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

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• (1820)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): I call the meeting to order.

[Translation]

This is the 30th meeting of the Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

[English]

Good evening. We have Mr. Berry Vrbanovic, who is from the Federation of Canadian Municipalities, and we also have Mr. Ross MacInnes, of Street Teams Initiatives.

Generally the routine, gentlemen, is that first of all we'd have presentations of approximately 10 minutes from you, followed by questions in seven-minute rounds. Then, time permitting, we would go to three-minute rounds.

I would ask Mr. Vrbanovic to start this evening.

Mr. Berry Vrbanovic (Chair, Standing Committee on Community Safety and Crime Prevention, Federation of Canadian Municipalities): Thank you very much, Mr. Chairman.

Good afternoon, ladies and gentlemen. I'm certainly pleased to be here today to provide this committee with my comments and issues related to prostitution and solicitation. I appear before you today as a municipal councillor for the City of Kitchener and as the chair of the Federation of Canadian Municipalities' community safety and crime prevention committee.

I believe it is important to stress that while FCM's community safety and crime prevention committee did look at the issue of prostitution and solicitation briefly in 2000, we have not done any great deal of policy work in this area. Having said that, I think you would agree that Canadian municipalities are on the front lines of the battle to build healthier, safer communities across the country. The fact is that prostitution is a local issue of national importance.

Canadians are not happy that their communities are being used for prostitution. They want parks that are clean and not littered with used condoms and needles, they want streets they feel safe to walk down at night, and they want a community they can be proud to call home. In other words, they want a healthy and safe community.

As elected officials, we need to be honest with one another and with our citizens. The reality is that we will never completely eliminate prostitution from our city streets. That is a difficult reality for many of our citizens to accept. Even though some progress has been made in recent years to give authorities more power and more tools to help sex workers get off the streets, for many of our citizens success will only come when there are no prostitutes on our streets. To put it simply, that is an unrealistic goal.

As members of this committee know more than most, perception is a reality, so if we're going to change reality, we need to change the perceptions. I want to stress at the outset that I strongly believe our collective goal of building safer, healthier communities must be extended to all of our citizens, including those forced into the sex trade. When we are all safer, we can legitimately claim success.

What is required is nothing less than a monumental shift in the attitudes and perceptions of Canadians towards the sex trade and sex trade workers. It is time to stop thinking of our sex workers as criminals and start recognizing them for who they are: victims—victims of abuse, victims of crime, victims of addiction, and victims of a vicious cycle that keeps them down. It is time to put harm reduction ahead of punishment and law enforcement.

No doubt every one of you can give me an individual example that defies this definition of a sex worker as a victim, and it is true that there are some. But we do no one a service by ignoring the harsh and difficult reality that the overwhelming majority of Canada's sex trade workers are victims. If we can start from that premise instead of burying our heads in the sand and wishing it weren't so, perhaps we can get somewhere.

For years, municipalities like the City of Kitchener have been working with local police forces and social agencies to address a number of issues related to prostitution and solicitation, within our limited fiscal and legal abilities. Admittedly, our success has been mixed at best.

In my opinion, the limited success is due in large part to a perception of the sex trade that runs deep in our communities and across this country. Unfortunately, for too long Canadians have viewed prostitution and solicitation solely as an issue of community safety—of their own safety. For too many people the issue is very simple: prostitution leads to crime and drugs, and that makes my community unsafe; if we can just get the prostitutes off the streets and out of sight, we will all be safer. That perception is quite frankly narrow-minded, self-interested, shortsighted, and ineffective.

While improving community safety is an absolutely crucial issue, it is not the only issue that needs to be addressed. Indeed, addressing the community safety issue through traditional methods of law enforcement has proven to be woefully inadequate and ineffective. If we are going to succeed as a nation in properly addressing issues of prostitution and solicitation, we need to tackle the root causes of crime and look carefully at how we can prevent people from turning to the sex industry in the first place. And we need to recognize that we can reduce the exploitation of sex trade workers through social development.

Crime prevention strategies, drug treatment centres, more affordable housing, training and employment programs, and other social services are all crucial to properly addressing issues of prostitution and solicitation. All of these social services must be offered seamlessly from a system that is ready to respond immediately when a prostitute finally says enough is enough. When prostitutes finally make the decision to break the cycle, we as their governments must be ready to respond to lend them a hand.

● (1825)

My home town of Kitchener is a perfect example of how a number of social problems contribute to the growth in prostitution. To put it simply, the city of Kitchener did not have a problem with prostitution until crack cocaine became a regular drug on our streets. As the presence of crack cocaine grew on our streets, so did prostitution. It is a fact that a very significant portion of the female prostitutes in the Waterloo region, who number between 70 and 100, are turning tricks for drugs. I regret to say that our experience is not unique.

If there is one message I would like to leave with members of this committee today, it is that no level of government can make effective progress in dealing with these issues on their own. The issues around prostitution and solicitation are too complex and the perceptions too ingrained in our society to be solved through a few quick changes to legislation and some increased funding. This type of quick answer to the problem is doomed to fail. Truly addressing ways to improve our collective safety by reducing the exploitation of Canada's sex trade workers will require a comprehensive, coordinated, and detailed national strategy that is developed in partnership with all orders of government, law enforcement agencies, and NGOs.

I commend members of this committee for identifying these problems and having the political courage to tackle these difficult social issues and begin to develop that much-needed national plan. However, I see the work of this committee as only the first step on a path to true and meaningful change that will effectively address the issues of prostitution and solicitation across Canada.

Unfortunately, the public consultations this committee has undertaken across this country, while helpful, will not be enough. We need more than consultations. We need a true partnership and a comprehensive plan. Canada has been without a national plan for too long. Municipalities have been left to address these difficult and complex issues on an ad hoc basis, with little funding and even fewer legislative powers.

