take it.

• (1300)

Ms. Melissa Farley: I didn't say organized crime has moved into New Zealand; I said organized crime has increased in New Zealand since prostitution was decriminalized, and there are many reports of this. They're in the news; they're online. I can think of four or five.

Ms. Libby Davies: Is it correct, though, if it's in the news?

Ms. Melissa Farley: There are statements from agencies offering services to prostitutes in Auckland, just as you've had statements from agencies offering services here in Vancouver. These are people in Auckland, in the same position, who are making observations of an increase in organized crime. One of them is Streetlight Support Services in Auckland, with whom I've been in touch in the last three weeks, who told me that. The other is a prostitution activist, a service provider named Mama Tere Strickland, who works with aboriginal youth in Auckland. Both of these people have given me extensive reports, including of having their lives threatened by organized crime, since prostitution was decriminalized.

It's been there. We all know that organized crime is involved in prostitution, legal or illegal, in many parts of the world. I was simply saying it has increased.

With respect to the child prostitution, we have a report by Estes and Weiner in the United States that looked at a mass number of studies and found that wherever there's a thriving sex industry—in other words, whether it's in Las Vegas, near a military base, near a convention centre, or wherever you have a thriving sex business—at the same time there's an increase in child prostitution.

Ms. Libby Davies: But you said decriminalization. You see, I might agree with you that where there's a “thriving business”, whether it's been legalized or not, there might be other impacts. But you said decriminalization. That's different.

Ms. Melissa Farley: You're absolutely right, I left out that step of the argument. Since we know that decriminalization increases both legal and illegal sex businesses—that's not debatable, that's fact, and there's much evidence for that—I made the logical conclusion that once you increase sex businesses, and we know that the thriving of sex businesses is associated with child prostitution, you therefore can

assume that there will be an increase in child prostitution as the industry expands with decriminalization, because it does expand.

Finally, I would like to respond to the comment about disability. The prejudice against people with disabilities is personally abhorrent to me. It's an issue that I care deeply about. The sex lives of people with disabilities has been fraught with prejudice and misinformation. I don't think the solution to prejudice against disabilities is to supply them with a commodity, with a human being in prostitution. I don't think that's the answer.

• (1305)

Ms. Libby Davies: But you see, that's your view, and that's terrific, but the woman providing the service didn't feel that way.

That really leads to my next question, if I still have time, which is would you agree that it's very important that we hear from sex workers themselves? A lot of people represent what those views are, through research, through agency work, or through whatever, but I find sometimes there's a looking down on them: this is what these women really should think, this is what they should do.

We've heard from many women directly, and to dismiss them, to say they're sick, or they don't really know what they're doing, or they're addicted, or they're dealing with internalized discrimination, or whatever—I have some difficulty with that.

Melissa, I wish you could have met the women we've met and heard from.

Ms. Melissa Farley: I appreciate that. I've heard from many, many of them.

I guess in response, I don't look down on women in prostitution who are not here, who are not speaking, and I don't claim to speak for them. I wish they were here. I wish they were speaking out. But who you're hearing from, unfortunately...

I had a public discussion in the last year with an organizing member of COYOTE, a group you might be familiar with. It's one of the first organizing groups for prostitutes' rights, and a very strong advocacy group, pro-decriminalization. This woman said, in a public debate with me, I know you're right; 99% of everyone I know in prostitution wants to get out.

I'm conservative, so I wouldn't use a number that high. Every number I've given to you is on the conservative side. In our research in Canada, we found that only 95% wanted to get out.

So I would respectfully say that you may not be hearing from the vast numbers of women in prostitution over Canada who have told us they want to get out, and who may not, for many reasons, be able to be here, speaking to you.

Ms. Libby Davies: If it's 95%, we must have heard from some of them.

The Chair: I'm sorry, we have to move on. Thank you.

Dr. Fry.

Hon. Hedy Fry: Thank you very much.

I am a little concerned about some of the things you have presented to us, mainly because I think they are simplistic. I think prostitution defies definition. There is not a simple definition for prostitution. We have heard, when we've travelled across the country, that it's complex, that women indulge in the sex trade—or are in the sex trade—because they're surviving. It's what they need to survive, to either buy drugs or feed their kids or get food on the table. We've heard there are other women who are exploited, even though they're not in survival sex. Then we heard there are some women who have chosen to do so.

Now I can understand how someone can think they cannot conceive that anyone would wish to, or choose to, sell sex or to be involved in the sex trade, but these women have told us they actually—and I'm going to repeat what Ms. Davies said—see some of what they do as a service. If we're going to only define sex that is bought as being a power imbalance, and men are therefore buying sex because they hate women, or because they wish to defile women, or because they wish to use women's bodies, what do you call sex that is not bought, but in which you just sleep with somebody one night and walk away, and sleep with somebody the next night and walk away? What is that?

If we're only talking about bought sex and we're suddenly defining it in this very narrow term, we're doing a disservice to what we have heard from the people. I think your point that we've only talked to 5% of people, obviously, in Canada who have told us this actually defies logic. I don't think we're only going to be going around looking for people to talk to who are going to just represent this very tiny 5% of the population.

We have heard some very thoughtful presentations by women who are, or have been, in the sex trade. Some who have chosen to do it have said there are people who, for various reasons—not only disabled persons, but people who just...

I mean, let us talk about sex as a normal, human need. Sexuality is human and it's normal. Some people may not be able to have a girlfriend or to find someone to go out with. Maybe they're not attractive; whatever the reasons are, they've not been able to. And sometimes they go to sex trade workers because they want someone to just hold them and love them. They've told us not everybody who comes to them comes for sex at all; they come for many other things. Some of their regulars come just for somebody to confide in, to talk to—a person they can trust, a person they feel can give them some warmth, some human feelings. So it concerns me a little bit.

I want to know if you did the research. You suggest you've spoken to the 95% of people, and we've only spoken to the 5%. Then I would like you to tell me where this idea comes from—that the buying and selling of sex is not always a vile thing. It's not always a disempowerment thing. Some women feel empowered when they help another human being, and sex, being a natural thing, could happen under certain circumstances. If you think all these women are

victims, why would we victimize people even further by criminalizing what they do? I just want to know that.

• (1310)

Ms. Melissa Farley: I would say, in response, that if prostitution is such an empowering occupation, why don't we see equal numbers of men in it? It's at heart an issue of sex equality. Women have said to me if they could make as much money cleaning toilet bowls as they do in prostitution, they would be cleaning toilet bowls. It's an issue of job opportunity and of a lack of equal opportunities for women in Canada, in the U.S., and in many other places, because of—as you mentioned and as Ms. Davies mentioned—race and class and, above all, gender.

Sex, promiscuous sex, every kind of sex act you can possibly imagine, I'm in favour of, as long as there's equal power on the part of both people to choose the sex and to refuse the sex without economic consequence. That's the definition of freely consenting sex. That's not what prostitution is. Her sexuality is not respected in prostitution. I would like you to ask some of the people who are proposing that prostitution is a nice job what happens to women after 10 years in prostitution, in terms of their sexuality. What I hear as a psychologist is there's massive destruction of autonomous, joyous, free sexuality with her chosen partner.

Hon. Hedy Fry: Actually, we did hear that. We heard that there is in fact joyous, normal sexual activity with the chosen partner from a lot of the women who'd been in the business for eight years or more.

There is something you said. You asked, what about men and why don't they go into it? It's because when a man goes into it, he's not called a prostitute. He's called a gigolo or a cabana boy or a pool boy. I think we need to talk about how we as society define women who are in the sex trade and how we define men. We continue to do this. We do it ourselves and then we talk about the issue as being one of stigma and one of dehumanizing women. I agree with you that in many instances this is dehumanizing for some women in the survival business and others. But I still haven't had your answer to the question of, if it is so dehumanizing and if women are so victimized, why would we further victimize women by criminalizing them?

• (1315)

Ms. Melissa Farley: I appreciate that question, and it's a very important question. This is an area where there is agreement on all sides of the issue. I do not think women should be arrested for prostitution, ever. I don't think it's something that should happen. On the other hand, the problem is that across-the-board decriminalization—that is to say, decriminalization of pimps, traffickers, and johns—is not a good idea. So I am in favour of criminalizing. This is the Swedish model, which is remarkably effective.

The Chair: Dr. Fry, we have to move on.

Madame Brunelle, *pas de questions?*

Ms. Farley, thank you very much.

Ms. Melissa Farley: Thank you for this opportunity. I appreciate it very much.

The Chair: We appreciate your being here.

We'll adjourn this portion very briefly, allowing our next panellists to come forward. No, no five-minute break.

Perry Bulwer and Loraine Laney, British Columbia Civil Liberties Association; Covenant House Vancouver; Dickens Community Group; Focus on the Family Canada; the Downtown Eastside Youth Activities Society; Susanne Jay; and Lee Lakeman.

•(1316)

(Pause)

•(1321)

The Chair: We're ready to start again. The routine will be roughly seven to ten minutes for a presentation to us, then roughly seven-minute rounds of questioning by members of our panel. Then we'll go to three-minute rounds within the time we have before we have to adjourn.

I'd ask Perry Bulwer to start the proceedings.

Mr. Perry Bulwer (As an Individual): Thank you for inviting me to attend these very important hearings. I'm going to read my presentation so that I make sure I stick within my time limit.

My name is Perry Bulwer. I'm a member of the Law Society of B. C., though I'm appearing on my own behalf.

I'd first like to say I've read through all the transcripts of the hearings up to date and I don't envy you the difficult task of sorting through that at times somewhat contradictory evidence. I'm just going to give you a brief outline of how I got involved with this issue in my own neighbourhood. I hope you have some questions on some of the details.

First I should describe where I live to help give you a mental picture of my neighbourhood. I live on the east side of Vancouver. You're probably familiar with the downtown east side. Moving eastward from there is a stretch of approximately 15 to 20 blocks of an industrial area that borders the Port of Vancouver. A lot of street prostitution occurs in that area. My apartment is situated at the very eastern boundary, on the first block of the residential area. My living room windows overlook about a two-block stretch of Semlin Drive.

Semlin Drive used to be referred to as the "kiddie stroll", because there were so many young girls working the streets there. I moved to that location in the summer of 1998. Until that time I was aware of street prostitution in general, but like most people who aren't directly affected by the issue I tended to just look the other way. However, when I moved into my current apartment I was immediately faced with this issue on a daily basis. I began to see women in very distressful situations. Some who were addicted often used my parking lot to use drugs and to sleep. It was obvious they were in very bad shape. Sometimes I didn't know if they were dead or alive.

I initially got involved just by calling the ambulances, and I'd wait until they arrived. I think it was the behaviour of the paramedics that

first signalled to me that there was something wrong with this picture.

Please don't misunderstand me. I'm not criticizing those important health workers, but it just seemed.... They knew so many of the girls' names, and it seemed to be just such a routine, mundane "another day at work", and it quite shocked me. Perhaps it was just my being uneducated on the subject, but I was really deeply troubled that as a society we could let this situation happen.

From those initial encounters, I set out to educate myself. I wrote to city council about the situation and didn't get a reply. I spoke with the local community police officer, but he seemed quite unenlightened about the situation. All he could offer were enforcement strategies.

Around that same time I noticed a poster in my neighbourhood offering a public meeting at the local community centre called Kiwassa Neighbourhood House. I attended a meeting; it was quite a raucous meeting. From there I became involved with some progressive-minded residents in the area.

Kiwassa House had received some funding to initiate a program that was called the Wall Street healthy community project. There were a variety of different initiatives, such as a community garden and youth programs. Different committees were set up, one dealing with street prostitution, so I volunteered my time.

Those of us in the committee were all laypersons; we didn't have any particular talents or skills. One thing we had in common is that we wanted to see a harm reduction approach taken. At the very least we were all aware that the status quo wasn't working, and we knew that the NIMBY approach didn't work but just pushed the problem from one neighbourhood to the next. We didn't see any point in that type of response to the issue.

Our committee set out to educate ourselves first before reacting to the problem. We began to read the research and we invited experts to speak to us. For example, we had Professor Lowman, who has testified before you, and two of his colleagues from the criminology department at SFU came to speak to us. We had people from advocacy groups like PACE and WISH attend our meetings. We had people from the health board. Libby Davies came.

Our committee met on a regular basis for three years, from 1998 to the middle of 2000. In the first half of 2000 we did participatory research, in the form of focus groups, with the help of some UBC sociology students.

•(1325)

We drafted a five-year strategic plan, a copy of which I've made available for you to look at later.

There were five broad goals. We wanted to achieve a responsible consensus as a community with respect to prostitution; build strength of community in order to responsibly and inclusively address issues of prostitution; ensure the safety and well-being of all the residents; ensure the safety and well-being of the sex trade workers; and ensure the safety and well-being of youth. Some of those are redundant, now that I read them over.

Unfortunately, we were never able to achieve consensus in our community on this issue. I believe the primary reason for that was our insistence on an inclusive approach that emphasized harm reduction rather than enforcement, and one that also recognized that many of the sex trade workers in the area were members of this community and deserved as much safety and well-being as any other resident.

Our community became quite divided on this issue. Some of those who did not agree with our approach but favoured more enforcement policies began to organize around the community policing office. While we were working on education and harm reduction ideas, they were working on establishing community patrols that pushed the women deeper into the more dangerous industrial area. And remember, this was at a time when women were continuing to disappear from that very location and the Vancouver police were in denial that there was a serial killer at large.

Some residents who favoured more enforcement were openly hostile toward our committee. At some meetings at the community policing office that all the residents were entitled to attend, we were either shouted down or not allowed to speak. It was at one of those meetings where I was called a "hooker hugger". I guess that was an attempt to insult me, but if that meant I was out to save prostitutes in the same way tree huggers are out to save trees, then I wasn't insulted at all. I just mention that to point out how divisive this issue was, and that taking a stance like our group did wasn't very popular.

