



House of Commons  
CANADA

**Subcommittee on Solicitation Laws of the  
Standing Committee on Justice, Human Rights,  
Public Safety and Emergency Preparedness**

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SSLR • NUMBER 031 • 1st SESSION • 38th PARLIAMENT

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EVIDENCE

**Monday, May 16, 2005**

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**Chair**

**Mr. John Maloney**

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Monday, May 16, 2005

• (1740)

[English]

**The Chair (Mr. John Maloney (Welland, Lib.)):** I will bring our meeting to order. This is the 31st meeting of the Subcommittee on Solicitation Laws. It's a subcommittee of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. Our witness this evening is Mr. Roy Jones from Statistics Canada.

Mr. Jones, the routine is generally that we would ask you to give us a presentation of approximately 10 minutes, which would be followed by questions and answers from our panel. Our first round would be seven minutes and the second round would be three minutes.

Please proceed when you're ready.

**Mr. Roy Jones (Director, Canadian Centre for Justice Statistics, Statistics Canada):** Thank you very much, Mr. Chair. It's always a pleasure to be invited to appear before the committee, and I appreciate the invitation this evening.

I'll begin with a brief overview of statistics related to Criminal Code section 210 through to section 213, using data collected through four national surveys that are conducted by Statistics Canada.

The uniform crime reporting survey began operations in 1962. This survey collects data on criminal incidents under the Criminal Code and other federal statutes, such as the Controlled Drugs and Substances Act. These incidents that are reported have all been substantiated through police investigation. Police data are provided through to the year 2003. This is the most recent year for which we have published statistics. The national figures for 2004 will become available in July of this year.

The second survey I'll be speaking to is the homicide survey, which is a national census of police-reported homicide incidents. The data reflect the year in which the homicide was reported by the police, not the year in which the death actually occurred. Data in the survey are collected on the victim and on the accused in cases of solved homicides.

The third survey data I'll be reporting on is collected through the youth court survey. This is a survey of all cases disposed of in youth courts across Canada involving youth aged 12 to 17. Data are reported in the year in which the case is completed in court.

Lastly, data are provided by the adult criminal court survey, which collects data on cases disposed of through fiscal year 2003-04. While

intended to be a census of all adult court caseloads, this survey is actually...we don't have complete implementation across the country; therefore, to maintain consistency across the respondents for which I'll be providing data today, we've limited the data in the handout to seven jurisdictions—seven provinces, that is, plus one territory. They've been providing data consistently since 1994-95. In total, these eight jurisdictions represent approximately 80% of the national caseload in adult courts. They include Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and Yukon.

I'd like to also note at the outset that these data represent only those incidents that are reported by police and processed by the justice system, and they should not be considered general measures of prevalence relating to prostitution offences.

I would like to turn to the first graphic on page 2. We have a presentation of the trends and the rates of prostitution-related incidents from 1980 through to 2003, expressed per 100,000 population. As evident in the graphic, communications offences have predominated since the 1985 enactment of section 213. In each of the past five years, police have reported 15 to 16 incidents under section 213 per 100,000 population. This is roughly half the rate of the late eighties and early nineties, following proclamation of that provision.

In spite of this overall decrease in the rate, and looking only at the most recent year in the graph, 2003, it's clear that the vast majority of incidents of prostitution reported by police continue to be for communicating under section 213. In total, there were almost 5,200 incidents. This compares with about 335 incidents of procuring and 133 incidents of bawdy house offences.

The rates for incidents involving bawdy house offences and procuring were each one or fewer than one per 100,000 population, so they are relatively small in number and small in prevalence, as reported by police.

To put these numbers in context, in 2003 there were nearly 2.6 million Criminal Code offences reported by police—this excludes Criminal Code traffic offences. This represents a rate of about 8,100 per 100,000 population, so we're talking about a very small segment of police activity under these three sections.

In turning to graphic 3, we're beginning to look at distributions within these reported incidents. Throughout these slides, male incidents or male cases are represented by blue and females are represented by green.

●(1745)

This shows the spike in the numbers of persons charged by police following that enactment of section 213 in 1985. Incidents of offences under section 213 represent more than 90% of all prostitution-related offences reported by police. The numbers of persons charged with communicating offences has been falling for both male and female adults, as well as for youth. Overall the number of persons charged for communicating has decreased 70% since peaking in the late eighties, early nineties, and in total have dropped from just over 10,000 to just over 3,000.

In 2003, the last year on the graphic, 99% of the persons charged with communicating were adults at the time of the reported incident. This is very similar in terms of proportion for offences under bawdy house and procuring offences as well. Just over half of the adults charged for communicating were women, 55%. Though not shown on this graphic, nearly three-quarters of those charged with bawdy house offences were women. This contrasts with about one-third of persons charged with procuring being women.

With regard to youth, those charged with prostitution offences as a proportion of the total is well less than 1%. Over the last decade, the number of youth charged has steadily decreased, and at the end of this graph period of time, in 2003, it is a total of 40. Most of these were charged under section 213, with fewer than 10 charged under either bawdy house or procuring offence sections.

Turning to figure 4, here we provide the age distribution for the roughly 1,600 females charged under section 213 in the year 2003. About 2% of these were youth. This is about the same proportion as those over the age of 50. More than 80% of the women charged with communicating are concentrated in the 18 to 39 age range, and more than one in four females accused of communicating offences were aged 18 to 24.

Turning to the fifth graphic, we're now looking at information relating to the roughly 1,500 males who were charged under section 213 in 2003. It's quite evident that compared with women, men who have been charged under section 213 tend to be older. The distribution is also more continuous, with 60% of the distribution concentrated in the 18 to 39 age range, compared to 80% for women, and roughly four in 10 men charged under section 213 were at least 40 years of age. In fact, 1 in 10 was aged 55 or older.