As a result of this lack of planning and collaboration, too many communities across Canada are duplicating efforts and not learning from one another's successes and failures. For example, city after city has tried the old crack-down-and-move-out enforcement

strategy for getting rid of local prostitution. This enforcement-based strategy simply will not work and will only serve to move the problem around. It does nothing to get to the root of the problem and, in many cases, actually serves to perpetuate a life of prostitution.

As this committee formulates its recommendations on this issue, I strongly urge you to recommend that the federal government immediately undertake a comprehensive partnership with all relevant stakeholders to develop a detailed and coordinated national strategy on prostitution and solicitation. In the end, such a detailed national strategy would benefit the sex trade workers and our citizens who are demanding action to make their communities safer.

With that recommendation, Mr. Chair, I'd like to end my formal comments. I will be happy to respond to any questions from the committee.

● (1830)

The Chair: Thank you, Mr. Vrbanovic.

Mr. MacInnes.

Mr. Ross MacInnes (Street Teams Initiatives): Thank you for granting me the opportunity of appearing before the committee today. I have to apologize for my dress. Air Canada lost my luggage, so I just came straight in off the ranch.

I think it's important that I give you a bit of my background in this area. Since 1976, so that's coming up to 29 years, my wife and I have been working with high-risk adolescents, almost all of whom have been involved in prostitution. I was the vice unit commander in the Calgary Police Service from 1991 to 1995. I was the executive director of the Street Teams Initiative from 1994, when it was formed, through to 1999 when I stepped down as executive director. From 1999 to 2000, I interviewed 300 sets of parents whose daughters were on the street, and I interviewed 800 women who were street-involved. In the year 2001 we began what's now known as Project 118 Children's Services Society, which operates a ranch northwest of Cochrane, in the foothills, that deals with the identification, interception, and diversion of kids who are heading down this path.

Another point I want to raise is that this is not so much an issue of prostitution or of the sale of sexual services by consenting adults. In 29 years I have met four women who had gotten into prostitution after the age of 19. Like alcohol and tobacco, this is a matter of age. The message we're sending to our communities is that if you are of a certain age, whether it's 18 or 21 years of age, then this is a socially acceptable occupation or activity. We're sending the message to the kids that you can do it, you just have to be taller.

It's killing our children. In the past few years I have attended 19 funerals. In my luggage, which I did not have a chance to bring out today, was *Children in the Game: Child Prostitution, Strategies for Recovery*. These are case studies of a number of children who became involved in prostitution, who became adults, and who ultimately lost their lives.

There has been talk across the country of the decriminalization or the legalization of prostitution. When I am speaking at the university—and I do lecturing there—or at different community groups, I ask the question, what are the criteria for either legalization or decriminalization? I should also preface that by saying that I went through this back in the eighties when I dealt with the whole aspect of escorts. Legalized prostitution exists in every city and in most towns at the present time. It's called escorts. The City of Ottawa, like other cities, receives a fee for what happens, and it's one of the biggest advertisers in the yellow pages as well as in the newspapers. That's legalized prostitution.

If we're looking at setting up red-light districts or in some way governing where it occurs, then we have to ask ourselves a series of questions. Do we legalize the ones at 13, 14, 15, 16, or 17 years of age? Of course not. Do we legalize the ones who are HIV or AIDS? Of course not. Do we legalize the ones, as Berry mentioned, who are addicted to crack cocaine, heroine, or crystal meth? Of course not. Do we legalize the ones who are learning disabled, have fetal alcohol syndrome, or have mental illness? No, we don't. Do we legalize the ones who have a significant criminal background, or who are violent? No, we don't.

What we have done, then, ladies and gentlemen, is eliminated about 90% of the prostitutes who are on the street now by creating a new tier of legalized prostitution—besides the escorts.

• (1835)

The largest vice unit per capita in North America is in Las Vegas, Nevada, where it is legalized. It also has the biggest problem of juvenile prostitution. There is also the largest number—second only to San Francisco and Vancouver—of HIV in their prostitute population, where it has been legalized for a long period of time in the county of Las Vegas.

Working with the kids, as our family does.... I should mention I have 14 daughters, all but one of them from the street.

I'm going to read a poem, *Smudged on Rouge*, written by a police officer:

With smudged on rouge and dime-store rings
 She strolled the street that night.
 Her only toy a battered doll
 As she walked beneath the light.
 We saw her as we drove the street
 Our thoughts were on our child
 Who, but for God and circumstance
 Could be right there—we smiled.
 Our smugness was a cozy wrap
 "Not my worry" we thought then
 She chose the life, the street, the trick
 She should go home again.
 We passed her by, no backward look
 To see the other car
 That picked her up and drove her off
 Her very soul to scar.
 Two years went by and then we saw
 Her once again — that's all
 It took to see those track-marked arms
 Hold tight that battered doll.
 At the curb I stopped, and called her name
 (She's on our list, you see)
 With HIV—she had no choice
 And so she came with me.

We sit on polished pews today
 And view the casket there
 She looks so young—no worries now
 No trap—no stash—no care.
 The preacher talks, the choir sings
 There's a cross upon the wall
 And laid across the little girl,
 Is a battered, broken doll.
 The men still drive those streets at night
 As she rests beneath the sod.
 And from the little child they tore the soul
 And broke the heart of God.

That police officer was at that woman's funeral. She was a tiny woman, only 4 feet, 11 inches.

That concludes my direct.

The Chair: Thank you, Mr. MacInnes.

For the first round we have Ms. Davies.

Ms. Libby Davies (Vancouver East, NDP): First of all, thank you to both of the witnesses for coming today. I'm sorry that we were late, but things are very unusual around here. I'm glad we're still having the meeting, because you've come from Calgary and Kitchener. Thank you for being here.

Berry, if I could address you first, thank you for your brief.