Toward the end of our work as a committee, we became aware of a new group that was just beginning to organize called Pivot. Pivot is quite well known now, but at the time that was one of their very initial meetings, before it was even a society. We learned that they had a vision for exactly what we had been trying to achieve, and that they would be far better able to take this issue on than we were. Our committee was therefore disbanded, partly for funding reasons. Our coordinator had lost funding. I entered law school around that time, so I shifted my attention to the issue of intravenous drug use and collaborated with John Richardson of Pivot on some of the first legal arguments for the safe injection site that is now saving lives.

I want to wrap up, but I'll just quickly mention one other situation within this timeframe that I've been discussing. You may have heard about one sex worker advocate, Jamie Lee Hamilton. I'm not sure if you have or not. She had attempted to set up a drop-in centre, and she was later charged under the bawdy house laws. Her house was in the same block as mine, directly across the street, so I was at a vantage point of seeing all the activity in the neighbourhood. I was well aware of what she was doing. I visited her home as a friendly neighbour activist, not as a client.

I also attended her trial. I was sitting in the gallery, and I heard two crown witnesses give the judge quite a distorted view of the neighbourhood. Essentially they were attributing all of the nuisance factors in the neighbourhood to what Jamie was doing. I knew that wasn't true, because there was a drug dealer right next to my building, and I could see from my window exactly what was going on. That drug dealer was there before Jamie had set up, and I testified and explained to the judge that, in my view, what she was doing was actually taking most of the nuisance factors away. I'll let you ask you more questions on that, if you wish.

● (1330)

I just want to end by saying that on that stroll that I mentioned, there are no longer prostitutes working there that I can see, and that concerns me. It might seem odd to say that, but it seems that the efforts of the citizens' patrols and the Vancouver police have been successful in that. I don't think anybody believes there are fewer prostitutes. They're just deeper into that more dangerous area, and frankly, I think that's quite a shame.

The Chair: Thank you, Mr. Bulwer.

Loraine Laney, please.

Ms. Loraine Laney (As an Individual): My presentation is called "I Have Never Heard a Woman Say, 'I Had a Chance to Become a Prostitute'".

There is one premise that solves the confusion about how to approach prostitution, and that is that non-monogamy is an aspect of sexual orientation. All prostitutes cite economic reasons, and it's true that nobody wants to be a prostitute. But if you are female, a polyamorous heterosexual, and you're poor, you have to be some kind of prostitute because free love is a nightmare. Polygamy is the other polyamorous escape from free love, but it's also illegal. We have to stop punishing people for non-monogamy, and Canada is perfectly poised to take the lead in creating international standards.

I'll go right into some recommendations. We would include prostitutes and other polyamorous people as protected by sexual orientation under section 15 of the charter. We would legalize polygamy within unique parameters. We would refine section 212 to say, "Every person who exercises control over the movements of a person in such a manner as to show that they are compelling that person to engage in sex work...".

Last night in our group, we were left with the question about living on the avails. It struck me that one piece of legislation, "compelling a person", might be used to protect women from unwanted relationships without interfering in free enterprise, which would hopefully then be handled by employment protections.

Compelling a person to engage in sex work through forms of violence would be charged as a hate crime. We would increase the maximum sentence. We would stipulate non-exemption from welfare and disability. We would consider sex work a health practice. We would stop attributing non-monogamous behaviour to low self-esteem and compulsive disorders. We would integrate sex workers into Canada's immigration policy. We would manufacture safe sex clothing that accommodates penetration and can be used with a condom. We would not require medically tested workers to work with untested clients. We would regulate businesses, but not individuals. And this is a big one that goes a long way toward creating a climate: the personal income from contact sex work would be tax exempt. Contact sex work expenses would be tax deductible.

There is an aspect of sex work that is very difficult for everyone to come to grips with, and that is the way it affects children. We would accept the idea that sex itself does not corrupt children, but lack of respect does. We would accept the idea that johns are not more dangerous than other men. We would rely on prostitutes to protect their children, and home-based sex workers would be permitted to undertake adoption and foster care.

This is the most difficult portion of my presentation. Our goal concerning youths has been to keep them out of prostitution, yet we drop them into the abyss of free love without a second thought at the age of 14. Like adult women, it is the experience of free love that leads young women to prostitution. If we want to prevent their public commitment, their turning out, we must mitigate their experience of free love. Again, I hope to create a climate.

We would use “compelling a person to engage” and hate crimes legislation. We would eliminate the age of consent, and sexual relationships with minors would be illegal. Law enforcement and community health would focus on bringing minors in adult situations to the attention of a ministry. At the same time—and on this one, you guys will freak out—minors could plead to a ministry to be allowed to conduct sexual relationships with adults or employment of their choosing, including sex work. Minors would be assisted to explore relationship and employment options and negotiate decisions. Ministry evaluations could result in criminal charges for adults. Youths seeking marriage, whether monogamous or polygamous, would be subject to a ministry evaluation.

• (1335)

Finally, we would include sexual power dynamics in the sex education curriculum. That is something that is missing completely.

Finally—and this again is a bit controversial—given that the freedom to pursue relationships and sex work of their choosing may result in images of child pornography, the enforcement of pornography laws would be directed at perpetrators and, to a lesser extent, control of possession and content.

I hope these ideas can be useful toward a made-in-Canada solution.

The Chair: Thank you, Ms. Laney.

From the British Columbia Civil Liberties Association, we have Micheal Vonn and Ann Pollack.

You are allowed a 10-minute presentation between the two of you, in the event that you both wish to present.

Ms. Ann Pollack (Member at Large, Board of Directors, British Columbia Civil Liberties Association): Thank you, Mr. Chair.

I'll let you in on my dirty little secret first. I'm a lawyer. That doesn't completely undercut my presentation, but a lot of my thoughts today have to do with my anticipation of trying to work within or apply whatever the learned folks hand down in legislation.

Our submission today is confined to the laws as they relate to adults in the sex trade. We don't address, in this submission anyway, the issue of children.

The starting point has to be the evil sought to be addressed in your legislation. I know you've already been taken back to the 1990 prostitution reference, in which the Supreme Court of Canada concluded that this form of speech is protected under the charter but the prohibition of it is upheld under section 1, and that the evil sought to be remedied was the nuisance, with the intended effect being to eradicate the public sale of sex.

I'm going to take a somewhat radical position for the sake of argument and suggest that the legislative intention—if I can presume to speak for the legislature—of the criminal prohibitions on the sex trade is plainly and simply to criminalize the sex trade. We've criminalized the moral choices of those among us. We know it's a moral issue. That's why we call it a vice crime. I suggest that the choice to explicitly outlaw only the activity surrounding the sale of sexual services is a practical one having to do with certain inefficiencies built into our system of justice, such as the requirement that the prosecution prove its case beyond a reasonable doubt. Another system of justice, like, for example, the Star Chamber and maybe public beheadings, might be more efficient, but I hope we feel rather attached to the inefficiencies we have in our system of justice, such as the evidentiary requirements.

In these hearings across the country, you've been hearing evidence to the effect that the current laws do, in purpose and effect, criminalize prostitution. Let's leave aside the esoteric, may I say, absurdity of the particular drafting that prohibits communication and grapple with whether the criminal law should venture into this field at all.

I can see from the transcripts of earlier evidence that some considerable attention has been paid to the Swedish model, in which the decision was made to criminalize the purchase of sexual services. Before you go on to seriously consider taking that path, I would urge you to consider the issues of the harm that is to be addressed and the way to enforce any legislation that is intended to address that harm.

The first issue that I suggest you consider is whether the harm done merits the exercise of the extreme power of criminal law in a free and democratic society. And here I'm not speaking of the secondary nuisance generated by the particular modalities of the sex trade that are forced upon that industry by the legislation. That nuisance can be addressed by any number of the other laws that are already on the books, both in the Criminal Code and elsewhere.

In the words of John Stuart Mill, “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.” That note resonated in the findings of the Ouimet report of 1969 and in the 1982 report of the federal Department of Justice. In both those reports, we were cautioned to employ the criminal law as a last resort and only in response to a serious threat to society.

The second issue I would suggest that you consider is how police will investigate such an offence if we prohibit the purchase of sexual services. How are they going to investigate that, and how do we feel as a society about those methods? To enforce the current prohibition against “communication for the purposes” and so on, undercover police officers go down to the stroll and they essentially talk dirty to the women who work down there. That's how they get busted. It's really like shooting fish in a barrel.

• (1340)

What would police officers have to do to gather evidence proving, beyond a reasonable doubt, that customers or sex workers are engaged in the prohibited sale of sexual services. Do we want police officers purchasing and selling sexual services? How do we feel about that? It's a very practical question. I suggest that this problem of gathering evidence is also what underlies Parliament's prohibition of the possession and trafficking of drugs, but not the consumption of drugs.

How are you going to prove the offence if you prohibit the actual act? Don't spend a lot of time thinking about that one. I suggest your resources would be better spent in consideration of the actual harm done to society by prostitution and its associated activities and the best tools to remedy or prevent that harm. Earlier, you heard from Professor Deborah Brock that since the introduction of the communicating law, there has been no apparent reduction in street-level prostitution. Is that criminal law an appropriate tool, then, to achieve its intended effect? Make no mistake. If you criminalize customers, you penalize prostitutes too. You're not giving them a break by only busting the customers.

You've also heard from Professor John Lowman about how the increase in the murders of prostitutes correlates with greater prohibitions. I commend you to that rather striking evidence and urge you to conclude that the social harm done by the prohibitions against the sex trade *vastly* outweighs any social harm generated by the sex trade or its associated activities. The bodies are piling up. It's time to make that connection. Think more deeply about the issues and craft some real solutions, not just a legislative fix-it that might look good on the surface. That approach continues to cost the lives of real women who have families and histories and futures. They are women whose lives matter.

An earlier report from the Law Reform Commission of Canada concluded:

We have too much criminal law. Naive beliefs that every problem can be solved by "having a law against it" has proliferated statutes, regulations and offences. We have too many criminal charges, too many criminal cases in our courts, too many people in our prisons.

In a free and democratic society, we have to concern ourselves not just with the social objectives, but with the means to those ends. It has often been said that if we doubled the welfare rates, we'd halve the number of prostitutes. I don't know about that, but I'm certain that if we improve the choices and the opportunities available to women and others who work in the sex trade, some will still choose to work in the sex trade and many will not. Hitting them over the head with criminal sanctions is not creating opportunities for the women, the men, or the transgendered people who choose the sex trade. Rather, it's pushing them to the margins of society and away from other opportunities for employment. It's endangering their lives, and that's clearly borne out in the statistics that you've already had in front of you, brought by other witnesses.

Whether we expressly outlaw the sex trade with prohibitions against prostitution or indirectly outlaw it by prohibiting all the behaviour necessary in order to earn a living in the trade, what we do in choosing a tool from the criminal justice tool box is throw away a whole sector of humanity because we don't like the moral choices

people have made in order to make their way in this life. Criminal sanctions exacerbate the harms of the sex trade. Those harms are all secondary to the industry. The purchase or provision of commercial sexual services in itself is a transaction, I suggest to you, with no victim. Criminal sanctions make victims in the sex trade. I suggest that the solutions to the harms secondary to the sex trade lie in our social and economic policy. Don't use the criminal law for this. Let's get the police and the courts out of this business.

Thank you for giving us this opportunity.

• (1345)

The Chair: Thank you very much.

From Covenant House, we have Mr. Charles Cooke.

Mr. Charles Cooke (Executive Director, Covenant House Vancouver): I go by Sandy Cooke. If you ask questions of Charles, you might have to remind me who you're speaking to.

I also want to thank the committee for the task you're presently doing and where you're going with it, because I think it's about time.

I'll be speaking specifically on children and youth who have been involved in child prostitution, from a few different perspectives. We're currently, with Dr. Sue McIntyre, doing research in Vancouver and Victoria on young men in the sex trade. We're looking at ones who have exited and ones who are still in the sex trade. There's very little literature on young men in the trade, and I'll speak a bit more about it as I go through my presentation.

In 1988 I chaired a task group in Vancouver with the Vancouver Police, the Ministry of Attorney General, and the Ministry for Children and Families. The task of the three groups—and we did it separately—was to identify the 12 most high-profile, at-risk children in the sex trade on the Vancouver streets. We brought our lists together and agreed on 12 young people who were in the sex trades in Vancouver.

Our task was to look at the barriers to service to these young people. As chair, I released the report at the end of it and was severely reprimanded within the government for having done that, let alone being critical of the child protection ministry within the province. To me, the child protection side was part of the issue too.

Kim Rossmo, now Dr. Rossmo, who was with the Vancouver police, was the police representative on the task group. Nothing has changed since 1988. If anything, it's become worse. There is no dedication to those in the sex trade within this city, let alone in this province or this country, on the child protection side of all the issues.

I forget how many years back—it was the last royal commission on health here in British Columbia—the commissioner wanted to meet with young men who were in the sex trade in Boystown, which is in Vancouver on Richard Street. It still exists to this day, and has been there since the turn of the century. Over a period of about three or four months, we brought in roughly 40 young men who were involved in the sex trade, bars, peep shows, and that type of thing in that area.

We helped them. We had what we called pizza nights, and we more or less helped them frame what they wanted to say to the commissioner of health. Of that group of roughly 40, I think one is still alive, if not two—and that was only about 12 years ago. Most of them have been murdered. They've died of AIDS, overdoses, and suicide. Who cares? I guess that's still the question, especially on the social justice issue.