Turning to graph 6, we're now looking at communicating incidents expressed as a rate per 100,000 within census metropolitan areas. This is a selection of metropolitan areas based on those with the highest rates in 2003, and they're ordered by highest to lowest from left to right on the graphic. You'll note the rates for Toronto and Ontario are fairly consistent with the overall Canadian rate of roughly 16 per 100,000. As the chart also clearly indicates, the highest rates for communicating offences appear to be found in western Canada. This is consistent with the data for other types of crime that we've collected, with rates generally higher in the western provinces and western cities than they are in the eastern provinces and in Quebec.

The large differences between the 2002 and 2003 rates in most of these centrist metropolitan areas is indicative of the fact that prostitution counts, as reported by police, vary year to year, as they

are influenced greatly by enforcement practices. We also know that prostitution is predominantly an urban phenomenon; 71% of communicating incidents in 2003 were located in just four census metropolitan areas: Vancouver, Toronto, Edmonton, and Montreal. Combined, these centres represent about 37% of the Canadian population.

●(1750)

Turning to slide 7, we're now looking at homicide incidents involving prostitutes as victims. Overall, between 1994 and 2003, police reported a total of 79 homicides. I should note that these reported incidents relate purely to homicides that were conducted in the context of their involvement in this industry. Of these, 92% were women, 5% were men, and 3% were female youth. There were no male youth victims of prostitute-related homicides in that period.

The spike in the number of homicides of prostitutes in the most recent two years is the result of the police investigations that are going on in Port Coquitlam, B.C. There were a total of 15 homicides reported in 2002 and another six in 2003. This represents more than one-quarter of the total for that time period. The deaths of these victims, as I mentioned, may have occurred in earlier years, but these data reflect the year in which the police made the homicide report to the national survey.

In three-quarters of these 79 homicides over the past decade in which the victim was identified as a prostitute, 75% were concentrated in six metropolitan areas: Vancouver, Edmonton, Toronto, Montreal, Winnipeg, and Ottawa-Hull.

Some previous analysis that was conducted during the mid-1990s found that among homicides involving prostitutes who were killed as a result of their profession, 86% were believed to have been committed by a client, with the remainder believed to have been killed by either pimps or persons involved in the illegal drug trade. Unfortunately, that analysis has not been repeated since that time, but we expect that the distributions would be fairly similar if we were to conduct it again.

In graphic number 8, we're now looking at trends in adult court cases, and we see that the numbers of cases against men and women for communicating has declined in recent years, reaching less than 2,000 in total in 2003-04. The number involving women is down to about 670. This is more than a 50% decrease from roughly 1,500 in 1995-96. For men, there were a little over 900 cases in the most recent year, down by one-fifth from the previous year and down about 40% from 1995-96.

Again, I remind you that this time series data reflects provincial court activity in eight jurisdictions, which cumulatively represents about 80% of the national adult criminal court caseload.

On figure 9, we're now looking at decisions of these cases in court, and we find that the majority of communicating cases result in a finding of guilt. In 1994-95 and 1995-96, there were about five cases resulting in guilty findings in adult court for every case that resulted in a stay or withdrawal. Over the three-year period from roughly 1996-97 through 1998-99, the overall court caseload did not change very much, but there was a marked decline in the number of cases resulting in guilty findings, along with a steady increase in the number of cases that resulted in stays and withdrawals.

This convergence of case outcomes continued but at a slightly reduced rate as the overall case count in courts trended downward since 1998-99. By 2003, slightly more cases were stayed or withdrawn than resulted in guilty findings in these court jurisdictions.

Turning to graphic 10, we're now looking at adult case decisions by sex of the accused for 2003-04, and we see there is a roughly even split between cases resulting in guilty findings and those stayed or withdrawn. It's not reflective of the parity between men and women on outcome.

Statistics indicate that 29% of section 213 cases involving men result in guilty findings, while most men have their charges stayed or withdrawn. Cases involving women, on the other hand, were much more likely to result in guilty findings—roughly two-thirds, or 68%.

● (1755)

For men, where available, the option of attending some form of what's known as john school sessions may be offered to clients arrested for the first time, and in those jurisdictions a communicating charge would be stayed or withdrawn in exchange for attending these classes. Very few cases of either sex resulted in acquittal; you can see they barely make a mark on the graphic. This is likely related to the fact that police enforcement uses undercover operations, and those form a very solid base of evidence for prosecution.

In figure 11, we're looking at trends in the numbers of section 213 court cases that result in custody. Unlike the gender breakdown for these offences overall, where we saw that males and females were roughly evenly matched, more females than males are convicted, and more females receive prison sentences upon conviction for findings of guilt. As the number of cases and the number of cases resulting in guilty findings have decreased since 1988-89, we see a decrease in the number of both men and women receiving custody sentences. This decrease is much more marked for women than it is for men. By 2003-04, the number of cases involving women sentenced to custody for section 213 offences in the eight jurisdictions for which we have data fell to roughly 200. That's roughly ten times the number of cases involving men.

In figure 12, we're now looking at the most serious sentence in court, associated with the communicating offences, for the year 2003-04. We see that women appear to have been sentenced more severely for communicating offences than were men. This may of course be related to the fact that they're typically dealing with more previous convictions and more multiple-charge cases than is the case for men on average. Thirty-eight per cent of women found guilty of communicating were sentenced to prison compared with 6% for men. In contrast, 38% of men were fined as the most serious sentence. This was the case for only 15% of women. A large proportion of both men and women received probation as their most serious sentence as a result of a finding of guilt.