I think municipalities have moved a long way on this issue. I used to be on Vancouver city council in the 1980s when the reaction from municipalities was different from what it is today. It was much more of an enforcement approach to get it out of a particular area. It was an approach that very much divided communities. I really appreciated the comments that you put forward today. If that's where the FCM is coming from, I think that's a really good sign.

Ross, in the work you've been involved in, obviously you're a very committed individual who's put a life of work into helping people.

I think we should be clear, though. I don't know that anybody is really advocating a legalized system and certainly not even decriminalization for people under 18. I think it's important to separate out the issues that we are dealing with here.

I have a couple of questions.

First of all to Berry, Ross made a point about escort agencies. There is the street trade, or what we often refer to as the survival sex trade, and there are also the escort agencies. There has been this contradiction in terms of how we view these matters. We tend to tolerate or turn a blind eye to escort services and say that's okay, maybe because it isn't visible, and we don't perceive it to be a problem. For on-the-street prostitution we tend to focus on enforcement as a remedy.

I'm curious to know whether or not the FCM has been able to develop any further thinking around street prostitution vis-à-vis escort services, and whether or not the FCM sees as a possible strategy—you talked about a national strategy—that we actually should be encouraging, on the basis of safety and minimizing risk and harm, a more regulated regime around an inside venue like escort services or massage parlours. I'd like to know whether or not that's been part of your thinking or what the development of a national strategy would look like.

For Ross, I don't know whether, with your particular program of the safe house and the street teams, you actually apprehend youth under the protection program that is available in Alberta. Perhaps you could speak to that. I think we have had questions about how successful that is in terms of something being coercive as opposed to providing choices to people by providing the support and working with them where they're at. I'm interested in your views about how you see this PChIP and whether or not you actually use that legislation in the work you're involved in.

Berry, maybe you could go first.

● (1840)

Mr. Berry Vrbanovic: Thank you, Ms. Davies.

To begin with, in terms of a formal position with regard to escort agencies, at this point the FCM has not developed a formal position. In fact, as a result of my appearing today, and knowing there will be a round table coming up shortly in the future, we want to undertake further discussion with our membership in order to develop a position on that issue.

I can tell you that we know there are varying approaches in terms of dealing with escort agencies across the country. Some municipalities are regulating them, others are not. Again, that may partially depend on the authorities that exist under the provincial-municipal acts province-to-province.

There was a recent investigation in the *Toronto Star* this past weekend that said the city has been licensing a number of facilities that are being used as so-called legitimate massage parlours and so on and finding out in fact that they're really operating, as the media quoted it, as brothels virtually. I think that's something we want to take a close look at and perhaps give a better opinion on.

Ms. Libby Davies: Have the police been cracking down on that, though, where they're perceived to be brothels? Is there a big enforcement move underfoot, or is it just sort of left alone?

Mr. Berry Vrbanovic: I would anticipate that probably after this media investigation there might be. I think part of the challenge has been that as the municipalities look at licensing these kinds of facilities, it's very difficult to deal with some of the enforcement challenges because of limited resources and so on. I know in my own municipality we have, I think, four legitimate adult body rub parlours in the city of Kitchener, but we also from time to time learn of others that are licensed as other types of facilities and are operating as adult parlours. That usually, then, gets dealt with through some enforcement mechanism, because they're not licensed and don't have some of the controls in place.

Perhaps I could just add, Mr. Chair, that the final version I spoke from, the final version we developed, actually sort of missed a page in terms of some of the Kitchener experience. So I'm hoping that at the appropriate time I can at least get that into the record.

● (1845)

The Chair: If you really want to get it into the record, we'll come back to it when we've nearly concluded.

We'll just continue, Ms. Davies, for another minute or so.

Ms. Libby Davies: I asked Ross a question about the Alberta legislation. I guess I'd add one other thing as well.

One of the things that have become very evident to me and maybe to others is that law enforcement against street prostitutes just seems so pointless, and in fact it's harmful. If you criminalize people and put them through this cycle of the justice system, then what has been accomplished? I wonder what your view is on that.

Do you advocate law enforcement? Do you see that there's a role there? Or do you see it as really kind of a futile thing that not only has not solved the problem, but that many people believe is actually contributing to the risk and the danger that sex workers face out on the street—the communicating law or even the bawdy house law?

Where do you go?

Mr. Ross MacInnes: It's very difficult to know, because we really have never had it without the law enforcement. Law enforcement has a unique role on street activities, and it's an informal mechanism a lot of times—the establishing of boundaries, dress codes. The relationship between the vice unit and most street prostitution escorts is actually quite close in terms of population and an understanding of it. I fully agree that from a law enforcement standpoint, it is not effective whatsoever.

But we're dealing really with two different things. PChIP is not a piece of legislation attached to the adults. It is for juveniles. Do you want me to address that?

Ms. Libby Davies: I kind of threw two questions at you. One was about the protection legislation for children, and then just generally in terms of law enforcement as it pertains to adults.

Mr. Ross MacInnes: The Protection of Children Involved in Prostitution Act is a piece of legislation developed about eight or nine years ago in response to the large number of kids we had on the streets of Calgary—some evenings anywhere from 300 to 400. One of the difficulties in working with that population was that with an addiction or a chemical dependency, where you would do a voluntary apprehension or, under the Child Welfare Act, take them to a group home, you would have maybe four and a half minutes and they'd be gone out the back door, right back to it again. So you would have no opportunity of stabilizing the situation until resources could be attached to it.

Over about a year's period of time, stakeholders met, much like this committee, and asked how we could address this. They came up with a number of characteristics. One—and it's been modified since then—was an initial 72 hours' apprehension if they were involved in prostitution or deemed to be at extreme risk of being involved in prostitution. That was actively being recruited. And it was a lockdown facility, for one purpose, and that was to stabilize them long enough to get a reading on their health, both physical and emotional, and to bring the resources to bear that would help them through that. It has been, from my standpoint, from my knowledge, an overwhelming success. It is compulsion, but I think in life there are adult decisions and there are kid decisions; this is an adult decision that you're not going to do this.