If you want to get a pecking order within the underbelly of our society, look at the young boys and young men who are in the trade and what their exit routes are, if they have any, if not to death.

There is the Pickton farm, which we hear a lot about too. One woman I speak of when I do public speaking is Mona Wilson. Her DNA was the first woman's DNA found—one of the first two women. Her hands and feet were found in his freezer also. That was leaked by the press, but it was quickly withdrawn. I knew Mona when she was 13, working the streets. Nothing has changed. So on a social protective issue, what are we doing as a “civil society”? We're not doing much on the child protection side of it at all.

I knew a lot of the other women who were reported missing too. They were in the sex trade “child prostitution” at the ages of 12, 13, or 14. What are we doing as a society? I was going to talk about Dr. Jackie Nelson's discussion paper that she put out in 1993 on prostitution. She looked at it from three different perspectives, but in all of those perspectives the issue of children and youth in the trade was accented: how do we get them out, and how do we protect them?

I'll speak about just two other national studies that really annoy me. There was a federal study on sexual abuse across Canada. I think it was a two-and-a-half or three-year study on sexual abuse rates across Canada from province to province and territory to territory. In that study they intentionally excluded children who were being sexually exploited in the sex trade. Why? Who made that decision? I still don't get answers to that.

• (1350)

The other study was a national study on child witnesses preparing for the courts for sexual abuse and other things. Guess who was excluded from that study? Children in the sex trade. Why? Who made that decision?

The trafficking of children and youth in this country has gotten worse. I was in Halifax the day the UN Convention on the Rights of the Child was signed. That must be about 18 years ago now. When it comes to Canada on the global scene and the sexual exploitation of children and youth, to me it's smoke and mirrors. What are we doing? We're not living up to the UN Convention on the Rights of the Child.

In this province today the ones who are on a kiddie stroll can't even be assessed for protection because they don't meet the risk model. I think that's criminal. And that's the situation across Canada, too. They're dispensable, disposable children. There are no services and exit routes for young ones in the sex trade. There never have been. There was some hope within British Columbia for a while, but it has definitely vanished.

I could go on and on, but I won't. This is what I'd love to have, and dream of, from this committee, if you could do it. I don't belong

to any political parties, provincial or federal, and I hope not to. Wouldn't it be nice if we had an all-party agreement at the federal level on a ten-year committed vision for children who are being sexually exploited within this country. I'd love to see within the provinces an all-party agreement on a ten-year vision for extricating children and youth from the sex trade.

I've been to too many funerals and memorial services for young people. And it's not getting better, it's getting worse.

I'll leave it there. Thank you.

The Chair: Thank you very much.

From the Dickens Community Group, we have Dennis St. Aubin.

Mr. Dennis St. Aubin (Organization Committee Member, Dickens Community Group): Good afternoon.

First off, I'd like to express my appreciation to the subcommittee for inviting me to attend.

For my presentation, I would like to focus on the other victims of street-level solicitation: the residents of communities who are forced to deal with the existence of sex trade workers on their streets, in their parks, and on their school grounds.

For the past four and a half years I've been a member of the Dickens Community Group, which was formed in October 2000 when our community became inundated with sex trade workers.

I'm also a past board member of the Cedar Cottage Community Policing Office and the Vancouver Association of Community Policing Centres. I am also a presenter at the prostitute offender program, the John school, which is run by the John Howard Society in cooperation with the Vancouver Police Department. In these sessions I talk about the impact of prostitution on communities.

As I mentioned, we named our group the Dickens Group. We named ourselves after the Dickens Elementary School in our community when we learned that many of the sex trade workers were taking their customers to the school grounds, ostensibly because it was dark and quiet at night.

We were told by the vice-principal of the school that this was a growing problem and that school staff had taken to scouring the school grounds before children arrived, looking for needles and condoms left behind by prostitutes and their clients. In fact, when we later organized a community cleanup and found several dozen condoms and a dozen needles in our neighbourhood, the largest concentration was in and around the elementary school grounds.

The influx of sex trade workers has led to numerous other incidents, which alarmed the parents in our community. I personally recall one morning seeing young children and their mother standing at a red light, waiting to cross the street on the way to school. Beside them stood a sex trade worker dressed for business and soliciting customers while they stood beside her.

On another occasion, we saw a sex trade worker smoking crack in a doorway near the school only minutes before children would be walking past on their way to school. When told to get out of there, she replied that we could eff off, that she had every right to be there. She continued smoking crack until we called 911 and the police arrived.

There have been many other incidents. One involved a sex trade worker stripping and washing herself in the girls' washroom of the local children's playground in the middle of the day. Others involved people being spat at, being threatened by the girls and their boyfriends, and finding condoms deliberately draped on side-view mirrors.

In response to this threat, we organized a community meeting at which over 200 people showed up to express their anger and frustration. We also held a rally, which attracted another 200 people. More importantly, about 40 of the community members volunteered to form nightly community crime prevention patrols, which were sanctioned and whose members were trained by the Vancouver Police Department through the community crime prevention office.

To this day we continue with our patrols, making our presence felt, and calling 911 to report sex trade workers and drug dealers. We also file reports with the community policing office, detailing their activities, noting the plates of vehicles that pick up the working girls, and reporting other suspicious criminal activity throughout the community.

We also feel that our mere presence and the act of taking back our streets from the working girls and their criminal associates has had a significant impact on all criminal activity in our neighbourhood, dramatically reducing the sex and drug trades to the point where in the last two years we occasionally go weeks without seeing any significant activity.

Our community has followed the progress of this subcommittee for some time now. In the past we have met with Libby Davies and expressed our deep concerns. She has sought to reassure us, telling us that she understood our concerns, and that the intent of this subcommittee is not to victimize communities by making them more vulnerable to the dangers inherent to street-level prostitution.

It is important to us that all of our hard work is not undone by changes to the law that will allow sex trade workers to engage in this high-risk behaviour without regard to the dangers they pose to residents and children. In fact, we would ask that any reform to the solicitation laws include strong enforceable measures, ones that the working girls and johns will understand and abide by, aimed at ensuring that the sex trade will not be conducted in residential areas near elementary schools, high schools, or children's playgrounds.

In preparing for this presentation, I spent some time reading through some of the previous presentations to the committee. I realize that many academics and professionals have preceded me and discussed in great detail the various aspects facing the committee. It concerns me to read that many of the experts indicate that legalization and decriminalization of prostitution in other countries simply did not work, that in many countries where prostitution is legal, illegal prostitution continues to flourish, with the majority of working girls choosing not to register with the authorities or to work

in residential areas that are not designated as red light districts. I also understand that legalization has led to an increase in the amount of prostitution in many of these countries without any significant improvement in the conditions under which the prostitutes work.

• (1355)

These facts are consistent with what I have been told by the professionals and educators involved in the prostitute offender program. It is my greatest fear that legalization or decriminalization of prostitution will not increase the safety of sex trade workers; will eliminate or significantly reduce the effectiveness of any controls over where and when sex trade workers choose to operate; will make communities, such as mine, less safe for families; and will increase the amount of other criminal behaviour, such as drug dealing and petty crime, which go hand in hand with the increase in prostitution.

Please understand, we do want some change in the law. People in my community support increased security for sex trade workers to reduce abuse, greater focus on resources aimed at helping them get off the street, greater focus on resources aimed at helping high-risk youth, more effective prosecution of pimps; greater focus on the johns to ensure that it continues to be illegal for them to pick up prostitutes in residential areas, and greater support for alternatives, such as a prostitute offender program.

But if you choose to proceed with some of the changes that have been discussed previously, then I would strongly suggest that rather than simply legalizing all forms of prostitution, you look at precedents such as safe injection sites and heroin trials. Neither of these has required us to legalize drugs, but allow us to experiment with possible solutions before committing to irrevocable change.

Should we decide to permit bawdy houses, then there must be regulations that would allow neighbourhoods to decide whether or not their presence is acceptable in their community. They should, at the very least, be subject to the same rules and scrutiny as licensed drinking establishments.

Should you decide to permit red-light districts, then you must also have the approval of the community in which they are established. You cannot just foist them onto a community without their input. If red light districts are permitted, then other communities must be protected. Both the sex trade workers and customers must be subject to significant penalties if they choose to operate outside the permitted areas. Should they choose to conduct business near schools or playgrounds, the penalties should be even worse.

In closing, I note that in previous committee hearings the impact of prostitution on communities was generally referred to in terms of being a nuisance to the community. For me, a nuisance is someone playing music too loudly, partying late into the night, or driving a car or motorcycle that is badly in need of a muffler. Condoms and needles around schools, residents afraid to walk around the community at night for fear of being propositioned or assaulted, concerns for the safety of children—these things are much, much more than mere nuisances to the residents and communities where street-level prostitution moves in.

You cannot ask people to risk the safety of their families so that complete strangers who are engaged in high-risk activities can do so in better lit, more comfortable surroundings. Any changes you propose to the solicitation laws must effectively respond not only to the needs of the sex trade workers, but also to the needs and concerns of the citizens who are forced to deal with the problem. Otherwise, I firmly believe that you will have little hope in getting the support of average citizens for your proposed reforms.

Thank you.

• (1400)

The Chair: Thank you, Mr. St. Aubin.

Next is focus on the Family Canada, and Jennifer Allen and Anna Marie White.

Ms. Anna Marie White (Research Analyst, Focus on the Family Canada): Thank you.

First of all, I'd like to thank the committee for the invitation to appear here today. We'd also like to add our voice to the many that have expressed horror and disbelief over the recent abduction and murder of women from the downtown east side of Vancouver. As an organization, we're moved with compassion and grief for their families, and we continue to remember them at our staff prayer times.

Focus on the Family Canada, as many of the committee members are aware, is a charitable organization. We operate on Christian principles, and we seek to support Canadian families through our programs and educational resources. We do not have programs that are aimed at outreach to the sex trade workers, in particular, as do some of the witnesses that have already appeared before the committee. Instead, we operate a busy call centre that reaches across the country from our national headquarters in the Fraser Valley.

We receive over 60,000 calls per year, in addition to nearly 70,000 letters and e-mails, from 100,000 to 150,000 Canadians who are seeking help for their families. They come to us for help on issues that involve some of the softer concerns, like parenting styles, education choices, and sibling rivalry, but we also hear from moms and dads and children and grandparents and aunts and uncles whose families are being impacted by much tougher issues involving substance abuse and dependencies, sex trade involvement, infidelity within marriage, and child abuse.

In addition, we run a daily radio broadcast on 140 stations across Canada that can be heard in over three-quarters of Canadian homes every day. In these radio broadcasts we address many of these issues through expert guests from related professional fields.

We're very pleased to see that Parliament has recognized the need to address the problems associated with the sex trade. The individual situations of sex trade workers and their clients, as you know and have already said, are varied and complex. Thus, your task is equally complex as you examine possible changes to the Criminal Code that will greatly impact those individuals and the communities in which they're found.

We recognize that there are both men and women working in and being exploited by the sex trade. But in the interests of time, I'll focus our comments on the situation of women and young girls, particularly those who are seeking a way out of prostitution. I realize that the committee has already heard from many witnesses and groups that share a similar perspective with our organization, so I'll move quickly to summarize our recommendations to the committee. I'd be happy to discuss any of these with you in greater detail during the discussion time.

Given the complexity of personal circumstances faced by sex trade workers, effectively addressing their unique situations requires a multi-pronged, broad-perspective approach. I know you've already heard that there is no one quick-fix, easy solution to this.

First, we encourage the committee to recognize in its report to Parliament that we're dealing with a societal issue, one that shares its roots with domestic violence and the mistreatment of women in other arenas. This is a larger systemic issue that I realize is somewhat outside the mandate of the committee. However, I feel it's worthy of mention because it is one of the root causes of the exploitation of women through prostitution.

Second, we encourage the committee to recommend governmental support through policy initiatives for the many organizations that are working tirelessly to create better marriages and healthy family relationships in an attempt to keep both johns and prostitutes from the sex trade.

We also support measures to protect women and young girls from being exploited as sex trade workers, and in particular, increasing exit options for those seeking a way out. Specifically, this includes readily accessible, well funded outreach programs, access to treatment programs for addictions, adequate housing, and financial assistance for training and development in promising career fields.

We are particularly concerned about children in the sex trade who are never there by informed choice. In dealing with children especially, there needs to be room for innovation and the ability to protect children who are at high risk of being sexually exploited or who are already involved in the sex trade. This may mean facilitating greater cooperation between law enforcement officers, the judicial system, social services, provincial ministries, and the local community to ensure that children in the sex trade are given many ways out.

We support maintaining sections 210 to 213 of the Criminal Code as they are. We encourage the committee to study the enforcement of those laws and the judicial application of such. Reforming the sex trade involves a much bigger picture, as I've mentioned, that brings in other issues such as the age of consent and child pornography. Canada has gained an unfortunate and embarrassing international reputation as a haven for many forms of sexual exploitation, many of which disproportionately affect young children. We encourage the committee to consider how raising the age of consent and tightening laws against child pornography would reduce child exploitation within the sex trade.

I'd like to end with a note of caution to the committee to exercise prudence in formulating your recommendations to Parliament. Having spent many years in the public policy-making arena, I am certain that you have seen the adjudicative effect of legislation. It is an education tool for citizens.

• (1405)

I'll end with a note of caution as you proceed on your study.

Having spent many years here, I'm sure you've seen the importance of what you do. The messages that are conveyed through the media, even when accurately conveyed, can have a very different effect on a hearer, and particularly young people, who are vulnerable to the mixed messages that can come from government via the media. I'll illustrate by way of an example from the current debate over drug policy reform. As others have already drawn the parallels, there are many of the same discussions going on within the drug trade.