On slide 13, we're now looking at the length of prison sentences in the most recent year. We see that men and women sentenced to prison for section 213 offences nearly all received terms of one month or less. Very few were sentenced to more than a month.

Slide 14 looks at the distributions for length of probation sentence in the same year. It indicates that women received probation

convictions in 36% of these cases and were sentenced to longer terms of probation than were men. Probation terms for men were roughly evenly split between six months or less and more than six months to a year. Fewer than one in ten men received a probation term of more than one year. In contrast, women sentenced to probation were twice as likely to receive a term in excess of one year, roughly one in five. About 60% received terms of over six months to a year as well.

Lastly, in figure 15, we look at distribution by fine amounts. We see that men and women who received fines were most commonly ordered to pay an amount in the order of \$100 to \$300. Men were more than twice as likely to be fined as women, and slightly more men were ordered to pay a fine than women were for these section 213 offences. One-quarter of men versus about 17% of women were ordered to pay over \$300.

The sentencing distributions for procuring offences and bawdy house offences were not included in these figures, given their relatively small numbers. Similarly, the youth court caseload relating to sections 210 to 213 is very small, and statistical distributions wouldn't be appropriate.

● (1800)

Finally, I wish to mention that although data collection activities have been launched recently in relation to transition homes and shelters in Canada, as well as for victims of crime in Canada, these are sponsored surveys. They're collecting summary information only. We do have some limited information on the clientele using these important services. Unfortunately, it's not available in relation to occupation, so we don't have any information on the use of those services by people in the sex trade. Similarly, it's very difficult to estimate the use of these services by people working in the sex trade based on, for example, interviews within those services.

That concludes the statistical presentation. I'd be very happy to take any questions at this time.

**The Chair:** Mr. Jones, before you started your presentation, you made a disclaimer or a qualification. Would you repeat that for me, please?

**Mr. Roy Jones:** I mentioned that these statistics relate to those that are reported by police and that are processed by the justice system. They are not indicative of general prevalence of sex trade activities or offences in the population.

So we are not dealing with unreported incidents, only those that proceed to formal recordings by police in reporting to the statistical surveys.

**The Chair:** Thank you.

Mr. Hanger, for seven minutes.

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

Thank you, sir, for your information here. It's a substantial amount of data, no doubt.

I'm just looking at this whole issue of communication. Of course, prior to 1985, it was considered solicitation, was it not? In 1985 and beyond, it became the communication law? Is that how the statistics were recorded?

**Mr. Roy Jones:** That's right, yes.

**Mr. Art Hanger:** Now, slide 8 shows the communicating trends in adult court cases. You have the number of cases appearing in the docket, I guess it would be, the court docket. In 1994-95, just over 1,400 males and just under 1,400 females appeared in the court docket.

Would that be the right way to read this?

**Mr. Roy Jones:** These are actually counts of the numbers of cases disposed of in that year, where the case was completed in terms of processing.

**Mr. Art Hanger:** Right. And it reflects that over a number of years. We're within a certain framework there of 1,400, just above and below, depending.

When I look at the 1994-95 chart and at the number of charges actually laid...and I would assume that is persons charged. As the years go on—and let's say some cases spill over into the next year, which I assume would be consistent all the way through—the data show that the number of persons charged and the number of people appearing in court are two vastly different numbers. Why is that?

**Mr. Roy Jones:** There is a difference in national coverage between these two surveys. In the case of the court information we have here, so that we have a consistent set of jurisdictions responding to that time trend, we have only seven provinces and one territory included in all of the adult court statistics there. We can't do a direct crosswalk between the police-reported charge counts and the court-related case disposition counts, unfortunately. That's why you're seeing such a large discrepancy between the total number of charges coming out of the police service and the total number of cases being disposed of in adult courts during each of those years.

• (1805)

**Mr. Art Hanger:** Well, that's a huge difference. We're looking at numbers where probably less than half of those charged by police actually appear in court, then, as reflected in these charts. It's difficult to really assess the data then, is it not?

**Mr. Roy Jones:** It makes it difficult for us to look at the full process of the justice system. The distribution offered here on the time series for the court case information is intended just to illustrate any trends within those consistent sets of jurisdictions of the numbers of cases they're dealing with and their outcomes. It is unfortunate that we don't have full coverage across the country for that time period. If you look at these as discrete parts of the justice system, we're not dealing with the same sets of incidents in every case, you're absolutely right. But the intent of this material in the case of the court information was just to show what's been going on across a consistent set of jurisdictions, to be more illustrative rather than definitive of the Canadian situation.

**Mr. Art Hanger:** Okay.

Now, going back to the second chart, "Trends in Prostitution Incidents", from 1980 to the year 2003, of course, from 1980 to 1985, things were sort of moving along. The bawdy house laws, the procuring laws—that's section 212—and the communication law, or at that time I guess the soliciting law, held a certain consistency, if you will, over 1980-1985. And then there's the communication law, which I think changed, actually, from soliciting to communication—

different requirements and evidence gathering. Then there's this huge spike.

Why was that huge spike so pronounced?

**Mr. Roy Jones:** When they moved to the communication law it made it much easier to lay an offence of communicating than for solicitation, and there was an immediate uptake on the part of law enforcement in terms of being able to undertake enforcement activities per se under that provision relative to solicitation. So all of our information that we have from the police—and that is the census of information from police dating back through 1980—would indicate that there was enthusiastic uptake by the policing community under section 213 when that was proclaimed.

**Mr. Art Hanger:** Okay.

I'm very interested in this period prior to, because I think it tells a story in itself as well. I don't think we can appreciate that whole story with all of the data we have here. "Homicides of Prostitutes", on slide 7, from 1994 to 2003, certainly show a varying trend in those years. It appears that trend was much higher prior to 1994 than what's reflected in this map, but I don't know for sure.