Yes, in answer to your question, it's still there, it's effective, and it's still being used—not as much as it used to be, because we don't have the number of kids. It stops the victimization. These are rapes that are taking place, and by having them in one place, you're stopping it and saying, now, where do we go from here...and attach the resources. At the ranch right now, we have 12 kids, and four of them came...we'll call it under escort.

• (1850)

Ms. Libby Davies: Are they required to stay at the ranch? Is it compulsory to stay there for a certain length of time once they're there?

Mr. Ross MacInnes: No. They come, and all the escorts and parents leave. It's then up to the skills of my staff to hold them by the heart, and we have not lost one.

They don't want to be out there. They do not want to be involved in prostitution. When there's an alternative of a loving environment that moves them forward, they don't want to go back. We've never had the experience, even in the family. We've never ever had one who said, "I don't want to be in this family; I'd rather be turning tricks on the street". It just doesn't happen.

The alternative has to be there. I think that it backs up what you and Berry said as well. The alternatives have to be there, and many times we don't have that.

Does that address the PCHIP aspect?

Ms. Libby Davies: Yes.

The Chair: Thank you, Ms. Davies.

Dr. Fry.

Hon. Hedy Fry (Vancouver Centre, Lib.): Thanks very much, Mr. Chair.

I wanted to ask Mr. MacInnes some clear questions about youth.

I think we are all in agreement, as Ms. Davies said earlier, that we don't see commercially sexually exploited youth as any kind of viable alternative. We would like to do something to help youth.

When you take youths and apprehend them under the safe house program...you said that you have 12 kids at the moment, and they don't leave. How long do you keep them? If you keep them for a particular length of time, where do you send them afterwards? Do they go to adoptive families? Do they go into family units at all?

From everything I have read and heard, it's my understanding that young people on the street who are sexually exploited come from homes where they have either been physically or sexually abused. These kids are running away from family situations.

In Vancouver, we heard from some who said that they came from Calgary to Vancouver. They said that they did not want to go anywhere within a family situation or within any kind of situation where there were authority figures. They grew up not trusting and not feeling comfortable with authority figures. As soon as they could, they left and went to a different place where they wouldn't be found.

I think that's a real problem. We need to talk about how to deal with this. I don't see a way that we can deal with the sexual abuse of

children in their homes. We know that a large percentage of that is done by family members, and many kids don't tell on family members. They run away, because that's not a viable thing for them to do. Generally speaking, they feel guilty and they feel that they're breaking up the family.

I really wanted to share a little more about what happens to those young people. In Vancouver, the ones who came from Calgary told us that they got away as soon as they could, because they did not buy into this enforcement. One of the things they didn't want was for someone to tell them what to do. They were tired of being told what to do. They didn't trust anyone.

Mr. Ross MacInnes: They're also teenagers.

Hon. Hedy Fry: Exactly.

On the other piece about the Federation of Canadian Municipalities, there were some models where I think we've all agreed that the current system isn't working very well. We looked at what happened in Vancouver with the murder and disappearance of so many prostitutes. We're now seeing this beginning to happen in Alberta.

We hear that the at-risk prostitutes and the at-risk sex trade workers tend to be the ones on the street. They tend to be the survival workers. They are the ones who find working in high-risk situations is preferable to not getting drugs or not having food. They are desperate people for whom the risk of being taken and murdered is not as great a risk as we think. Proportionately, they have to do it. We really want to deal with that issue.

I know Ms. Davies asked you a question on escort services and massage parlours. We have heard from people who've worked in that milieu. Many of them have chosen to work there. They are not the survival workers; they've chosen to work there. They felt that it was safe. These are the women who say they should be allowed to make choices to do what they like.

Whether it's what we would like to do or what we would like our daughters or granddaughters to do is not the issue. The issue is the ability of women to choose freely, not to be coerced, not to be exploited, not to be pulled into the drug trade, and not to have to do it because it's the only way they can survive...but because they freely choose to do it.

Obviously, we have two separate groups of women here. The ones on the street seem to be the ones most at risk. They are the ones who are also saying that by decriminalizing, we would be able to set a lot of regulations and standards to improve safety and to possibly help them to find the help they need with regard to drugs and other kinds of things. It would give them a better access to systems, and they could choose them when they're ready.

I'd like to hear a comment from Mr. MacInnes about the youth, and then a comment from Berry on the federation issues.

• (1855)

Mr. Ross MacInnes: The program we have is called the Project 118 Youth Ranch. It's a 98-day program. That's the minimum residential portion. Its total length is five years.

There are a couple of characteristics of the program. Not to go into its history, this is a parent- or a community-driven program, as opposed to a government program. That's not making comment, it's just that this is how we evolved, out of the research, with the interviews of the 800 kids and 300 sets of parents whose daughters never came home, to put something together that would uniquely address both the abuse issues within the family, how this spiralled out of control, and how to get it reconnected back in.

So it's a five-year program. The first three months are residential, at the ranch. They don't leave the ranch for three months. We have a psychiatrist, a number of psychologists, an RN, chefs, and horses— from the whole therapeutic standpoint and educational aspect.

For the next three months, our staff are in the home, wherever that may be. That may be in their natural home, it may be in a grandparent's home, or it may be at a foster placement. There are no adoptions because of the age of the kids, but there may be a foster one, defining how families work in a community.

They go from there into what's called the LIFE program, which is the acronym for "living independently fully engaged". That covers 16 different skill sets as they move back into the big world.

That addresses the issue of where they go afterwards. It's a process after the ranch. The ranch is 98 days, followed by another three months directed in the home, however that is. It may be a foster home, or it may be at the home of an extended relative. Then, for another four and a half years after that, it's much like AA. So it's a long-term, supported program.