Shortly after the release of the report from the Senate committee on the non-medical use of drugs, I received an e-mail from a single mom in Quebec who was distraught after finding her 16-year-old son with a large quantity of marijuana. When she asked him what it was for, he explained he was selling it to his friends. "It's no big deal, Mom, marijuana is not illegal any more. We're allowed to have as much as we want", he told her. We in this room likely all know that's not the case, and that many youths, such as this 16-year-old, are at risk of misunderstanding the legal context in which they live.

I've kept my comments deliberately brief, as we have a full slate of speakers for this afternoon, but also to give a maximum amount of time to Jennifer Allen. We've invited her here to share her story with the committee. I'm certain each of you will benefit from hearing her first-hand account of being a sex trade worker in the downtown east side. Over the last couple of years she has made some major changes to her life with the assistance of outreach programs and organizations such as the Union Gospel Mission.

Thank you for your time. I look forward to reading the report, and I will hand the microphone to Jennifer.

The Chair: You have roughly four minutes of your ten -minute presentation.

Ms. Jennifer Allen (Member, Focus on the Family Canada): Okay. I'll make it very brief.

My name is Jennifer Allen. I hear a lot about women who want to be in the sex trade, but my question is what about the women who want to get out?

I was a sex trade worker for eight and a half years, and Vancouver is just one of the cities I worked in Canada. In the downtown east side the conditions I lived in were similar to brothels that obviously were not legalized. I lived in hostels. I lived in really crappy hotels that weren't safe at all to live in. What I'd do is I'd go and stand on a street corner. I'd have a guy pick me up and I'd take him there. He'd sign in and then he'd have to pay the person at the desk so he could turn the trick upstairs. We'd come back down, he'd go out, he'd leave, I'd have the money, and that was done. When I was done, I felt really sick, really raw. I'd go into the bathroom and hug myself, because I just felt like I'd sold my soul for a measly \$75, or whatever the guy gave me.

As a result of being in the sex trade for eight and a half years, I developed post-traumatic stress. It's a common disorder among sex trade workers, for which I'm in counselling to this day. But mainly and also as a result, I developed a drug and alcohol habit. What made me change is by standing around and watching all my girlfriends going missing and being murdered. I realized I was next in line. It wasn't going to be very long before I was next. So I got up and changed my life by going to different programs, and some programs helped and some didn't.

What I found is that a lot of programs figured that well, you're a sex trade worker, we're just going to teach you some life skill programs and then we're going to teach you how to do some job skills; and now go get a real job. What about the emotional and mental damage that needs to be dealt with? As people have said, it's a complex issue. There should be programs in place so that if a sex trade worker wants to get out of the sex trade at three o'clock or five o'clock in the morning, there should be a place for her to go to. She shouldn't have to wait until nine o'clock in the morning—regular business hours—for these organizations to open up to go in and say I need help. She should be able to say I need help right now and it is there right now.

As far as legalizing prostitution, I also hear a lot of women saying it's my body, I'll do what I want with it. My question is does the predator you're coming into contact with view it the same way? I basically ask you guys that, yes, you can legalize it for the women who want it legalized, but what about the women who want to get out of the sex trade? Make sure there are programs in place to help them too, because it was a hell of a struggle for me to get out of the sex trade, and some women do not make it due mostly to addiction that takes them down.

That's all I have to say. Thank you for listening to me.

• (1410)

The Chair: Thank you for your presentation, Jennifer.

Suzanne Jay.

Mrs. Suzanne Jay (Collective Member, Vancouver Rape Relief and Women's Shelter): Thank you.

I am representing Vancouver Rape Relief and Women's Shelter. We are a feminist organization operating a shelter for battered women with children. We also operate a 24-hour crisis line for raped and battered women and also deal with other forms of male violence, including incest, sexual assault, and sexual harassment. We have been in operation since 1973.

I'll start by saying that we are pro-prostitute but anti-prostitution. I'm struck by how ordinary prostitution is. When we sit around the kitchen table with the women who live in our shelter, increasingly they are considering sex-related work as a way to support themselves and their children. More and more mothers are fearful of their teenage daughters being lured into prostitution by the suave older men who are courting them.

It seems very clear to me that women are in prostitution as a survival strategy. We are in survival mode because our government is participating in creating national and global conditions that press women into prostitution and keep women in prostitution.

For that reason, we favour the abolition of prostitution and urge the committee to work toward creating legislative changes and socio-economic conditions that will allow women to escape prostitution. Prostitution relies on and perpetuates conditions of inequality for women. Prostitution is actually the buying and selling of human beings. We have no interest in moving towards legitimizing this practice.

We do not want prostituted women to be criminalized; we do, however, want the pimps and the johns to be subject to criminalization. This is actually the opposite of what we have now. John schools are an example of how men escape criminalization by paying a fine and going to a program. There is no such alternative or diversion program for women.

I do want you to consider the Swedish law, which has been mentioned several times here now. It carries a minimum fine of 50 weeks salary and a maximum penalty of six months jail time.

The decriminalization of pimps and johns will make them into legitimate businessmen and will make johns into regular customers of legal products—the legal product being female human beings over the age of 18. I share the desire to dignify women in prostitution, but the solution is not renaming prostitution as work. That does nothing to change the concrete conditions women are living in. Simply calling something by a different name doesn't give women access to the things that can change their lives, such as educational opportunity, good child care, decent, affordable, and secure housing, or racial equality.

Dignifying prostitution dignifies the sex industry. It dignifies the pimps and the johns; it will not dignify the women. I think it will open the way to the further degradation of women in ways that increase the social power of men over women. I can see this already in the health tax, the registration of women, the increase in women who are being exported to other countries to meet the demands of men for different types of bodies and services that local women won't or can't meet.

I think it's become clearer and clearer over the passage of time that Amsterdam, which is held up as a shining example of successful decriminalization and legalization, is a failed experiment. There is an increase in the number of women in prostitution in Holland. The number of women trafficked into the country has increased as well to service the demand. There are more children in prostitution than before. There's an increase in racialized sexism and violence as increasing numbers of women are trafficked into the country from the impoverished African, South American, and Asian countries.

We already see this in Canada with women from the Eastern Bloc, Asia, and South America being deliberately brought in to service the so-called need for strippers, while women qualified in their countries of origin as doctors, nurses, and scientists are only able to find work as underpaid service workers and in the sex trade here in Canada.

This racialized sexism will be amplified by any move to legitimize the traffickers, the procurers, and the johns.

● (1415)

Of the women in brothels in the Netherlands, 80% are trafficked from other countries. Child prostitution in the Netherlands has increased dramatically during the 1990s. One group has estimated that it has gone from 4,000 children in 1996 to 15,000 in 2001. The group estimates that at least 5,000 of the children in prostitution are from other countries, with a large segment from Nigeria.

For Canada, I think we'll see an increase in the subjugation of aboriginal girls and girls of colour to prostitution.

In 2002, prostitution in Germany was fully established as a legitimate job. As early as 1993, 75% of the women in Germany's prostitution industry were foreigners from Uruguay, Argentina, Paraguay, and other countries in South America. After the fall of the Berlin Wall, brothel earners reported that nine out of ten of the women in brothels came from the former Soviet countries.

The increasing poverty of women, both in Canada and in other countries around the world, presses women into prostitution. We are experiencing trafficking now that is internal. A recent project done by Jacqueline Lynn, whom I know you've heard from today, found that 52% of women on Vancouver's streets are of aboriginal background. Aboriginal people comprise a small percentage of the Canadian population, but the social and economic conditions that we've created now, without decriminalization, have created a disproportionate level of danger for aboriginal women.

Federal changes to any laws relating to solicitation will leave city councils in the position of regulating prostitution in their cities but with reliance on the revenue that will be generated by zoning, business licences, and fines. I know that some of you have spoken about the possibility of collecting taxes from prostitutes, and many city councils already collect money through the regulation of escort agencies and massage parlours—at least the ones that bother to register with city councils or get business licences. I think this financial dependency will magnify. City councils across Canada are searching for income sources. Vancouver, Richmond, Burnaby, Quesnel, Prince George, Fort St. John may find themselves relying on the prostitution of women over the age of 18 as a tax base for funding community centres, neighbourhood houses, and public libraries.

The sex industry now accounts for 5% of the Netherlands economy. Over the last decade, as pimping became legalized, decriminalized, the sex industry expanded 25%. In the Netherlands 43 municipalities wanted to follow a no-brothel policy, but the Minister of Justice indicated that the complete banning of prostitution within any municipality would conflict with the right to free choice of work that is guaranteed in their constitution.

I'll close by saying that I think your responsibility is to ensure that no more women enter the slavery of prostitution. You can do that by creating legislation that works to eradicate pimps, johns, and the conditions that rob women of choice through enforced poverty, racism, and inequality, and that leaves us with no good alternative to prostitution. The pro-prostitution side has tried to convince us that prostitution is inevitable, that it's the world's oldest profession, and that it's naive for us to expect abolition is possible. However, I'm going to point out that in the American fight about slavery of black people, there was an ongoing debate about whether to abolish slavery or to reform slavery. I think we're at the same crossroads about prostitution. Will our Canadian laws and lawmakers reform the slavery of prostitution so that it's more palatable yet keeps women in the constant danger of prostitution, or will you move more bravely toward a vision of Canada and the world where 52% of the population gets to enjoy equality and freedom along with men?

Thank you.

• (1420)

The Chair: Thank you for your presentation.

From the Asian Society for the Intervention of AIDS, Raymond Leclair and Mandip Kharod.

Mr. Raymond Leclair (Executive Director, Asian Society for the Intervention of AIDS): Thank you, chairman. Also, thank you to the subcommittee for inviting us here today.

I'm going to speak briefly and then I'll pass it on to my colleague, who is involved directly in some of our outreach services to sex workers here in Vancouver and the B.C. lower mainland.

The Asian Society for the Intervention of AIDS, or ASIA, is a registered non-profit society incorporated in 1995 and is committed to providing culturally appropriate and language-specific support, outreach, advocacy, and education on HIV/AIDS and related issues. Our vision is to strengthen communities and to empower individuals

to make informed choices by increasing awareness of HIV and AIDS.

Currently we're operating with three major risk groups, Asian men who have sex with men, intravenous drug users, and female sex workers. We establish rapport with clients by reaching out to them in their own environment, by transitioning them into peer-driven support groups, and by providing HIV/AIDS prevention education. Where cultural and/or language-specific needs are identified, we accompany or refer clients to the appropriate social and health services.

The ORCHID project, outreach and research in community health initiatives and development, is an ASIA project targeting Asian female sex workers in Vancouver and the B.C. Lower Mainland. Female sex workers are a profoundly marginalized group of women who are at high risk for HIV/AIDS. The ORCHID project works with the Asian female sex workers in massage parlours and escort agencies to increase their awareness about HIV/AIDS transmission and prevention in a contextually and culturally appropriate, language-specific manner. The ORCHID project uses a peer-delivered approach and is also supported by trained staff and volunteer hours. Peers are outreach workers with former sex trade experience.

Mandip.

Ms. Mandip Kharod (Volunteer Coordinator, Asian Society for the Intervention of AIDS): Through our massage parlour outreach activities that target women who are involved in off-street sex work, we currently access over 35 massage parlours in Vancouver and the B.C. lower mainland and talk to hundreds of women. Having been involved with the project for over a year, we have seen huge gaps in service, specifically in terms of education and prevention, which agencies such as ours are able to provide. To a large degree this is due to the underground or illegal nature of the sex industry.

Regardless of whether prostitution is legalized or not, these establishments will continue to exist. Through legalization or decriminalization, the government would allow women and their massage parlour owners to willingly open their doors to outreach activities such as ours, allowing their women better access to health care and social services. In areas of the B.C. lower mainland where public health inspectors and the police have used a strong enforcement approach, we have seen these businesses and these women not go away but rather be forced further underground, where they are even more vulnerable and are marginalized from health care and social services.

I do outreach, so I see a lot of women on a weekly basis. For a number of the women with the ethnographic data I'm thinking of, there are two harms we're really looking at that concern us. One is the physical harm these women are subjecting themselves to. Many of their partners, long-term boyfriends or husbands, have no clue as to what they do as a profession. The second harm is the health risk in terms of STDs and other diseases. Women don't have regular doctors. They go to various Care Point clinics; many have both doctor and Care Point clinic appointments.

The enforcement that carries on really puts them at jeopardy and pushes them further underground. We see a lot of house-regular guys. We find out the problem is right there, the guys with the STDs travelling from parlour to parlour. House regulars are constantly trying to get women to not use condoms, to not use any form of protection. It's really hard to see because it's not the women, it's the men.

In closing I will say that from a public health perspective, ASIA supports the regularization, decriminalization, and legalization of the sex industry.

•(1425)

The Chair: Now we have Judy McGuire, from the Downtown Eastside Youth Activities Society.

Ms. Judy McGuire (Executive Director, Downtown Eastside Youth Activities Society): Thank you.

My organization, which is commonly known by the acronym DEYAS, deals with high-risk youth and adults in Vancouver, primarily concentrating on the downtown east side.

I have been there for 12 years and I actually deal with this issue under a number of different hats. I sit on the board of the WISH Drop-In Centre Society. I'm a board member of the Downtown Eastside Neighbourhood Safety Office and on the Network of East Vancouver Community Organizations; I'm a member of the steering committee. There's a current three-year project under the Vancouver agreement to take a look at how to better maintain relationships between street-involved sex trade workers and the community they work within. And I'm also a member of the Vancouver Board of Trade community affairs committee and their downtown east side task force.

There are three key issues I wish to address, so of necessity, I am going to be somewhat brief in touching all three. I hope I don't talk too quickly.