Is there a reason there aren't more data that reflect all the way back even to 1980 so that we can make a broad comparison of the events as they unfolded prior to the change in the communication law—the homicide rate, and maybe the level of enforcement back in those years—so that we can get a good picture of everything that is happening?

Is there some reason that's not included in here?

**Mr. Roy Jones:** No, there's no reason that was purposely excluded. Those data do exist, and I could make those available to the subcommittee.

**Mr. Art Hanger:** From about 1980 on?

**Mr. Roy Jones:** Certainly.

**Mr. Art Hanger:** Thank you.

**The Chair:** Thanks, Mr. Hanger.

Madame Brunelle.

[*Translation*]

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Good afternoon.

I would like to come back to table 2. What I find striking in this table is that the trend in procuring is very stable. Is that because there are very few pimps or because they have not been detected? Is it because we take the easy route and do not bother trying to find them? When it comes to communications, the Code makes it easy to arrest people. When it comes to procuring, however, it becomes a bit more difficult. Do you think my interpretation is correct?

• (1810)

[*English*]

**Mr. Roy Jones:** It wouldn't be appropriate for me to respond to that question as a representative of Statistics Canada. All we can report on are the actual reports of the activity on enforcement. We can't really explain the behaviours or the policy directives for law enforcement under those sections. I'm sorry.

[Translation]

**Ms. Paule Brunelle:** In 1994, there was a decrease in communicating. What is the reason for this decrease?

[English]

**Mr. Roy Jones:** I don't have the breakdown for the jurisdictions that reported the major decreases in 1994. We'd be able to isolate that in our statistics and identify where the majority of that took place.

As I mentioned in the opening remarks, a lot of these figures represent the local culture and the policies of the areas in which these statistics are collected, and they're driven very much by the priorities of the community and the media coverage. I would suspect there had been something that took place in a fairly broad way during that period that would cause a net decrease of that amount. We'd have to go back and look at the individual reports from the policing services to determine where exactly that took place, but I don't have those breakdowns with me today.

[Translation]

**Ms. Paule Brunelle:** In the same graph, the trend remains stable for communicating. The line becomes almost straight at a certain point. Is your answer basically the same for that?

[English]

**Mr. Roy Jones:** Yes, there really has been a fair bit of stability in terms of the rates. Now, the rate itself is a fairly blunt measure, per 100,000, and there's still a fair bit of fluctuation across policing services. But the net impact is that the rate has been fairly stable at the national level for certainly the last five to seven years.

[Translation]

**Ms. Paule Brunelle:** There is something on page 7 that I do not understand very well. We see that the number of homicide victims is very low. The maximum is 18. You say that the figure represents the number of homicides recorded by the police, if I understand correctly. In the Picton farm case, among others, the statistics skyrocketed. Are these cases represented in the table's figures? If they were not, is it because the cases were not solved?

[English]

**Mr. Roy Jones:** That's correct, and the other note I would make on this is that these reflect only those homicides where there was a direct relationship to the occupation in the homicide incident itself. Also, they reflect the year in which they were reported as opposed to the year in which the homicide may have taken place, so they're not, again, a true reflection of the prevalence of harm to or murder of prostitutes.

[Translation]

**Ms. Paule Brunelle:** I have a lot of questions, because I find your statements interesting. I see on page 3 that very few adolescents were charged with communicating. Yet, it is said that one starts very young in prostitution. That seems to me a bit strange. Should I understand that the way young people are referred to social services explains why they are not included in your statistics?

[English]

**Mr. Roy Jones:** A good number of youth, more so than adults, are diverted from the formal system early on, and they would typically be included in the statistics if there was a formal diversion. We'd score those as having been cleared other than by being charged.

But clearly, again more likely with youth, if it's a first contact, a first known incident with law enforcement agencies, it's much more likely that someone under the age of 18 would be diverted informally from the system to a social or community service than would be the case for somebody over the age of 18. So the numbers are more likely to be under-representative of contact with the police on the part of the youth than is the case with adults; that's true.

●(1815)

[Translation]

**Ms. Paule Brunelle:** Very well.

On page 5, there is a table on the age of male accused. As you were saying, there are older men. We see that the men are a bit older than the women. Are all of these accused clients or are there male prostitutes in there too?

[English]

**Mr. Roy Jones:** No, this distribution is restricted to clients, not to those in the sex trade.

[Translation]

**Ms. Paule Brunelle:** Convicted women receive heavier sentences than men. Do you know why? Is it because it's a second or third offence? How do you explain this?

[English]

**Mr. Roy Jones:** Yes. When we conducted the analysis in the mid-nineties and released a report on prostitution in 1997, we did find that, on average, females had higher numbers of counts in their cases in court, and they also had longer criminal histories of related offences in the past. Although we haven't done that analysis again for the more recent years, that's what we expect we would find if we were to reconduct that analysis.

**The Chair:** Thank you, Madame Brunelle.

Dr. Fry.

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

Sorry I'm late. I had another meeting with a department.

There are a couple of things I noted that I wanted to ask you to explain. If you look at the statistics for the per 100,000, it seems to me there are larger numbers in western Canada and the prairies than there would seem to be, in terms of the rate of charges, in central Canada and in the Maritimes. Now, obviously, this is rate of charges.

Does this mean there are fewer sex trade workers in those areas, which I don't think is so, or that the law is inadequately applied or is applied differently in certain parts of Canada, resulting in more cases in some parts of Canada than others? That's the first question I wanted to ask.

The second question is that given that in the western provinces and the prairies many of the people who are picked up...and the rate of charges tends to be amongst aboriginal people, do you think it's because there is a tendency for people to focus on aboriginal sex trade workers more than on others? They seem to have a higher rate of incidence within that profession, and that is why the west and the prairies.... Do you see what I'm trying to get at?