The backgrounds that the kids come from pretty well cross the gamut—crystal meth addiction, crack cocaine, sexual exploitation situations, defiant behaviours, extreme risk-taking.... The age grouping is from 13 to 18, the age of the oldest one who has come into the program.

One of the characteristics is that the child must come into the program with a champion. It may be somebody who is a volunteer with our organization, maybe a parent, or maybe a grandparent. The success rate is about a 30 percentile point difference if the child has a champion, has an adult who says, "I'm sticking with you as you go through this."

The characteristics when we're working with teenagers are that, whether it's Barbara Coloroso or any of the other psychologists, they identify three key things that teenagers exhibit. One is the defiance of authority. We did it. Even the members of Parliament did it when they were teenagers. Risk-taking is the second one that the kids must engage in. The third is the melatonin levels that kick in with the kids. They don't go to sleep until 1 o'clock in the morning. I'm ready for bed at 9 p.m.

So those different characteristics must be woven into whatever recovery program is there. Most of the kids we work with come to us as chronically sleep-deprived, and that affects learning issues, their self-esteem, anger management, all those sorts of things, because they're chronically sleepy. They cannot go to sleep before midnight or 1 o'clock. Our own school system traditionally is, let's get these kids up early and get them off to work at 6 or 7 o'clock in the morning. It's biological and it's chemical. So there are a number of

characteristics that go into it that have to be addressed if we're addressing the whole aspect of high-risk kids.

I don't want to stay too long on that, but that might address the issue of the kids.

They might come to our ranch under escort or under a court order, for example. That very rapidly changes so that it's an issue of the heart. With the 28 kids in the last year and a half, our biggest difficulty is, at the end of the three months, getting them to leave. It's difficult.

Thank you.

• (1900)

Mr. Berry Vrbanovic: Dr. Fry, there are a number of points I want to make in regard to your question.

First of all, in my presentation I acknowledge that we all recognize that the challenges associated with the sex trade will never go away in their entirety and will always exist in our communities. I think in order to deal with them we must find solutions through a social development approach and deal both with the sex trade worker and ultimately with the clientele. I'll actually make a couple references to our own local experience in Kitchener shortly.

But before I do that, you touched specifically on looking at things like the escort agencies, and those potentially being a viable option to deal with it. I think it's important to emphasize again that we haven't taken an official position on escort agencies from the perspective of FCM thus far. But I think it is fair to say that the purpose of licensing those kinds of agencies as a means of dealing with the industry is to ensure that criminal activity isn't occurring there, and also to ensure that health and safety regulations are in place to look after the staff who are working there.

I think one of the things we have heard, however, is that sometimes the licences for those agencies, where they do exist, have become so cost-prohibitive that some of the ladies just find that's not a viable alternative. So as much as they would look for those places because of the health and safety that they offer, the cost is too prohibitive, and as a result, they go back to simply being street prostitutes again. So I think that needs to be looked at very closely.

In terms of our own situation, as we've dealt with some of these challenges we've recognized two things.

One is the need for programs we can put in place for the sex trade workers. We've tried to take a comprehensive approach working with social agencies in our community, the police and so on, so that when one of these ladies decides she is ready to leave, there's a support base in place. We've tried to ensure that we can find her a spot in a drug treatment facility; we look for shelter placements, job placements, and so on. But the big problem, quite frankly, is the lack of resources that exist in order to do that. It was really only because of a cleaning mobilization project, specifically in regard to our downtown core in which the neighbourhood, the police, community members, and so on got together, that we were able to start making some inroads in that regard. But very quickly it became apparent that the challenge continues to be that you can't tell a sex trade worker, on the day she decides she's had enough and she wants to get out, that she will have to wait two months to get on the waiting list to get a spot in a drug rehabilitation facility. It just doesn't fly. Within a day or two you're going to see her back on the street. That's the problem.

On the other end, in regard specifically to the customer clientele, we've actually developed a john school diversion program in our community, and it has been quite successful. Over the last eight years we've seen about 300 men come through the program, and we've seen very little recidivism among the group. Over the course of the program, which is a one-day program, they hear from a crown attorney, a public health nurse, a young woman who grew up in a neighbourhood known for the sex trade, a father who had his daughters approached by johns, a former sex trade worker, a former pimp, the wife of a former john, and finally, a former john himself. What we've learned is that more often than not these men are in their mid-thirties, often with some post-secondary education. The day ends up being a very informative and educational day in the sense that they really never contemplated the potential impact on their own lives, but more importantly, on the community as a whole. We're finding the program is having some positive results as a result of that.

So I think the point we have seen from those Kitchener examples, then, and the FCM general comment around trying to deal with these issues through a social development approach is that we need to look at all sorts of different alternatives in terms of how to deal with it. No one thing will do on its own.

● (1905)

The Chair: Thank you.

Ms. Davies, you have three minutes.

Ms. Libby Davies: Thank you.

If you have a question, I'm happy to wait.

The Chair: We've heard that, generally speaking, sex workers do not have a good relationship with the police, although the exception would be vice officers. As a consequence, they don't turn to them when they are perhaps very badly beaten, because the police officer will slough them off. And we've had some pretty brutal comments and insensitivity, which certainly don't help their self-esteem.

Do you have any comments on that?

Mr. Ross MacInnes: I find that strange. I agree in terms of the general police population, but as far as the vice unit itself is concerned—

The Chair: No, the vice unit's guys are good; that's what we heard. But it's such a dichotomy from the officer on the beat.

Mr. Ross MacInnes: That's correct. The prostitutes are revictimized not just by the police officers, but by social workers and health care professionals, because of a common view of their criminal nature. The vice unit gets to understand them really at a whole different level. You become almost a protector. They are the ones they turn to on an ongoing basis. I still get calls now, 10 years away from commanding the vice squad. So it is different.