To begin with, I'd like to discuss the recommendation that has been made on a number of fronts that prostitution—or as I will refer to it, the sex trade—be decriminalized. I completely agree with this recommendation. However, I believe that simply removing the sex trade from the Criminal Code is only a first step in dealing with this issue and with the men and women who, for one reason or another, end up engaged in this type of activity. Frankly, in order to truly protect these individuals, I think steps must be taken, as they have been in a number of other countries, to go further and regulate involvement in the sex trade.

A legal or quasi-legal sex trade already exists in many Canadian communities. Under the guise of massage parlours and escort agencies, for example, many individuals work in businesses where

sex for sale is a tacitly acknowledged, if not publicly advertised, part of the enterprise. A large majority of these establishments are municipally licensed as businesses and pay taxes on at least the advertised services they offer.

These businesses are largely invisible to the public, and in general little attention is paid to them. For enterprises such as these, fully regulating the sex trade could bring many benefits to the workers themselves, such as mandated working and health care standards, as well as the ability to negotiate for wage rates and benefits. The open scrutiny involved in working within a fully regulated business would also help protect the safety of the workers involved, as licensing authorities could then mandate that complete and accurate records be maintained, which would mean that any worker providing the service could have their whereabouts noted, along with possibly the name or some identifying information about the client purchasing the service. The anonymity involved in our current “don't ask, don't tell” system places even these workers in jeopardy of being robbed, beaten, or raped.

However, most of the problems associated with the sex trade involve the individuals selling themselves on our streets. We see them, we pity them, but we also don't want them turning tricks in our parks or schoolyards or backyards. These are the disposable people. They mostly turn tricks to survive, to eat, to feed drug addictions, to get a warm place to sleep, and too often to feed their kids at the end of the month when the welfare cheque is running out. Their so-called “dates” see them as disposable as well, robbing them, beating them, raping them, and too often killing them with impunity.

My organization has produced what is known as a bad-date sheet for many years. This sheet acts as part newsletter and part community alert for women working primarily in the street-based sex trade in and around Vancouver's east side. The bad-date reports come to us directly from the women themselves. For many years, I've been the person putting this sheet together, and I can tell you, there are too many predators out there. I've seen far too many reports of women who've been beaten. Men will use their fists, their feet, hammers, tire irons, baseball bats—almost anything that can be used as a weapon. I've read about women being strangled and women being raped vaginally, anally, and orally. Women are routinely robbed, almost as a matter of course. And of course too many are killed.

The current laws, which criminalize communicating for the purpose of prostitution, place these women and men at extreme risk. In many ways, we currently have the worst of all possible worlds. Selling sex itself is legal, but talking about it isn't, a situation that almost forces workers into cars or other unobservable places far too quickly to be sure they're safe. However, here we hit the real problem with simple decriminalization. It is simply not enough to make it no longer illegal to openly negotiate sex for sale. To do so establishes a limbo that provides even fewer protections than these individuals have now.

● (1430)

At least now the police have one tool that can be used to intervene when women are at risk. Granted, in many places and under many circumstances, this tool is used to target women who are seen as a public nuisance while ignoring the men who purchase their services, but it does allow some intervention.

Whatever legal definition is ultimately applied to the sex trade, there must be some form of regulation to ensure the workers are protected and that they have real options. To do this properly means that the issues of regulating the sex trade and getting rid of the street nuisance must be separated. The fact that we make this separation in our minds is certainly made clear by the fact that we accept and license massage parlours while targeting the street sex trade.

Philosophically, some of us may find the sex trade distasteful, but we're more or less willing to tolerate it as long as we don't have to see it. Realistically, the communicating law is currently enforced to keep the trade off our streets, not to stop it entirely.

The real problem that fosters the street sex trade brings me to my second major point. Few of those selling what is known as "survival sex" on the street have other realistic options. This issue can be addressed, but not by trying to legislate it out of existence. If we're serious about protecting women in the sex trade, we must invest funds in the kinds of programs that help them to create better choices for themselves. This means not just funding 24-hour drop-ins, although these are certainly necessary as a first step. Funding must be put into detox and treatment, education and training, housing, health care—really giving these women the options they need to move on.

The amount of money needed would be daunting at first, but it would be a solid investment. Over the past few years much has been made of Vancouver's missing women case and the subsequent arrest of Robert Pickton. The current estimate is that the cost of this investigation will total \$70 million. This is one investigation in one area. Other sex trade workers in B.C. have been murdered by other men, adding to the overall cost of investigations. We now have a similar case building in the Edmonton area, with a number of sex trade workers having been found murdered.

Sex trade workers have been beaten and murdered in every part of Canada. Together these investigations cost millions upon millions of dollars. Surely a better use for those dollars would be to give the women themselves better options than to stand on the street corners of our country waiting for the next predator to strike.

My final point is the one that I believe is the most important—we must protect our children. Studies have shown that most individuals

working in the sex trade began doing so when they were 14 or 15. Newly on the street, they are quickly drawn into a downward spiral. If not already drug users when they begin the life, most of them rapidly turn to drugs to help them cope with violence and distasteful sex partners and practices. Too often they're running from families or situations in which they were already being emotionally, physically, and/or sexually abused, in which case receiving money for that abuse can give these children the illusion of having control.

The other common scenario is that they take up with boyfriends who make them feel special and wanted, who turn them on to drugs, and then once the transformation is complete become the pimps who work them on the streets.

Canada has made much of joining the United Nations protocol against child prostitution and has amended the current Canadian law to include penalties for engaging in such acts outside of Canada. Nice sentiments, but the reality is this law does not work. It is not used in any significant way to prosecute crimes within Canada and is applied even less for those out of the country. What this law does is treat these abused children differently when money for sex is involved than it does under any other circumstances of abuse. Instead of being seen as sexually exploited children, they become child prostitutes. This too often means that crown prosecutors will not move charges forward unless the children themselves are willing to present evidence in open court. It becomes much more acceptable to argue that the child looked old enough to give consent or that the youth was sexually provocative and thereby complicit in their own abuse. The result is that in any given year very few charges are laid under the applicable law, subsection 212(4) of the Criminal Code, and even fewer go to trial or result in convictions.

The reality is and must be seen that sex with a child is child abuse no matter what the circumstances. Age discrepancy alone places adults in a position of power over these children. Surely if we can be charged with speeding despite the fact that we thought the speed limit was higher than in reality, we should be able to apply the same logic to having sex with children—that ignorance of true age is not an excuse.

Much has been made of the suggestion that the age of consent be raised to 16. While this might be helpful, doing so alone will not solve the problem. There must be consistency within the law.

•(1435)

If a teacher can be punished for having sex with a youth under 19 where presumably the payment comes in good grades, then an adult purchasing sex from the same child on the street and paying directly with money must be equally culpable and punishable under the law.

Too many of these children are now being abandoned to the street with few supports in place to help them survive. For example, in February alone, one youth outreach worker in Vancouver's downtown east side provided services to 22 different youth under the age of 19. Vancouver has many more street-involved children than these 22, and each community of any size in Canada adds to this population. We have literally hundreds if not thousands of young people on our streets every year, many, if not all, of whom are at risk of involvement in the child sex trade, often out of necessity—simply to eat, to find a place to sleep—or because they're forced to be there. We fool ourselves if we think that Canada does not abandon too many of its youth into sexual exploitation.

The Chair: Can you wind up in a about a minute, please?

Ms. Judy McGuire: I have one paragraph left.

In summary, the law must change, but it must change in different ways for children from what it does for adults. We must legally acknowledge that the state is virtually powerless to legislate behaviour between two consenting adults, although it has a role to ensure that such behaviour occurs under safe circumstances and in ways that do not disturb others. We must protect our children by putting legal strictures in place to ensure meaningful and timely prosecution of their abusers. Finally, we must give those who are involved real options to ensure they can choose to move on.

Thank you.

The Chair: Thank you, Ms. McGuire.

Go ahead, please, Mr. Hanger, for seven minutes.

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

I thank all of the presenters. That's a significant amount of information for us to wade through. I have to say that I'm picking up other new ideas and thoughts that I certainly can evaluate, because I know that in the end our job is going to be to disseminate it all.

My first question is going to go to Ann Pollak, the lawyer.

You made a statement at the very end of your presentation: "let's get the police and courts out of the business". Tell me how we're going to do that. I'll throw this into the mix because first of all anything we've heard as far as evidence is concerned over this issue of legalization or decriminalization does not get rid of the problem. It still exists, it's still illegal, it still impacts the community, it still allows abuse of women and children.

In speaking of children, I know you mentioned at the very outset of your presentation that you just wanted to speak about adults. It's a moral issue and a moral choice that an adult may make, but it's not that simple. We've heard concerns over the bawdy house laws, that some felt there's too much of a police presence on the bawdy house laws. Yet if we didn't have them, how would we deal with issues when evidence comes before a police department that there's abuse,

that there are young children involved in the activity? Tell me how we can keep the police and courts out of it all.

•(1440)

Ms. Ann Pollak: We can in the choices we make regarding what's against the law.

I really don't want to get drawn into the quagmire of the wrongs that are done to children. B.C. Civil Liberties doesn't suggest that it's a choice that children make in any understanding of the word "choice". We, as a society, have set the level of age of majority at 18, and that's where people can make choices. What we're talking about in our submission is the sale of sexual services between adults. Involving the criminal justice system in that sex trade creates more victims than it saves.

There are some very practical problems. One of them is the communication law, as it's presently written. It is not directly and primarily a gender bias that leads to the women getting busted all the time and not the men, but the fact that there aren't very many undercover women cops.

Mr. Art Hanger: I appreciate that difference, but....

Ms. Ann Pollak: The women get charged, go to court, and then don't show up for their court date, so they get arrested on a bench warrant. They get let out again. What starts off as a small crime, what we might think of as a petty crime, ends up in a significant jail sentence. To what end for the woman, for the sex worker?

She started off breaking what a lot of people don't think is really a serious criminal law. It usually wouldn't end up with a serious sanction, a prison sentence, if somebody was convicted of simply communicating for the purposes. But after you add on all the breaches of area restriction and the failure to attend court, you have all these crimes of process heaped up on top of what was a simple offence to begin with, and now somebody is looking at jail time. I as a citizen don't want us to spend our resources that way.

Mr. Art Hanger: Thank you.

I think we've heard evidence to the contrary, that this problem does not go away by our just tossing the courts and police out of the picture.

I have to get another question out here, and it's not to you, unfortunately. Maybe another time.

The Chair: You have lots of time, Mr. Hanger. You have a minute and a half.

Mr. Art Hanger: Thank you.

You made a statement at the conclusion of your presentation, Suzanne. The pro-prostitution side wants us to believe that this whole issue is not manageable, that—

Mrs. Suzanne Jay: It's inevitable.

Mr. Art Hanger: —it's not possible to achieve prohibition or some other—

Mrs. Suzanne Jay: I used the word "abolition".

Mr. Art Hanger: Would you explain that some more? Obviously, you're coming at this from a different perspective. To your mind there's another process, clearly, where we could engage the community and the different agencies. It would definitely have to involve enforcement if we looked at it from that perspective.

Mrs. Suzanne Jay: In order to abolish prostitution we have to come at it not only from a criminal justice perspective but by looking at it as an issue having to do with women's equality, with all of the legislation, policies, and programs going towards allowing women to have a wider range of choices and options for themselves and for their children.

We get a false paradigm if we accept that prostitution is inevitable, that it's the world's oldest profession and won't ever go away. I prefer to start by saying it can. We as humans, people with free will and choice and with the full ability in a democratic society to decide how we're going to have our society structured, can ensure that the weakest among us have the full benefit of full citizenship.

I brought books you have there, reports from the Canadian Association of Sexual Assault Centres. I'd like to refer you to a section called "Restructuring in Canada", another section called "Pickton: The Pig Farm and the Police", and another section called "Working with Fujianese Refugee Women". They are an elaboration on some of the points I've raised, and if you look at the footnotes you'll be led to the sources for my presentation.

•(1445)

The Chair: Perhaps we should move on.

Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle: Good afternoon. Since Mr. Cooke has not yet put his receiver on, I will begin by asking Mr. St. Aubin a question.

Mr. St. Aubin, you have told us that you dial 9-1-1 when there are prostitutes in the school yards. How quickly do police officers respond to citizens' calls? Many prostitutes have told us that they find it very difficult to obtain assistance when they have been victims of violence. Does the police provide you with good service?

[*English*]

Mr. Dennis St. Aubin: I'd say that the police respond about a third of the time. The police tell us it's a low priority. So if we call it in, they will come possibly one in three times when they have a car that's available.

With regard to the situation with the prostitute, when we phoned it in we told them there was a prostitute and she was doing crack cocaine adjacent to a school. They came within a couple of minutes. We told them children were going to be walking by there any minute, so they did respond rather quickly in that case.

The Chair: Mr. Cooke, do you have a comment?

[*Translation*]

Ms. Paule Brunelle: Mr. Cooke, you have said that the situation with respect to children at risk has deteriorated since 1988. Could you provide us with further clarification?

I would like to draw a link between what you have said and what the last intervenor, Ms. McGuire, had to say. Ms. McGuire stated that there were hundreds if not thousands of young people in the streets. However, earlier, a witness who is a police officer told us that there were, at the most, about 100 prostitutes working in the streets. What are we really talking about?

[*English*]

Mr. Charles Cooke: It's a moveable number. I've been involved for nearly 30 years with high-risk youth and specifically with street children for the last 25 years, including sexually exploited youth in the sex trade.

The services have been cut across Canada. The young people are trafficked across Canada into the sex trade. Just as we speak, there's no one looking at it in any coordinated fashion.