The third one I was going to ask is on the gender issue that Madame Brunelle raised. How is it that women seem to be getting stiffer sentences than men?

Then there was a drop between 1998 and 2001—if I can find my graph here—and I wondered why. What accounted for that? In the homicides of prostitutes, for year-by-year recording, there seemed to be a drop. Are there any indications as to why? What happened during this period of time that there was this remarkable drop? It seemed that it had been going down since 1994, then there was this great drop, and of course then you have this huge escalation in 2002. What happened in 2002? It obviously wasn't the Picton farm, but was there something that happened in some part of Canada that resulted in a large number of sex trade workers being killed?

I just wanted to ask those questions to see if you could give me some answers to them, please.

**Mr. Roy Jones:** Thank you. I'll try to deal with them in the order in which you asked them.

First, on the question about the reasons for the differences in the rates of section 213 offences across the country, I mentioned during the presentation that there's a great deal of variability year to year and across regions and within jurisdictions. The gradient of rates higher to lower from west to east generally in the country is also reflected in other incidence of crime reported by police.

That can be related to differences in enforcement practices, a difference in levels of reporting to police, and differences in general behaviours in the areas in which we're collecting this information. These reflect the composite of all of those behaviours, so it's very difficult to partition the variance of how much each of those factors might contribute to those differences, but we do observe this across the spectrum of pretty much most of the types of offences that are reported to the survey.

On your second question with regard to aboriginal peoples, I'm not in a position to make comment on whether or not there's any type of a focus on aboriginal people. It would be inappropriate for me to make a comment on that.

• (1820)

**Hon. Hedy Fry:** You haven't done any follow-up on some of that, to check it out?

**Mr. Roy Jones:** No, we haven't done any analysis in terms of homicide for aboriginals that is specific to aboriginal homicide and specific to this type of offence and this type of consequence.

On your last question, with regard to the variability in the numbers of prostitute homicides and the large spike in the last couple of years—those are, as I mentioned, reflective of the investigations in Port Coquitlam, where roughly 25% of the last decade of reported prostitute homicides have been reported in the last two years, so it is very variable. It's typically much lower than that, but these are exceptional circumstances.

**Hon. Hedy Fry:** If that's the reason.... I thought this spike was too soon for the Coquitlam thing to have shown up, but obviously there is a Coquitlam thing.

There seems to have been a decline that went on between 1994 and 1998, and then there was a sudden drop between 1998 and 2001.

I wondered what change or what other factor contributed to the fall in the rate of homicides from 1994—that general trend to falling—to get to this very low.... If you say the Coquitlam thing rose in 2001, what do you think created that fall? Some people have told us homicides are a new thing for sex trade workers, yet going back to 1994, it seemed to be pretty high. Then it suddenly began to decline over almost eight years. Is there anything you can see as being a positive factor for that decline?

**Mr. Roy Jones:** This has also been asked by another member at the table.

I've committed to providing statistics on the numbers of prostitute homicides dating back to 1980. The scale on this graphic perhaps exaggerates the fluctuation from year to year. A change of two or three in one year would be reflective of a fairly large movement in that line. If we look at it in the longer term, we really are looking—from a statistical perspective—at a fairly consistent set of numbers that bounce between one and eight per year over the course of the last couple of decades, notwithstanding the more recent two years that I've explained earlier. I will endeavour to make sure I provide the committee with a copy of the time series back to 1980—or earlier, if I can get it produced—so we can see that in its fullness.

**Hon. Hedy Fry:** It's because in 1994 we're talking about a 50% higher rate. I can see that between one and eight...but to go up to 15 in 1994, to have been there.... Something happened.

**Mr. Roy Jones:** That may be related to a particular incident, or couple of incidents, in which there were multiple homicides as well. I just don't have that information with me, but I will bring it.

**Hon. Hedy Fry:** On slide 10, Madame Brunelle talked about the gender issue. Do you do a gender analysis on things like this? Do you tend to try to find a reason for this discrepancy between the number of women charged—and given more serious charges—and the number of men? Have you done a gender analysis on this?

• (1825)

**Mr. Roy Jones:** When we produce statistics like this, we confirm the distributions with the jurisdictions providing the information to see if they can provide some context information about the differences. These really are aggregate or net indications of differences of large variations within and across jurisdictions; again, I'm not in a position today to explain where these are located. As I mentioned earlier, the tendencies for males and females are slightly different because there is typically a systematic difference in the numbers of counts, of charges, brought against women on prosecution, and the criminal histories in court and with police that women have relative to men. We do see, at the end of the day, more guilty findings among women, all things being equal, and larger stays and withdrawals against men.

**The Chair:** Thank you, Dr. Fry.

Mr. Hanger, you have a three-minute round.

**Mr. Art Hanger:** Thank you very much, Mr. Chairman.

All these statistics, including the one on page 7—the homicides—deal with adults. Is that correct?

**Mr. Roy Jones:** Yes, these are all statistics on adults. The homicide graphic includes all victims. During that period it was 3%, so two of the 79 were female youth. That's since 1994.



**Mr. Art Hanger:** And all of these stats, including the homicides, are directly related to street prostitution?

**Mr. Roy Jones:** Yes.

**Mr. Art Hanger:** So any prostitute who was murdered and who may have come from an escort service or a massage parlour would not be included in here.

**Mr. Roy Jones:** I'm sorry, I misspoke. It's prostitution generally, not just street prostitution.

**Mr. Art Hanger:** Now, the soliciting law changed in 1985, the communication law came into effect, and there was a huge spike. Prior to that, the trend, when it comes to incidents...I wouldn't say it flatlined, but it was all within a very narrow frame. That was also consistent with the bawdy house laws and the procuring laws when it came to those charges. Then something obviously took place in the mind of someone that created this very substantial spike in the number of charges in that year.