The police department itself really has to be seriously educated about the whole nature of the street culture—its laws, its regulations, its dress codes, its colours, its brand of cigarettes, its currency. It's a culture down there, and most police officers don't understand the culture as well.

The Chair: Do you feel—or do you have any comments on whether—our children involved in the sex trade are at a greater risk because of the criminalization of most aspects of prostitution? Most aspects of prostitution are criminalized. Do you feel this is a factor of danger to the children?

Mr. Ross MacInnes: The danger is huge. First of all, these children are being raped—there is no other way of putting it; they're 13 years old—whether it is with the exchange of money or not. The risk factor for them is huge. They have no understanding. In terms of even personal safety, they have no understanding of such a simple thing as protection from STDs. So there are huge risks to them there. There's nobody protecting them in that life, except possibly another girl—and I'm referring mostly to girls, but it involves boys as well—or the pimp who is supposedly giving some form of protection.

For the risk factors, you just have to read the newspapers out in Alberta or in B.C., with the pig farm and all of that culture that goes along with it. They're huge risks.

The Chair: But the mandate of our committee was to study our prostitution laws to see how we could improve the safety of sex workers as well as of our communities and reduce the exploitation of women and sex workers and the danger to them. Does either of you have any specific recommendations about how we could address that mandate?

Mr. Ross MacInnes: First of all, I agree with john schools, but in a different fashion. I think two years' imprisonment and then a half-day workshop after that is a john school. I do not agree with once-a-Saturday workshops. What happens in the sting operations in most cities is that they'll do a sting operation, apprehend the johns, and have a one-day workshop to teach a 35-year-old that it's wrong to engage the sexual services of a child, or of a prostitute. If you don't know by the age of 35, you have bigger problems than that.

Secondly, when they do another sting operation, no city has jane schools—none of them—for the girls. When they're apprehended, they go through the court system, and we're revictimizing them again. We've got this topsy-turvy. Somehow we've looked at this as though the men who are buying the services are being misunderstood, or not understanding the consequences of their actions, but because the girls know, we're going to put them through the judicial process. We have that really screwed up as a society. We have to get that straight first, about who really is the victim here.

It's not just, in and of itself, the act of prostitution. Prostitution is legal in Canada. It's talking about it in a public setting that's illegal. What we have to do as a community is get to understand how we really feel about this. It's part, I think, of a bigger issue—everything from the drug laws to pornography. It's morals crimes. We somehow have to come to some level of...I don't know whether it's understanding, but some baseline here.

I think this is the fourth or fifth committee I've testified to. It dates back into the eighties. There were western Canada conferences in Saskatchewan and Alberta, and Ontario did it before, and the Maritimes. This is the first federal one. We seem to be always wrestling with this problem.

• (1910)

The Chair: In Sweden they criminalize the john and do not criminalize the prostitute. Would you recommend that type of system?

Mr. Ross MacInnes: Yes. One of the most effective programs that I've seen is in New York State, not in the city but in one of the boroughs. I believe it's a one-year jail term plus a \$2,000 fine, automatically. Their street prostitution virtually disappeared overnight.

The Chair: Did it go underground, do you think?

Mr. Ross MacInnes: Well, the currency of it is drug currency. Then they opened up a few more houses and things like that for drug rehab, things that Berry referred to. I think we've treated it in a very cavalier manner in the past, particularly the issue around johns. I don't disagree with Berry—I mean, they've got a city to run—but from the standpoint of seeing its effectiveness over the long haul, the john education aspect, the johns know it's wrong.

The Chair: Berry, do you have any comments before my seven minutes are up?

Mr. Berry Vrbanovic: Specifically, I agree very strongly that the focus needs to be on the fact that the sex trade workers truly are the victims in all of this. We need to ensure there are resources and programs in place in order to be able to help them when they choose to get out of that lifestyle, particularly for those where the whole link is with drugs and so on. It's basically a viscous circle taking them on a downward path.

In our own community where we did implement the john school, it was primarily because we realized that there was something to be gained by it in terms of dealing with the problem, and it has been effective. The combination of the enforcement in regard to the johns—and the enforcement is with the johns, not with the sex trade workers themselves—coupled with the program in place for those whom the judge deems it to be an alternative has worked in dealing with that aspect of the problem.

The Chair: Ms. Davies, three minutes, please.

Ms. Libby Davies: I want to come back to the so-called john school. I don't mean to challenge you here, but it's really sort of a demonstration of the contradictions that I think we struggle with.

We did hear from some escorts in Montreal. We asked them to describe their clients, and they were executives, business people. One woman talked about some of her clients who were severely disabled men, and the relationship wasn't always sexual; it was sometimes just a physical thing, but it wasn't necessarily sexual.

It was very interesting. We always think of clients or the johns as being these evil predators—and they certainly are there—but that doesn't necessarily account for 100% of them.

I'm always curious about this issue of john school. Do we go after these johns and send them to john school because what they're doing is morally bad, and therefore advocate the same thing for all the men who use escort services, like the disabled guy? Does he go to john school? No, I don't think so.

So on what basis do we do this? Is it because they got caught on the street? Is it because they were violent, in which case there are other laws to deal with them—assault, rape, doing bodily harm, etc.

To me it's very interesting because it really does point out some of the contradictions. On what basis do we say that we'll focus on the johns and send them all off to this school? Is it based on the morality, or is it based on the harm that is perceived to be done? If that's the case, why aren't we also applying that across the board? What is it about?

I must say that I have some questions about it. Why do we do this? Is it just to appease ourselves, so we can think we're doing okay, we're getting at the problem, when in actual fact I don't think we are. We're ignoring most of it because it's not visible. It's where it's visible that society is willing to take action, often on the basis of a moral question; but then on other counts we sort of let it go by and say, well, it's not really a moral question.

I don't know if you have any thoughts on this. I don't mean to challenge you; it's these contradictions. Ross, you make a point. We go at this so many times, and yet, what is the baseline?