Just in the last two months, there was a group of young women from Nova Scotia and New Brunswick, all under the age of 18, being trafficked into the brothels in Powell River. At Vernon, there is a kiddie stroll, where they did a sweep and picked up a young Russian woman under the age of 18 and a young central American girl under the age of 15. In Vancouver, there is trafficking within ethnic groups, and young Vietnamese women are being trafficked from Vancouver into the brothels in Nanaimo.

What we see on the street and what's behind the closed doors is anecdotal. There hasn't been much dedication to that at all, especially within the sex trades.

What happened across Canada is that there are different categories of young people on the streets. The ones who are in the sex trade are the most high risk. With most of the young people who come to the streets—as Judy mentioned—the addiction hits them very quickly, especially in Vancouver. Its chicken and egg and which comes first. I've worked with a lot of young men and young women who will actually use the word "self-medicate" as to why they have to sell themselves. Then you're dealing with the addictions. There are no addiction services in any coordinated fashion in this province.

Regarding the migration across Canada of youth at risk, 10 years ago a third were from greater Vancouver, a third from around the province, and a third from across Canada. Now it's about 60% from across Canada. We have a big influx of trafficked children from Honduras into the drug trade in the downtown east side. There's another wave of young ones here now, with some as young as 14. They're getting involved with the young aboriginal women. A lot of youth are becoming fathers—there's that dynamic. It's out of control.

There's no national body looking at this. The police to me are key in this. They need to be sensitized and trained on the issue, especially with children and youth. There is no money for it. With Bill C-2 coming out of Ottawa, if there were some national training for police officers on the protection side, I think it could make a big difference for children at risk.

Within our own province years back, the Justice Institute was going to bring in 500 officers from B.C. to be sensitized about child prostitution, sexually exploited children and youth, but it never happened. There hasn't been the political will; it's too polarized.

As citizens of Canada, and as politicians...it's sad to say, but I don't think we in the service division can do it any more without being embarrassed by what we're not doing in Canada. Lloyd Axworthy committed in Geneva in 1997 that we'd have a national strategy on sexually exploited children and youth by the year 2000. It's 2005. Where is it?

So there's a lot to be done, especially on the child protection side. I sit on the board of directors of the Child Welfare League of Canada and I'm the chair of the new committee on global issues...I declined the position because I was tired of our hypocrisy, with Canada not dealing with this here in our own country, let alone going to third world countries saying, "This is what you need to do around sexually exploited children and sex tourism". We're on the receiving end of sex tourism.

•(1450)

[Translation]

Ms. Paule Brunelle: I would like, in fact, to ask a question about trafficking. Ms. Suzanne Jay, you stated that 52 per cent of the women in the streets of Vancouver were aboriginal. Is this because there is organized trafficking of aboriginal women or is it instead because these women are marginalized for various reasons, such as the fact that they are aboriginal, they are poor, they are victims of violence, they have had to leave their family because they have been victims of abuse, they have drug and alcohol problems. Is there organized trafficking, or are a large number of these women on the streets because of their economic and social situation?

[English]

Mrs. Suzanne Jay: I think the answer is yes, to all of those things.

I was in Prince George when Judge Ramsay was sentenced for beating and sexually assaulting a number of aboriginal girls, girls who themselves had appeared before him for sentencing. He was the judge making decisions in their cases. The situation here is that's the beginning of the trafficking of aboriginal girls from the reserves into the closest town and then eventually into Vancouver. So there is not only a pattern of trafficking within British Columbia from Prince George, Prince Rupert, and other places in the province into larger and larger city centres, but there's also the poverty that those girls are facing on reserves, as well as aboriginal people within urban settings too.

•(1455)

The Chair: Thank you, Madam Brunelle.

Ms. Davies, please.

Ms. Libby Davies: Thank you very much.

Thank you to everybody for coming this afternoon. It's been a really interesting discussion. I think all today we've had panels that have been quite diverse in terms of viewpoints and organizations. It produces an interesting mix. So thank you for coming.

I actually want to focus my questions on the sexually exploited children or youth. It comes up at almost every discussion we have, but I don't feel that we've really delved into it very much, so maybe this is a good opportunity to do so. I'm sorry if I don't get to other people with other questions.

Sandy, I was very struck by what you said because you've been around a long time and your work is well known. To hear you say that nothing has really changed since 1988, and in fact is worsening, is just horrifying and a real indictment on whatever the system is and how it performs. I think you put out a challenge to us to have all-party agreement to come up with some 10-year vision. It would be helpful if you gave us a few clues.

First of all, it is a multi-jurisdictional thing, isn't it? There's clearly a federal role in terms of the Criminal Code—that's pretty obvious—and I'm sure we'll consider that. But beyond that, it gets a little more complicated in terms of what you might see in the federal jurisdiction that we should bring forward. We can always include recommendations that provinces should and they should and they should, but they don't. I would also put this question to Ms. Judy McGuire, who has had a long history in this area.

I wrote down one thing you said, that children on the stroll don't meet the risk model. I didn't quite know what you meant, but it sounded terrible. Maybe you could explain that.

We did hear from a witness earlier, actually in camera, with an incredible story of a personal family situation that I think so graphically explained how the whole system just doesn't work and is failing on every count.

I think the long-term things should be pretty obvious in terms of dealing with poverty issues and housing and employment, so I don't know that you need to spend a lot of time on that. What I'm curious to know is what has not happened that you folks need to see, in terms of immediate interventions that have to be made that you've called for but aren't happening—whether they're provincial, municipal, police, whatever. Could you address that?

I'm also curious to know what your position is, or the position of Covenant House, on the mandated safe care that we've heard about in Alberta. There's a big debate going on. I'd really like to know your perspectives on it. In your experience, is that a road we should be going down? Does it work? Or should we be focusing on working with youth as to where they're at with low threshold, and then moving along a continuum, etc.? So if you could address that, it would be great.

Mr. Charles Cooke: I think I've been involved in the last 25 years on most of the national studies and a little on the provincial studies on sexually exploited issues and street youth issues. Once again, it's age. I came into Vancouver with the Ministry of Children and Family Development to look at...in those days it was just sexually exploited children and youth. At that point we had over 100 identified that my social workers were working with. One of the interesting dynamics is that 30% of those young people had come out of the mental health facility, the Maples, and made their way to the downtown east side and started IV drug using, and so on.

I really would like to see a national strategy. I've heard the discussion too many times. We don't even have a consistent age of majority across Canada; provinces and territories have different ages of majority. In B.C. it's 19, in Ontario it's 16, while in other provinces and territories it's 18.

The jurisdictional issue...I understand the territories and the provinces have this social service support, but some of the examples that I do respect the federal government for right now are similar to the HRSDC around the homelessness initiatives. I think they're showing leadership and skill sets of people in our local communities that are committed to the issue; I think something similar could be set up.

HRSDC had a discussion paper before the last election where they were looking at developing a national funding stream for youth at risk. I'd love to see that dusted off; that could be dedicated to the really high risk youth. I've worked with too many who make it to the streets in Vancouver at age 11 and 12, and seeing them after they've turned their first trick. Judy and I, and a lot of us, have worked together collaboratively around the high-risk youth. I remember one who, after turning her first trick, bought herself a puppy. She died about four years afterwards.

The research has been done there. We know we could turn the taps down a lot. I'm also doing a lot of work around the homelessness issue. Looking at the international research on that, roughly 40% of all homeless people, adult and youth, were in government day care as children. Our care system across Canada, as far as the child welfare system is concerned, needs to be revamped. For most of our young people who are on the streets, especially in the sex trade, I see them as trauma victims. They've been traumatized as young people through sexual, emotional, and physical abuse. People who have been traumatized have a hard time giving up power. Our system demands lots of conformity, and where young ones can't or don't conform, they get labelled as resistant, untreatable, and dispensable, disposable.

Ten years to me is not a long time. Even that could be moveable, but I think you could get all-party agreements. If we had it federally, that would be nice; if we could do it provincially, that would be wonderful. I was at the consultations at Mont Tremblant years ago on this issue and I've been in Halifax on this issue. I remember there was a legislative intern from Victoria and her task was to look at all the research—and I'm sure you folks are doing the same thing. There are volumes and volumes of written material.

In my old age I'm getting tired of the words. Where's the action? Where's the doing? It's across all sectors. The coordination—and it doesn't have to be the law component. There are federal bodies that

have a youth component to it, such as Health Canada, HRSDC, and Ken Dryden's new ministry. Senator Landon Pearson is retiring, and she's been one of the few advocates on children and youth issues, nationally and internationally. There's another vacuum. If there was a committee or something struck in Ottawa that had an oversight around youth at risk, the aboriginal issues.... It could be done if the will was there.

I do a fair amount of public speaking, and depending on the audience, they'll ask, what can we do? I'm tired of saying write your MP or whatever. Not to be critical of the MPs, but we have to get past that; we have to change the narrative. Why are we allowing our children to be bought and sold for sex? We are.

When I was a civil servant I took an oath of confidentiality, and I respect it, but I know a lot of people in power who buy kids for sex. It's not unique to Vancouver; it's across Canada. Twenty-five communities in B.C. have a youth sex trade, either behind doors or indoors. I can't believe that young Sikh women are being trafficked from Surrey up to Merritt. Merritt? Merritt is a hotbed for behind closed doors....

• (1500)

I've seen the circuits, not only between cities, but there's international trafficking of boys too.

Ms. Libby Davies: On secure care, perhaps one of you would like to speak to that.

The Chair: Thank you, Ms. Davies.

Judy.

Ms. Judy McGuire: Just following up on Sandy's comments, I think there are two things that can be done federally. Strengthen the legislation so you can get real prosecutions, and the evidentiary laws are such that the kids get real support and do not have to go to court and face their accused, or to an open trial, which is terribly intimidating for a child.

The other thing is to federally fund real pilot projects to look at some ways to help these kids out over a longer term. I think that could be done.

On safe care, I do think the police and the authorities need some way to get these kids off the street when they're at such high risk to themselves that they cannot think straight. They are too addicted. You have to get them out for a while. But I have yet to see safe care legislation that really works.

What was being drafted in B.C. had so many strictures on it that it would be almost impossible to do anything, unless the kid was so absolutely obviously being exploited in the sex trade. It wouldn't be used for drugs, and it couldn't be used for mental health. They're all tied in when you get kids on the street. A kid can be sexually exploited when in fact they're trading sex to get a place to sleep for a couple of nights. They may not be being paid. It's still sexual exploitation, so it's got to be that broad.

• (1505)

The Chair: Thank you.

Dr. Fry.

Hon. Hedy Fry: Thank you very much.

I'm going to ask Sandy a question, and Suzanne Jay, and maybe Ann Pollak.

Sandy, you've said it. I think you have challenged us. I think this is something that has been sort of festering and worrying me for a very long time. Here we have clear legislation that says it is criminal to engage in sex with a person under the age of 18, or to buy sex from them, yet we hear that police don't have any means of picking them up off the street. If you are going out on the street and you're selling sex, surely then that in itself is illegal. I think zero tolerance is what we're trying to look at here. How do we do that?

Obviously, as in everything we've heard today, we're talking about legislation a lot when legislation is not the only answer to everything. I think we should really put some fist into the legislation with regard to children and youth, and give the police the tools they need. When police say they need us to keep the soliciting law so they can use it to pick up youth on the street because they don't know what their ages are, I think we have to give them a tool that lets them say, "If I think you look like you might be underage, I'm going to pick you up. I have the right to do that. And then if it turns out you're not, and I've checked you out, well, then I'll let you go."

I think that's one of the big problems, and I wanted to hear if you think there is a way of dealing with youth. We looked at this 10-year plan you talked about and you challenged us to. It seems to me what we're doing right now sets up the kids to fail. If they're going to make children who cannot conform, conform, we're setting them up to fail. Would that require young people to be involved, not just people like you and Judy who know about this, but young people themselves? That's one of the questions I'd like to ask.

The second one is about slavery. I think Madam Jay compares this to the abolition of slavery and says this is a form of slavery. I agree with you. In places where women have been coerced and forced, compelled and exploited, and there is violence, degradation of women, and all that, it is a form of slavery.

You said that in a free and democratic society women should become full citizens. Inherent in that whole concept of a full citizen is somebody who will be able to make choices, not choices we think are good for them, but choices they think are good for them. So if you remove all the exploiting, forcing, coercing, poverty, and all of the things that move women into making these choices because they have no other...then I would suggest to you that maybe that's what we're talking about.

When we talked about the issue of criminalization or decriminalization, I don't know that anybody I have heard has suggested that is the answer, "Let's just decriminalize and walk away". I think people are talking about all of the kinds of things you're talking about—exit strategies, stopping the exploitation, helping women to move out of positions they don't want to be in, helping them with addictions, early interventions, housing, all those things.

What bothers me about this is we hear, "What is the usefulness and effectiveness of a law that is used more in looking the other way than in being enforced, and when it's enforced, it's enforced to criminalize someone who is a victim?" We didn't pick up the slaves

and criminalize them for being slaves. Why are we criminalizing women? I think that's a concern too.

Turning to Ann Pollak, I have one quick question. What can we do, therefore, to deal with some of the things you talked about, and that made sense, like exploiting and coercing, and changing the language in the law so that you can get rid of those exploitative and coercive pieces? How do you deal with the issue of living off the avails of prostitution under procuring when a lot of these women are feeding their kids? The kids are then living off the avails, are they? How does the law look and feel when it is really ineffective and not doing the job it's supposed to do and not aiming at the target it's supposed to aim at?

• (1510)

Mr. Charles Cooke: Hedy, going off the Safe Care Act and Secure Care Act, I used to do it with my social workers too. I used to ask them to reframe it: if that was your son or your daughter, what would you do if he or she were a 12-year-old who was turning tricks or being exploited on the streets? If it was my son or daughter, I'd try to protect him or her as best I could as a father, let alone as a citizen.