The bawdy house law and the procuring law...as it was in 1980, there were no differences in the way that functioned within police departments, I assume, and that's why you see this rather low and consistent level of enforcement. Massage parlours really weren't picked on any more than they had been in the past, even though they may be considered bawdy houses. I'm assuming that's how you would interpret that.

**Mr. Roy Jones:** Yes.

**Mr. Art Hanger:** I'm getting back to the youth. These stats do not cover, then, court appearances in youth court?

**Mr. Roy Jones:** No, they do not include the court appearances. In the early part of the presentation I made reference to the very small number of cases involving youth prostitution offences. There really are just too few that are processed through the youth courts for us to provide a reliable statistical distribution on which to draw conclusions. Those data are available, but again, we're talking about a handful of prosecutions.

• (1830)

**Mr. Art Hanger:** Those are actual prosecutions; it doesn't necessarily mean charges. Even in the diversion program, if it's a young runaway female who is picked up on the street, she may never see court but rather will be diverted off into a program. We don't really know what the stats are when it comes to those 18 and under. We don't really know what kinds of numbers there are when it comes to that age group.

**Mr. Roy Jones:** For youth, anyone under the age of 18, we do have the police-reported information on the numbers who come into contact with police. The incidents have been substantiated on investigation, and the police make a decision that they'll either divert informally, formally charge, or clear otherwise. In the case of youth charged, as I mentioned, we do have a time series of information, where it dropped in the last decade from about 181 youth who were charged to a total of about 40 in 2003.

**Mr. Art Hanger:** Is this reflected in this data?

**Mr. Roy Jones:** Yes, it's in the graphic on slide 3. At the very bottom, the lines for female and male youth virtually join the X axis at zero because there are so few. So to provide that as a distribution along with adults, and to provide a sub-distribution among 40 or 50 youth on outcomes, it's just a very small set of numbers.

**The Chair:** Thank you, Mr. Hanger.

Madame Brunelle.

[*Translation*]

**Ms. Paule Brunelle:** Your document states that police officer, taxi driver and prostitute are high-risk occupations. I was wondering if there were more, or less homicides involving prostitutes than homicides involving police officers or taxi drivers. Do we have an idea of the magnitude of this phenomenon?

[*English*]

**Mr. Roy Jones:** Again, we're dealing with very small and variable numbers from year to year. There will be years when there are no police officers or taxi drivers killed. In a typical year, the relationship between which profession has resulted in more occupational deaths may flip among those three sets you cite.

We haven't done a comparison or looked at relative risks among occupations over a long time that included looking at workers in the sex trade relative to those in some of the other high-risk occupations, such as those you mentioned, or in agriculture, for example, where there are high risks of serious injury or death.

[*Translation*]

**Ms. Paule Brunelle:** Do you think prostitutes have become more at risk over the last few years? Does it seem to be more dangerous to be a prostitute today than it used to be?

[*English*]

**Mr. Roy Jones:** Again I find it difficult to respond to that question, relative to the longer time series of homicides. I can't really speak to relative risk and its change over time. We do know that some of the media coverage now has been fairly active, relating to the more recent incidents in Edmonton that have not yet been reported to the survey and those related to Port Coquitlam.

[*Translation*]

**Ms. Paule Brunelle:** This committee is very concerned about violence against women and prostitutes. Prostitutes complain a great deal about sexual assaults. Do you have any data on that?

• (1835)

[*English*]

**Mr. Roy Jones:** We have detailed information on violence against women, all violent offences, from our incident-based uniform crime reporting survey. We collect information on the relationship and the nature of the incident with regard to where it took place and what time of day it happened. We don't have information on the specific occupations of the individuals involved in those incidents.

When we look at violence against women, for example, and the consequence in the justice system, that certainly would be of interest to this committee. We can put together some information from courts and police to come up with some idea of whether there are differences between the consequences for offenders in domestic violence cases versus stranger violent cases.

But we don't get information on the specific occupation of an individual involved; we get information on their relationship, if there is one.

[*Translation*]

**Ms. Paule Brunelle:** Let's deal with aboriginal women. It would seem that when an aboriginal woman died, no mention was made of the fact that she was a prostitute or aboriginal. It didn't show up in the statistics. Police officers are being asked to identify them as aboriginal women—especially in western Canada where a large number of aboriginal women have died—because it is difficult to prove or to demonstrate something if there is no data. That is in keeping with what you were saying.

I also noticed, having spoken to many prostitutes, that male prostitution is more violent. Do you have any data regarding male prostitutes?

[*English*]

**Mr. Roy Jones:** No, we don't have any information specific to male prostitutes, I'm sorry, any more than we would have for female prostitutes.

**The Chair:** Thank you, Madame Brunelle.

Dr. Fry.

**Hon. Hedy Fry:** I'm just going to go back to the gender analysis piece.

I'm not talking about disaggregation of data by sex, whether they are male or female. We know if we're going to deal with prevention and all the surrounding damage that is done—let us take homicide out and say just the surrounding damage that's done—criminalization, increased prison sentences, etc., for women, we would need to understand what are the reasons women go into the sex trade versus men. I think the reasons are very different. That may in fact indicate why they tend to have, because of their gender reality, this higher incidence of criminality and fines, etc.

Given that Statistics Canada wrote the book on gender analysis, do you not think it might be a good idea to do a gender analysis of this so that we can find out if indeed it is the very gender that is creating the problem, as opposed to just the disaggregation by sex, which really only gives us an indication that we might want to look at gender as an issue?