I want to make it clear that I'm not talking about sexually exploited youth; that's a very different question. I'm basically talking about consenting activities involving adults.

• (1915)

Mr. Ross MacInnes: Well, I agree. We arrest pimps for taking money from the act of prostitution, but every city pimps, because it takes money from prostitutes in the form of licensing fees for escorts. There is no difference. One's a corporation and one's an individual, so we're all over the map, with everything from a moral issue to legal consistency in this.

Mr. Berry Vrbanovic: I think you raise some really good questions, Ms. Davies, ones those in our community who have been very strongly engaged in programs dealing with either the johns or the sex trade workers have grappled with. How do you find the right balance and how do you effectively deal with everything?

I can tell you that one of the things I know from speaking with them, something they've emphasized to me, is that implementing the john school program is definitely not about morality. It's really for them to develop an understanding of the impact of their actions—first, on the sex trader workers, in how they're feeding that lifestyle in terms of the workers' dependency on drugs and all that stuff; and second, on the community. It's why they've included, for example, a father of daughters who have been approached in the community and women who live in the community and have been approached by johns and certainly aren't...you know, they just live there.

Ms. Libby Davies: So it is more related to the street, then?

Mr. Berry Vrbanovic: Yes, it is definitely more related to the street and more related to the impact it has on the community as a whole and with respect to specific individuals, either the sex trade worker or someone living in the community.

Ms. Libby Davies: So if we could get them to go inside, or we removed the bawdy house law, or we allowed women to operate out of their own houses, would that be okay? Would that solve some of the problem?

Mr. Berry Vrbanovic: I think the solutions are something people continue to grapple with. I'm not sure, either for our own community or from a national perspective in terms of FCM, I'm really in a position today to say this is the sort of route we should be taking. At the end of the day, you want to look at options and alternatives that are going to ideally take people who are engaged in that lifestyle out of that lifestyle and put mechanisms in place to support them when they choose to do that.

The Chair: Dr. Fry.

Hon. Hedy Fry: I need to quickly follow up on Ms. Davies' trend of thought, because for me this is the greatest problem I'm trying to grapple with.

We've heard, as Ms. Davies said, women tell us that many of the johns who come to see them are not necessarily predatory creatures; they're just ordinary people. I would go so far as to say some of the women say they are geeky kinds of guys who can't seem to find girlfriends, or whatever.

Their argument is that if they have needs—because we are all sexual beings—and don't have girlfriends and can't find any, what do they do? If they are disabled or have other reasons within their own family structures for wanting to seek sex from other people, they are the ones who, when you take them out of the system, will go underground. By underground, I think I mean the quasi-legal massage parlours and escort services.

Then the street prostitutes are left dealing with the predators, the misogynists, the ones who hate women and are looking for women to abuse, violate, and deal with in a bad manner. So they're left with those people. They have said to us that is what they deal with. They leave them for the street prostitutes.

They believe—and I think Mr. MacInnes commented on that—a couple of Saturdays of john school isn't going to deal with someone who has a basic and ordinary sexual need and doesn't know how else to fulfill it. So some of these women even said they thought they were performing a service.

Now we come back to the question that there seem to be two sets of adults engaged in prostitution. There are the women who have no choice and are therefore in it because there is no choice. These are women who are on drugs, who are exploited in various ways, ill, etc. These are all the women on the streets who have absolutely no choice. These are the women you want to help get into treatment facilities, etc. Then we hear about the women who work in escort services and massage parlours who choose to do this because they think it's a valid line of work. So this is where we come to the question of how to deal with this issue.

They have said to decriminalize it and regulate it in many ways, letting certain municipalities probably regulate where, when, and how. You have health checks. You therefore go into these places and make sure the age limits are kept, and all of the regulations are absolutely sure—that the fees are low enough that you're still not continuing an exploitation, that there is no criminal element, etc. Or you allow women to work out of their homes, maybe two or three of them, where they can help each other be safe. This is an appropriate way to deal with it when you provide prevention and rehabilitation services for those who wish to exit because they didn't choose to get into it.

This is what we're hearing over and over. I think the question then is what do we do to square that circle? We're hearing from two different sets of women who are doing this, and from two different types of men who use the sexual services of women. This is the question we are struggling with.

• (1920)

Mr. Berry Vrbanovic: Maybe I can go first. I think that's probably the question we all struggle with, quite frankly. You're very correct in identifying that there are those two groups: both the female end and the client end, the male end. Certainly from a municipal point of view, there isn't an agreed-upon national correct answer in terms of how we should deal with this.

Hon. Hedy Fry: Do you see it being the role of municipalities to regulate what goes on in their municipalities—licensing, etc.—as they do in cities like Vancouver?

Mr. Berry Vrbanovic: At the end of the day, the licensing and regulation would likely fall upon the municipality. I think that can only happen, however, if there's adequate funding from the other orders of government to support the work that needs to go along with that regulation.

Hon. Hedy Fry: Ross, would you comment on the fact that by criminalizing all johns we tend to victimize those who in some way actually have a real need for sexual services?

Mr. Ross MacInnes: I'm not a psychologist, I'm an old cop, so I don't know what goes on inside some of their minds. It sounds like I'm really coming from maybe a moral perspective, but I'm not. If a 19-year-old—and we'll just say female because they are the majority of the population—says, do I go into nursing, or medicine, carpentry, or prostitution, and she makes an informed decision, go for it. It's my experience that this doesn't happen. That occurs years and years before. So what we look at are the ones engaged in it right now who say, I'm happy, I'm content, and everything else, but they were involved in sexual.... And you know from your own statistics that about 85% of them come from backgrounds in which sexual abuse was rampant. They ended up in prostitution, and now because they're 25, they're saying they're quite content there.