What do I like about Covenant House? One of the principles we use is informed choice. All of our young people take part in our services by choice, but they also can choose to say, thanks, but no thanks.

I was involved in the original studies or policy development for safe care and secure care, and also I hosted the Alberta people before they set up their model. It's backwards. Working with young people who haven't had a great life experience and haven't had any really meaningful, trusting relationships is like asking the blind to see as far as reciprocal trust relationships are concerned. How do you get that trust? It takes time, but how do you get them in a position to be able to do that? We used to joke—not joking completely—that instead of secure care or locking them up, it would be nice to get a fleet of Winnebagos and get some really good youth care workers who could go out and do things with that \$20 million. There are many other creative ways to get those young people's attention.

With few exceptions, when I've seen the 12-year-olds, the 13-year-olds coming onto the streets and into the sex trade, they trip over themselves to be wanted, to be loved, to be cared for, like any other little being does. They have very few boundary issues, but once they have to sell themselves for sex, they spiral down, if not to death....

The civil libertarians did a good discussion paper around the Secure Care Act, and I got static from my peers within Vancouver. I would support secure care only under the condition that all the other services were in place before it, which they're not. In other words, there's no context to it. If secure care is just to take them off the street and lock them up to assess them...to do what? I'm tired of that hypocrisy when the other services aren't in place to start with.

These young ones aren't easy to work with. They're resistant. They're omnipotent. They haven't had that good life experience. They're skilled at turning adults off. We have to walk around that and come at it as a caring society to change that. But once again it would have to be a national strategy, because the kids travel between our jurisdictions.

I just want to add that we've worked with the police, and Judy has too. It took a lot of us and a lot of our workers to sensitize some of the police to the issue of sexually exploited children and youth. I remember my female social workers. If any police officer came in with a young woman in tow and anything derogatory was said about that young woman, my staff were up and down the officer's back in a negative sense.

To me, slowly developing relationships with the police is key. They're out there 24 hours a day, seven days a week. There are some wonderful police officers, and then there are some who I won't say aren't wonderful, but it's a matter of educating them, training them in regard to the issue. I'll use the example of Dave Dickson, who is notorious in Vancouver for his trust within the aboriginal community, the street community. The man is committed. There are other police officers who are too, but what happens with the police, RCMP or jurisdictional, is very military, in that they have to do rotations. As a service provider, you might develop a really trusting, good relationship over a four-year period, and then another officer comes in and you have to start again. So if there were some national and regional strategies.... I like the idea of municipal, provincial, and federal on the social doings. If there's agreement there, I think our children and youth and we as Canadians will see the difference.

The Chair: Ms. Pollak.

Ms. Ann Pollak: What about living off the avails? It is a criminalization, as you say, of a family arrangement where children and perhaps a boyfriend or some kind of spousal equivalent are involved. What's the matter with it? If prostitution isn't illegal, what evil is targeted by that legislation?

What's targeted by that legislation is exploiting the women who are working in the sex trade. If they are not being victimized from the other end by the criminal law, then they have no need for what we call pimps. Somebody sharing the family home with a woman or a person working in the sex trade is not someone we typically think of as a pimp.

I would say, show me the pimps. I don't see a lot of pimps in Vancouver. It's not a big problem.

If there is a problem with pimping, it's because sex workers feel they need to have protection in order to carry on their trade. Take away the legal threat, and my suggestion is that if there is a pimping problem, it will be reduced or it will evaporate. There are other laws that deal with the kind of exploitation we think of when we think of our stereotype of a pimp.

What does the criminalization of prostitution do to address the evils we're talking about here today? I also had a client whose DNA was found with Mona Wilson's at the Pickton farm. What would have helped her? Good child protection laws would have helped her. Good community living support for the mentally handicapped would have helped her. Drug rehabilitation that works would have helped

her. Mental health supports in the community that work would have helped her. Sending her through the courts on approximately a monthly basis didn't do anything to help her.

Unfortunately, if it hadn't been whoever was responsible for her DNA turning up at the Pickton farm, it probably would have been somebody else. She was a goner from the get-go, a mentally handicapped, mentally ill, drug-addicted young prostitute. She was a goner and we failed her.

The criminal law did not save her. It did not prevent the evil that killed her, and sadly, the services I'm talking about are for the most part in the provincial realm. As Ms. Davies already said, how many times can you make the recommendation that the province ought to pick up the ball here?

My plea to you is, don't continue to victimize sex workers with the criminal law. It's not helping them.

•(1515)

The Chair: Thank you, Ms. Pollak.

Go ahead, please.

Ms. Loraine Laney: It's just that if you have a law that allows adults to have sex with 14-year-olds, men are going to think they're doing 14-year-olds a favour by paying them. You get that, right?

The Chair: Thank you.

Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: My question is for Mr. St. Aubin.

I am the member of Parliament for a riding located in eastern Montreal, near the Olympic Stadium. In listening to your presentation, I had the impression that you were describing the situation that we are dealing with in my area. In my opinion, our challenge is to decriminalize prostitution while trying to strike a balance between the safety of people working in the sex trade—without casting any moral judgment on them—and the right of citizens to live in peace. People should not have to witness the scenes that you described. That, and rightly so, is part of the whole issue of quality of life and striving for this quality of life is certainly not asking the impossible.

For a long time, I thought that this balance between the right of citizens to live in a peaceful environment and the right of prostitutes to engage in the sex trade while being viewed as citizens could be achieved by establishing a bawdy house system. Under this system, licences would be granted by the Solicitor General and there would be conditions preventing such bawdy houses from being set up in residential neighbourhoods. I would like to hear your opinion on the matter, and perhaps that of Perry as well. As far as I am concerned, what counts is that we get street prostitution out of the residential neighbourhoods.

Some individuals are telling us that we will always have some type of marginal prostitution and they give Amsterdam as an example. As far as we are concerned, that cannot be used as an argument. Even if we were to pass tax legislation, there would always be some people who would not pay their taxes. However, we would never think about repealing legislation simply because certain individuals did not pay their taxes.

I would like you to give some thought to the idea of establishing a public licensed bawdy house system whereby these establishments could not set up in residential sectors. From what I have understood, you are offended not so much by the act itself but rather by the nuisances that take place in your environment.

I would like to hear your opinion as well as that of Perry.

• (1520)

[English]

Mr. Dennis St. Aubin: In actual fact, in our community we have a massage parlour. We've always been aware of the massage parlour's existence and it has caused no problems. We monitor it, we go by it, but there are no people hanging around outside. You don't have working girls on the street. You don't have nuisances, garbage, or anything like that. It's very quiet. It doesn't impact on the community.

In all honesty, if there's a house in our community and there is prostitution going on in there.... In every house in our community there is sex. Where there are families, there is sex. We don't moralize about that; we don't have a problem with that. In situations where there's a house where sex is going on, if it's not impacting the community, if it's not a matter of lots of noise—you know, like a bar—I don't honestly see a huge issue with that.

I see an issue with things such as a lot of activity on the streets and near the schools. There are condoms and needles, and needles were what scared the hell out of me, because when we found them on the school grounds, we started thinking that our kids could pick these up and could become fatally ill as a result.

If there's a bawdy house, it's not a huge problem as far as I can see. I can't speak for everyone in the community because a lot of people do see prostitution itself as being wrong. Obviously, businesses in which prostitution takes place can exist, from the point of view of a community, and not be seen as a detriment to the community or as a potential hazard to families.

One thing we discussed was the possibility of licensing. Again, if you're going to have bawdy houses, you can't just say, "Well, they will be put there; we've enacted some regulation and now you have the bawdy houses, and if you don't like it, you'll have to move to another community". You have to consult with the community. The neighbours have to be aware of exactly what's going on. It's the same for pubs in Vancouver. There's a lot of consultation. There are a lot of rules and regulations. Once they're in place, generally speaking, they are very good neighbours because they know they have to be in order to stay in business.

As for bawdy houses, I see these as potential. And they don't have to be in the residential area; they can be on commercial streets close to residential areas. I have problems with the proximity to schools and children's playgrounds. I think anything you allow in regard to

that, you will have to look around. If there's a school nearby, it just can't be acceptable.

As long as you're keeping things at a distance and as long as you're having consultations with the community, things such as bawdy houses should be workable. The red light district is the same. If the community has been consulted and is in favour of it, I see no problem with that. I do think, though, that for communities that are not in favour of it, that have real issues with prostitution on the streets, the law should provide some protection. There should be something there that is realistic, that is a protection the prostitutes and johns will be forced to abide by.

Mr. Perry Bulwer: In a lot of the meetings we held in our community, there was a wide range of complaints, but a common one was about sex in public. I myself witnessed this on occasion; it's very unpleasant. Nobody wants to wake up in the morning and open the curtains and...you know.

Yet some of the same people who made those complaints were also very vociferously against Jamie Lee Hamilton's attempt to try to clean up some of that activity. From what I saw—and maybe hers wasn't the best model, I don't know—at least it was taking a lot of the public sex acts off the streets and putting them behind closed doors in safe environments, etc.

In going through the different transcripts of your hearings to date and reading some of the research, I haven't read much about what happens in England, but I was very interested in what Mr. Fraser talked about in his report, this idea of one or two women working from their home. I don't know, but that seemed to me to be a possible way to go about it. I don't know how that would work.

• (1525)

[Translation]

Mr. Réal Ménard: Can I ask Ms. Jay and Ms. Lakeman what they think about a public bawdy house system?

[English]

The Chair: Yes, if we could have those responses be rather to the point and brief. You've exceeded your time, Mr. Ménard.

Mrs. Suzanne Jay: I'm sorry. Could you repeat the question?

[Translation]

Mr. Réal Ménard: Would you agree to a bawdy house system that would be licensed by the Solicitor General, a system where bawdy houses could not be established in residential sectors? The bawdy house would have a licence stipulating some very specific conditions.

[English]

Mrs. Suzanne Jay: We don't have an official position on bawdy houses, but we have I think a crude agreement among our collective that we disagree with red light districts. I think bawdy houses fall under that description. I think any move towards that will actually feed women to more dangerous men and feed women into more violent situations.

And because of the privatization of our police services across Canada and within provinces and municipalities, what you'll find is that there will be no police services that are accountable to the public available to women in the bawdy houses. What you'll be dealing with are privatized police services accountable to the owners of the house, who will be very interested in no controversy.

The Chair: Ms. McGuire.

Ms. Judy McGuire: I think the red light districts are basically unworkable because I can't see any community saying, yes, we want the red light district here. But bawdy houses I think are actually a very workable solution. They would need to be regulated in a way that makes them open and accessible so they can be properly regulated, properly inspected, and so you know that the women are safe and are there of their own volition.

This can include things like co-ops run by the women themselves. It doesn't necessarily have to be an owner-operated establishment.

The Chair: Mr. St. Aubin, we have to move on. You had considerable time.

We have to give everyone a fair shot, and now it's Mr. Hanger's fair shot.

Mr. Hanger.

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

This issue of bawdy house legislation is a rather interesting one because right now any street worker can go inside and perform that activity inside. Why don't they? That's the question. Why is it not off the street right now? If the environment inside is so safe and so appealing, why isn't it happening? And yet there we have street prostitution, still. We will always have street prostitution.

The evidence that has come before this committee, time and time and time again, is that you can set up your brothels, you can set up your red light districts, you can even legalize and decriminalize, and you will always have the illegal side of it operating.

So what do the police do? One police officer mentioned last night to us that if we removed the prostitution laws, the police would turn their focus to other criminal activity and other criminal law, and they'll leave the prostitution issue alone. The trouble is, the prostitution issue doesn't go away. We're not operating in a vacuum here.

I'd be interested in hearing comments. There are a couple of people who haven't really spoken much, Anna Marie or even Jennifer.

Jennifer, what do you think of that? You've seen the street side. Why didn't you go on the inside?

Ms. Jennifer Allen: Actually I have worked on the inside, but basically inside is another sophisticated way of pimping. Basically you go in, a guy comes.... It depends on what you're working. It's great if you are the massage parlour. In a massage parlour you line up, a guy picks you, you go in, you get a certain amount of money, then you have to turn around and give half that money to the people who own the establishment. It's the same with an escort agency. So that's just more sophisticated pimping.

Mr. Art Hanger: Another form of exploitation.

There were many witnesses who came before us here, academic and otherwise, such as some of the gals in the prostitution business, who were claiming that they want to set up their own operation, because it's going to be easy and they'd get all the money. Is this a system that's going to operate independently of what exists out there right now? I know that organized crime is involved in a great deal of it.

• (1530)

Ms. Jennifer Allen: I don't believe it will, no. I believe it's going to remain the way it is now, especially if organized crime is involved. If they're involved now, they're always going to be involved in it.

Mr. Art Hanger: Wherever there's a dollar to be made.

Ms. Jennifer Allen: Yes, where there's a dollar to be made, and especially in exploiting women in sexual activities. It's an easy way to make a buck. They'll be there to make their buck.

Mr. Art Hanger: Thank you.

The Chair: Thank you, Mr. Hanger.

Madame Brunelle for three minutes.

[Translation]

Ms. Paule Brunelle: Many witnesses have urged us to decriminalize prostitution. Legalization is one issue that we don't hear very much about. Do you have any opinions on the matter? I have heard some individuals here speak about decriminalization. Does anyone think about legalization? In your opinion, how should these matters be considered?

Others have told us that there should be no talk of decriminalizing prostitution. So we hear opposing positions. How can you help us come to some consensus based on your remarks?

[English]

The Chair: Does anyone care to respond?