**Mr. Roy Jones:** Yes, you're absolutely right. We have started to look at disadvantage in communities at the sub-metropolitan area, where we're looking at household characteristics, personal characteristics, traffic flows, occupational flows, land use patterns, for example, and mapping that geographically against the crime patterns we see there by nature of offence. We can profile communities at fairly low levels of geography that allow us to determine where we have situations where you might want to make investments for prevention and enforcement.

Unfortunately, it's not a large part of the statistical program in the justice area yet, but it is a beginning, and the databases that will allow us to do that are beginning to be developed. We do look forward to being able to do more detailed, multi-varied analysis to look at the relationships that present conditions that are more heavily associated with victimization and disadvantage of certain sub-populations. We'd like to do more of that.

The majority of our budget is right now dedicated to managing the collection of administrative information from the reported jurisdictions, and most of this work is going to have to be supplemented by investments in the knowledge base in the information systems that are available.

• (1840)

**Hon. Hedy Fry:** If you had more money, you would do gender analysis and population breakdown analyses—for instance, if in the west it has to do with the fact that there are more aboriginal women in the cities in the west than there are in the cities in the centre and in the east, and that in itself would indicate if aboriginal women had a different reality. I think we know why aboriginal women go into prostitution, but I don't know that we necessarily do know, and if we're going to deal with the surrounding social conditions and the prevention issues, etc., and any harm reduction issues, this is something we may need to know.

If you had that resource, you would obviously do that work.

**Mr. Roy Jones:** We would very much like to do that work, but it would absolutely have to be supplemented by on-the-ground primary collection involving the communities themselves to understand the full dynamics of behaviours and contexts of the differences that might be observed statistically.

**The Chair:** Go ahead. You have one more question.

**Hon. Hedy Fry:** Thank you.

On slide 3, I know you were asked this question, but I just want to ask it from a different perspective. There was a sort of flat line in the eighties for youth and then it went up a bit in 1985. Then it started to go down again in 1997. I don't know if you would or would not be able to tell us whether the new legislation in 1997 that came in with regard to youth and children commercial sexual exploitation had anything to do with bringing that down again. Is it because the charges were made on a street basis only and therefore more and more young people, as a result of the 1997 legislation, went to the Internet and into massage parlours, etc., and weren't on the street as much? Would you have that information?

**Mr. Roy Jones:** We have not done that analysis to look at cause and effect, for example, following the proclamation of that change in the legislation. At some point, it certainly could be looked at, but it just hasn't been done.

**The Chair:** Thank you, Dr. Fry.

Mr. Hanger, go ahead, please.

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

Do you draw conclusions from your data?

**Mr. Roy Jones:** I'm not sure I understand your question.

**Mr. Art Hanger:** We have a series of slides that reflect data on communication law, on bawdy house laws, on procuring, on everything to do with prostitution really.

What would your conclusions be when we look at this data, say on slide 2? I guess one question I could ask is whether prostitution is a high-risk game. Is it a high-risk activity?

**Mr. Roy Jones:** Our sense is, generally, that there's a constellation of negative outcomes related to illegal activities, be they those involved in the sex trade, in illicit drugs, in violent activities, or in night life. I'm a little reluctant to draw the conclusion from these numbers alone that it's a high-risk occupation. It's not my position to suggest a direct causal relationship.

**Mr. Art Hanger:** I guess I would look at this and say it looks like things were somewhat more under control prior to 1985. When it comes to communication and the law as it was applied after 1985, something definitely happened that resulted in less fear, I guess, on the part of those involved in this activity to engage in it, or the police stepped up enforcement. I don't know what the reasons would be. I guess I could assume something took place that was very significant.

Looking at it from that point of view, if the activity was so intense right from that point on, then obviously it got the attention of other people and maybe other criminal activity came about as a result of this so-called apparent freedom. When I say "other criminal activity", was there more contact with the criminal element? Were there more murders that took place just with that group of people that were involved in this activity? There are a lot of conclusions one could draw, and maybe one might even be, well, what's wrong with the way the law was enforced prior to 1985? Maybe the whole scenario when it comes to street prostitution and other forms of prostitution was different. Was enforcement a major key to the answer when it came to safety or violence?

•(1845)

**Mr. Roy Jones:** I would refer you to the report of the federal-provincial-territorial working group on prostitution in the late 1990s that looked at analysis and specific sites across Canada, that looked at the policy and political and social climate during the period prior to the enactment in 1985 of section 213. There's a fair body of information and research that's been reported on through that working group. I believe the report was released in December of 1997, making clear recommendations on that.

Again, I'm not in a position to make stated conclusions or voice opinions on the nature of the impetus for those changes and whether or not the system was working prior to that or not.

**Mr. Art Hanger:** What's the name of the report again?

**Mr. Roy Jones:** It's the report of the federal-provincial-territorial working group on prostitution. I believe it was tabled in December 1997.

**The Chair:** I think there is a copy of that in the briefing book, Mr. Hanger.

Madame Brunelle, for three minutes.

[*Translation*]

**Ms. Paule Brunelle:** On page 12, under most serious sentences, we see the categories "prison", "probation", "other", and "fines". What do "other" and "fines" mean? You'll see what I'm getting at.

In some parts of Canada, a decision was made to create john schools. There were three options: to further criminalize the client, to have him take training sessions, or to have him pay a fine. I'd like to know if it's effective. Is it working? Can your analysis tell us anything about that?

[*English*]

**Mr. Roy Jones:** These distributions aren't indicative of the efficacy of different sentencing regimes, nor of the programs developed to divert individuals out of court into john schools, for example. So I can't comment on the relative merits or the benefits of those decisions.