I don't think we would have this issue if we really addressed the issue of the kids and sexual exploitation, both male and female, back in those early years. Then if somebody wants to go and be an escort or work in bawdy houses, or whatever, at 19, as an informed choice, then that's a decision they would make. But that's not what's happening here.

As far as johns or customers are concerned, we don't worry about it at that stage. What I'm really concerned about is what I see on the streets. I still see it every night—men paying extra to do it without a condom, all that risk-taking stuff that goes on there, the violence out on the street. There's violence in the escorting industry as well, but not as much. There might be some who are legitimate who are there because they're lonely, or geeky, or whatever that expression is, but there is a big percentage out there who are thrill seekers and are violent as well. The johns are. That's where I struggle with the john schools.

I don't know if that answered your question, Dr. Fry.

• (1925)

Hon. Hedy Fry: I think you answered it, actually.

The Chair: Mr. MacInnes, there are more females involved in the prostitution industry than males. Does the Street Teams Initiative have any dealings with male youth prostitutes or transgender?

Mr. Ross MacInnes: The Street Teams Initiative has morphed into a number of organizations. The portion of it that I head now is the ranch portion, and yes, we do work with males as well.

The Chair: Is the program different?

Mr. Ross MacInnes: Hugely different, hugely different.

The Chair: How so?

Mr. Ross MacInnes: The core fundamental difference in teenagers—and you folks are all more expert than I am—is that girls use sex to get affection, and boys use affection to get sex. It's coming from two completely different angles. The therapeutic approach is from two different angles as well.

The Chair: So we've had conflicting comments on the involvement of organized crime and pimping. Some say it's very prevalent and controls the industry, and others say it's non-existent. A question addressed to both of you is, do you see organized crime elements, or heavy pimping, or are these women acting as independents?

Mr. Ross MacInnes: Anecdotally, I'm not seeing as much pimping now as there was a number of years ago. The pimping has

shifted because of the risk factors. Also, there's a bigger profit margin now in drugs, and particularly in crystal meth, so it's changed direction. It's still organized crime, but as for the direct pimping, I don't see it—and that's just observing it—as much now as, say, six, eight or ten years ago. No, I don't.

Mr. Berry Vrbanovic: I think from our perspective, in terms of organized crime, we haven't been led to believe from our member municipalities that it's a prime focus. We've probably heard more concern and focus expressed about the links between prostitution and drugs, as opposed to prostitution and organized crime. That's not to say that there aren't issues and links there, but it's not a prime concern that we've heard raised from our member municipalities.

The Chair: Do either or both of our researchers have any comments or questions?

Ms. Laura Barnett (Committee Researcher): We've been having some discussions, not here today, about the age of 18 and what exactly that cut-off means. We crack down very heavily on any form of prostitution that's under 18, and we don't like to call people “child prostitutes”; we talk about “children who are exploited through prostitution”. Yet at the same time, under-18-year-olds are sometimes arrested and charged with prostitution. So I wonder, as a former vice officer, what decision goes into whether you call child protection in, for example, or whether you charge an under-18 with prostitution?

• (1930)

Mr. Ross MacInnes: Up until about 1993, the only tool we had was the Criminal Code. With the Child Welfare Act, we would apprehend a youngster who was involved in prostitution, bring her—or in a couple of cases it was a boy—before a family youth court judge, and they would say this was a lifestyle choice. So the only option we had was to say, “You're not going to do this anymore. You're going into the young offender centres. At least you're going to be saved. I'd much rather go to visit you up here than go to your funeral”. So it was used totally inappropriately, but it was the only tool to keep them safe.

With some of the other tools that have more recently come along, it's a lot better. There has been some redefinition under the Child Welfare Act, both in British Columbia and Alberta. I'm not sure about down here. There have been a lot of changes under child welfare. So looking at it, if it's not predatory....

If a 17-year-old is recruiting a 13- or 14-year-old, that's pretty well up front, and there has to be a consequence of that. But if it's solicitation, very seldom is it ever used anymore against the prostitute. It might be used as a tool to get them settled down, if they don't have that piece of legislation anymore in some of the provinces. It's still used to hold them in one spot until you can get some resources around. It's very inappropriate, but you go with what you have.

Ms. Lyne Casavant (Committee Researcher): You talked about the New York State law for clients. You said they were sent to jail for a year, or—

Mr. Ross MacInnes: Yes. Unfortunately, some of the stuff that I have is reference points. I just don't have it here today.

It was a counterpoint to some of the traditional ones. It was a study that was done on the needle exchange programs and so on that started, I believe, in Long Beach. Almost a different philosophy started in this New York one, as a counterbalance, and it involved prostitution. I can't bring it to mind. I'll get a card from you, and I'll dig it up and send it to you.

Ms. Lyne Casavant: Yes, because I think the committee would benefit a lot in having more information about this program, and also possibly some study that looks at the impact of a jail term for those clients. A lot of them have a family, so if they're away from their family, there might also be a lot of difficulties that we should look at.

Thank you.

The Chair: Are there any other questions?

Mr. MacInnes and Mr. Vrbanovic, thank you very much for appearing. I'm sorry that our Conservative and Bloc colleagues were perhaps required to boycott this committee. I'm sure they'll be able to read the transcripts, and I'm sure if they were here, they would have

found this very informative and very helpful to our studies. We thank you for your contribution to our study. Hopefully, something good will come out of this. We appreciate your input.

Before we adjourn, Berry, you wanted to read something into the record that you had omitted.

Mr. Berry Vrbanovic: Actually, I covered it off in one of the answers, so I think we're okay.

The Chair: We're okay.

Ms. Libby Davies: Also, it can be—

The Chair: It can be put in.

Ms. Libby Davies: —part of the record of the committee, or your whole brief will be there. Right?

Mr. Berry Vrbanovic: Yes.

The Chair: I now adjourn this portion of the meeting. Do we have any housekeeping?

No housekeeping? Then we're out of here.

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