Mr. Charles Cooke: To the point of your question around the brothels and things, two years ago I was meeting with a social planner from the City of Vancouver and with adult women who were in the sex trade, and it was a catch-22 for them. They would have loved to have had an escort licence, but there was a catch-22. They had been charged with solicitation so they had a criminal record and they couldn't get it. These women weren't addicted. They were very solid, from their own perspective, in wanting it. At that time, with respect to the escort services within the greater Vancouver area, one man held all seven of the licences. The women were trying to organize, in a positive sense, but were caught because of being charged for solicitation. That was one.

The Chair: Madam Jay.

Mrs. Suzanne Jay: I think under current social and economic conditions, decriminalizing will have a very close effect to legalizing.

Twenty years ago decriminalizing was a progressive position, but that was with fewer women on the street, better social protections, and not the organized network we now have of trafficking, pimping, and procuring women.

The Chair: Are there any other comments?

Mr. St. Aubin, your turn.

Mr. Dennis St. Aubin: If I might suggest, I'd like to bring back the idea of looking at projects such as the safe injection site and the heroin trials. You don't have to legalize prostitution per se in order to experiment with ways in which it could be more effectively regulated to everyone's benefit. There are alternatives available, I believe.

The Chair: Anyone else?

Mr. Bulwer.

Mr. Perry Bulwer: I'll just make this comment. One of the reasons that I was interested in appearing today was just because it's quite.... How should I put it? The media tend to focus on residents who rise up in arms, so to speak, with their protest signs, pushing the women away.

I think the work our committee did, as limited as it was, as unskilled as we were, with no resources, and we were a small group.... There is public opinion—even more so now with the revelations about the Pickton case—that favours some kind of harm reduction and not just the status quo. We're fed up, and that's why this committee is so important.

I feel finally there are people doing something about it.

The Chair: Thank you.

Do we have someone else? Jennifer, very quickly.

Ms. Jennifer Allen: I have a question. If you guys legalize prostitution, can you guarantee that the women who are marginalized now are not going to be even more marginalized? I'm talking about the survival sex trade workers. If the survival sex trade workers today cannot meet the health quota that is there, how are they going to meet it when it's legalized? HIV and hepatitis C do not go away when you legalize prostitution. I'm assuming that if you legalize it like other countries have, you're going to have to put in a bill of health standards. Those women are not going to meet those standards.

• (1535)

Ms. Libby Davies: Maybe I could pick up on that, along with Mr. Bulwer's comment, because you sort of directed the question to me.

I don't think anyone is actually calling for legalization. We've been looking at a whole number of things, but there have maybe only been a couple of witnesses who have said they want some sort of legalized system. People have talked more about decriminalization, which is something different, although there may even be varying opinions on that.

I'd actually just like to go back to the Fraser committee. As you see, we're all trying out various options on you here to see what the response is, but I agree with Perry. This is about trying to minimize the risk, the harm, the impact, and to provide safety and deal with violence. Generally speaking, that's where I feel we're all coming from, although we have different perspectives.

The Fraser committee actually did recommend that women could operate out of their own homes. I think they said one or two women. It seems to me to be the lower impact. I don't want to say it's less visible, because I think your point is also very important. We also

heard that from another woman who had been in the west end. She said that when all the sex workers suddenly disappeared off the street, she got really worried about where they had gone. So sometimes lack of visibility can be a problem too. But no one's really advocating the idea that they're low-impact either—no one that I know of—and it's not about a red light district. I'm certainly not advocating that.

But there's this idea that it's low impact in terms of neighbourhoods and that you're then dealing with a nuisance, as you would deal with any other problem, whether it's parked cars or people having a party. To me, that's an approach, and I just wonder if looking at that in terms of the bawdy house rules and trying to relax them resonates with other people at the table.

Mr. Perry Bulwer: Just to be clear about what we were trying to achieve in our neighbourhood, our whole approach was to bring safety to everybody, recognizing that some of these women actually lived in our neighbourhoods. I would see them walk down the alley, going to work. So it's exactly what you're saying.

I think we were simply saying that we have to do something different. What we have done for a hundred years, in Vancouver at least, hasn't worked. What's the answer? We got frustrated because of what you're faced with: all of the research. There's a lot of it, and sometimes it conflicts. With all of the different philosophical positions, it's mind-boggling. We simply were trying to say that we need a different approach that includes the women and men in the trade, in order to reduce harm to everybody. How that is done I leave to you folks to figure out.

The Chair: Comments?

Go ahead, Micheal.

Ms. Micheal Vonn (Policy Director, British Columbia Civil Liberties Association): I think that's an excellent point. I'm struck by how we lose all context when we're talking about something that falls under “old-fashioned vice”. When we talk about prostitution, we say there are these various harms, as if the Criminal Code contains no other provisions by which, if you were a sex trade worker, you could get a response to your complaint that you were being threatened, that you were being assaulted, that somebody is exploiting you.

We have tools in the tool box to deal with this, but when we talk about prostitution we decide we need solicitation laws, because, heaven forfend, there's nothing else in the Criminal Code or regulations that would deal with nuisance. Well, of course, there is. We have many tools to deal with what we call “the harm”. The fact that the problem doesn't go away when we decriminalize is not an argument in favour of maintaining criminalization of the people who we all agree are potentially the victims here.

That's my point.

The Chair: Go ahead, Mr. St. Aubin.

Mr. Dennis St. Aubin: I take exception to the reference to “nuisance”. The reason I do is that I haven’t gone out every week for four and a half years to deal with this issue because it’s a nuisance. It’s not like noise. It’s not like neighbours who like to party. I do this because I see my family threatened. It needs to be understood that if you say that prostitutes will move into your neighbourhood if we change the law, then people will see themselves and their families as being threatened by these changes and this will have a backlash.

You have to understand, or at least it needs to be addressed, that the intent is not to increase the risk to communities and to families. That’s part of these changes that has to be addressed significantly, because I’ll tell you that the people I work with in our community are scared to heck that you’re going to do something that is suddenly going to cause a number of prostitutes to suddenly show up, that there’s nothing we can do, and that they can spit at us if they want to, because there are no laws or anything to prevent it any more. That actually scares people.

• (1540)

The Chair: Thank you, Ms. Davies.

Dr. Fry, please.

Hon. Hedy Fry: I just wanted to follow up on that thought, because when I originally asked Ann the question, what I wanted to do was to follow up on it.

If you decriminalize certain pieces that right now are harming women, making criminals of them—you know, procuring, living off the avails, not able to operate a common bawdy house—if you took those things away from the criminal element, surely there would be other ways in which one could protect women from the exploitation, from the survival sex, from the fact that because you’re a drug addict, somebody is going to make you do this because it’s the only way you can make money, from the fact that we can buy and sell and traffic people who don’t wish to be trafficked. What are the tools that you would suggest—within the law?

I mean, decriminalization of certain aspects of the code at the moment doesn’t mean you’re not going to throw the book at certain other aspects of it, that you’re not going to strengthen legislation in other aspects that are going to deal with some of the things we consider to be ones that exploit women unfairly, that do not give them choices. That’s the kind of thing I think we’re talking about.

So what kinds of things can you see that one can do that would really throw the book at the exploiters, the traffickers, the pimps who beat up people, the bad johns who beat up on you—other than a john list? We know there are men who frequent sex trade workers because they’re misogynist, they hate women, and they’re looking for the women at the lowest rung of the totem pole to beat up on, because they are violent, predatory men. But it’s my understanding that that’s not what all johns are, not from what a lot of the women told us. That’s not what johns are; that’s just a freak. That’s the guy everybody wants to get rid of. No girlfriend wants him for a boyfriend, that kind of thing. Nobody wants this person.

What are the tools we can use to strengthen that component?

Ms. Ann Pollak: You have assault. You have threatening. You have extortion. You have sexual assault, unlawful confinement, kidnapping. Gee, what else do you need?

You need to think of the women who are complaining about these things as people who have an equal right to the protection of the law. You need to stop thinking about them as disposable—and when I say “you”, I don’t mean you. The police need to take their complaints seriously and pursue them seriously.

It’s all there in the Criminal Code.

Hon. Hedy Fry: What do you do for women who are trafficked, the immigrant women who do not have any access under the law to those components of assault, threatening, extortion, unlawful confinement, and kidnapping? What would you suggest we do for those women? How can we help them?

Ms. Ann Pollak: Do you mean on an international basis?

Hon. Hedy Fry: Yes, the women trafficked on an international basis.

Ms. Ann Pollak: Certainly that can be dealt with through the law to the extent of Canadian jurisdiction. Beyond that, you’re in the very murky waters of international law, of course. But decriminalizing prostitution doesn’t mean it’s now okay to kidnap people and move them across international borders.

Hon. Hedy Fry: But they need the benefit of the law to help them. They don’t have it. Canadian citizens have it, but they don’t.

Mr. Charles Cooke: Just this summer, with the young Korean women who were in the brothels in Richmond, the system wasn’t ready for them in a caring sense, not even the shelter providers for adults and for women. There was nothing for these women. And the media was spinning them as “prostitutes on a vacation to Richmond”. Give me a break. The system, whatever system, was not even prepared for them, and that’s the whole thing.

On the multicultural issue, the ethnic issue, we talk about—and respectfully—first nations, aboriginal young women and men, but the multicultural side of it hasn’t been touched. I know I’ve talked to researchers who have come across Canada on that issue. It’s a whole other issue. I’ve met with the Sikh community, young leaders coming up and saying to me, “Sandy, how can we talk about sex and the sexually exploited when we can’t even talk about drugs and alcohol at this point in time?” So there are so many different dimensions to it in the trafficking end.

I was at the Out from the Shadows conference that Victoria hosted, sitting at the table with the Brazilian delegation, when immigration enforcement of Canada was asked what happens when they get women or children who are trafficked into Vancouver airport. The person said very quickly that they send them back to their home countries. Then the Brazilian delegation said, “Back to what?”

That’s a good question. We have a long way to go.

• (1545)

The Chair: We’ll hear from Suzanne and then Jennifer.

Mrs. Suzanne Jay: We are seeing a new phenomenon that seems to be in response to the question of whether or not the women chose to be in prostitution. Now the pimps are getting women to engage in prostitution in their home countries and then trafficking them as guest workers or as women willingly in prostitution, using the reasoning they did it in their home country, so of course they're willingly travelling to another location in order to carry out their chosen profession. The question of choice is very difficult to answer when these kinds of methods are applied and when we're dealing with the condition of women not having any other choices.

You asked, what would prevent women from entering into prostitution? The answer is decent, livable welfare and legal aid that would assist women in dealing with the criminal charges they're charged with. I think the criminal sanction of men, targeting men, would go a long way, and independent women's advocacy groups, which could examine the problem, group with women, and bring solutions to the legislators and communities are a beginning point.

One of the things I noted when I was in Prince George dealing with the Judge Ramsay case was that those girls would not have been lured into prostitution if they hadn't been so poor. They wouldn't have been so subject to the allure of prostitution if their mothers had had the resources to protect those girls.

The Chair: Jennifer.

Ms. Jennifer Allen: I just came back from a seminar in Seattle on human trafficking. In the United States they started a human trafficking task force. They got everyone from FBI agents to doctors, psychologists, and lawyers, anyone who could be involved in that aspect, and they started a task force. They sat down around a table like this and they talked about what could be done and what needed to be done. Maybe you could look at starting that in Canada.

The Chair: Thank you.

Dr. Fry.

Hon. Hedy Fry: I don't have a question, but I do have a comment on what Sandy said about youth. When they have been abused by their families, when they have nowhere to go, and when they don't trust anybody, if you force them into things, you set them up to fail.

I'll never forget being at a graduation ceremony at Covenant House, and Sandy was there. A young man was there who had gone through some training, and he was going to set himself up to be a journalist. Daphne Bramham was there, and we all sort of sicced him on to Daphne because he sounded great, and we said, "Can you mentor this young man?"

But Sandy said something very important, and I want to thank him for that. He said, "When I first came in, I was awful, but he never forced me. I was able to fall on my face, I was able to tell him off, and I was able to go away and come back. Eventually, I learned to

trust him. So when I did go, it was of my own accord, knowing that this was a person who was not trying to force his opinions down my throat and who wasn't trying to make me do anything. And I came back and back and back, and every time I screwed up, he just let me come back until I was ready."

I think what Sandy is saying is that there is no way you can coerce people one way or the other to do what you want them to do. You have to give them the opportunities and build the trust.

I just wanted to say that about Sandy. I was very moved that day. So he lives what he says.

• (1550)

Mr. Charles Cooke: Thank you very much. I appreciate that.

If we're looking at a national strategy, we should think about the people who are in the trenches, the people around this table, no matter what group they're representing, because the burnout rate is extremely high for them, especially for the outreach workers. For me, it's important to care for the caregivers and to look at how we can keep them alive and well in order to allow them to keep fighting the fight and being there for these people.

For us in Vancouver it's not a hospice. You work with young people who die from AIDS, you work with young people who die from suicide, you work with young people who die from murder. How do you keep caring people engaged without their detaching from that? It's very difficult. I think care for the caregivers is very important for all our agencies, especially in Vancouver, in order to make a difference over time with this population.

The Chair: We would appear to be winding down. This is the first time it's happened; you've stumped all our MPs, and I want to compliment you on that. "Stumped" is the wrong word—you've exhausted all their questions.

Hon. Hedy Fry: You may ask a question, Mr. Chair.

The Chair: With the hours you've been putting me through, my mind right now is mush. There are so many differing views that we've heard today, and you can appreciate perhaps the difficulties we have in trying to reconcile the various positions to come down with a report that is worth your time and effort, and our time and effort as well.

In fact we will do that. We will continue our hearings until the end of June—we hope. I want to assure you that your comments today will certainly be taken to heart and will be reflected in our report—some perhaps more than others, but you have all contributed. For that, we are very grateful to you.

Thanks again for coming.

The committee is adjourned.

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