[*Translation*]

**Ms. Paule Brunelle:** So, we have no data that would allow us to determine whether or not these john schools are working.

[*English*]

**Mr. Roy Jones:** Again, I believe there have been some specific site evaluations that have been recommended and conducted. I don't have a listing of them now, but they would be available probably from the Department of Justice, which commissions a great deal of research in the area of programming and adjustments to the justice system.

[*Translation*]

**Ms. Paule Brunelle:** Thank you.

[*English*]

**The Chair:** Dr. Fry.

**Hon. Hedy Fry:** I actually have no other questions to ask, because I was going to follow up on the one Madame Brunelle asked.

We heard last week from someone else, from someone who is very involved, an ex-police officer, who said he didn't think the john schools worked, because really all they were was some weekend, and you fined the guy and made him sit still for a weekend and promise he would do something. It really didn't stop him. All it meant was that he was probably going to do it in a different way.

I think when you look at it, the people who are being criminalized here are the females. If you look at prison, the ones who go to prison tend to be the women. So what we're doing is criminalizing people for this, and the other group is not being criminalized; they're just being fined. By doing this, you create a disparity between responsibility for anything. If you're going to say this is wrong and you're going to suggest that people should be punished, you're only punishing one side of the spectrum and the others are getting away with a slap on the wrist and going to school for two days. At the end of the day, if they came out and said all the right things, they wouldn't be bothered any more.

When we look at some of the statistical data that I hope is going to come out of the gender analysis, you might find that we're just heaping a double jeopardy on women, not in the legal term, but we're creating a double burden on them. They live difficult lives. They go into prostitution to deal with those lives, and then they get criminalized for it. So it would seem to me that in many ways we're not meting out true justice.

But you're not saying that.

•(1850)

**Mr. Roy Jones:** Yes. All I could say is there are statistical differences by gender in outcome.

**Hon. Hedy Fry:** That's it. Thanks.

**The Chair:** Mr. Hanger, do you have any more questions?

**Mr. Art Hanger:** I do.

I wonder if we could get more specifics. I think you've already indicated that you might be able to provide something in addition to what you have here on the youth side, because so much of the evidence that has come before the committee reflects the backgrounds of many of the women who ended up in prostitution as being in this activity for a long time—from when they were 14, and some even younger than that, 13.

I suppose a lot of it would be police related as opposed to court, but even if there was some indication if they were directed off into a diversion program, or if they were charged, or just what would happen to them...because these numbers here don't seem to really tell the full story about that period of time. Let's face it, women just don't jump into prostitution at 18 and then decide this is what they're going to do. There's a transition that usually takes much longer than that.

Would it be possible to acquire some of that information?

**Mr. Roy Jones:** Yes, there is. We have looked in a general way at, for example, police decision-making and the decision to charge based on a number of prior contacts with police, and we've done that for males and females over the course of a period of time. I could provide some additional information specific to youth from the police UCR survey on age at first contact for certain types of offences to profile that to a certain extent. Again, the numbers are pretty small, so we'll have to look at that and see what we can do, but I will commit to providing this information to you.

**Mr. Art Hanger:** I'd much appreciate it. Thank you.

**The Chair:** Dr. Fry.

**Hon. Hedy Fry:** I'm fine, thank you.

**The Chair:** I have a couple of questions.

Could you explain to me how you collect your data? Does it come from the police? Does it come from the courts? Do the western jurisdictions report more frequently than the eastern jurisdictions? Is it compulsory? How does it work?

**Mr. Roy Jones:** We run our national surveys off the administrative systems that are in place in the police, courts, and corrections areas. As it stands now, in the case of policing, we'll receive electronically a record for every incident investigated by the police. That automated link has to be built with each of the police case management systems, but where we have built those links, right now we have roughly 62% of the national police coverage reporting to the survey.

We get a record for every one of those, but it's not a primary collection. That is, we don't go out with field interviewers or into the case dockets to pull that information down. These are statistical by-products reported automatically through electronic interfaces against the operational systems they have in place to manage those cases, again, whether it's police, courts, or corrections. We have agreements in place with municipal police forces, provincial police forces,

provincial-territorial governments, and the federal authorities responsible for the administration of justice to report those data to Statistics Canada on a regular basis. Those data are then processed through a series of edits and imputations, formatted for content and reporting and dissemination purposes, analysed, and then reported back to the public.

•(1855)

**The Chair:** Would you say that you're reasonably confident that the information on which you base your graphs and statistics is comprehensive?

**Mr. Roy Jones:** We go through a fairly rigorous editing process, and then we go through a fairly rigorous verification process with each of the respondents who provide the data. We ask them to sign off, literally, on the coverage of the information they're providing and the content of the information they're providing. We do that with every sectoral survey we operate. We have a high degree of confidence in the quality of this information, as a result of those two processes, as a reflection of the true activity that's being managed within the formal justice system.

With regard to information on victimization, or criminal behaviour that does not come to the attention of the police, for example, we run a population sample survey called the general social survey on a five-year cycle where we look at victimization. That information was collected on the basis of a sample of 25,000 Canadians 15 years of age and over during the course of 2004. We'll be reporting on that within I think roughly the next six months.

That provides a general indication about the prevalence of criminal incidents that Canadians feel they've been subject to. But these are two quite different estimates of activity, with one on prevalence and the other on the actual activity in the formal justice system.

**The Chair:** My next question is a little more specific. In 1988 there were two provisions added to the code to help combat procurement of children. They were subsections 212(2) and 212(4).

If you don't have the information tonight, I'm wondering whether your system would be able to produce the statistics on how many charges were laid under these sections and, if possible, give us a sense of what the average sentence was.

**Mr. Roy Jones:** We do collect information down to the level of a subparagraph. We have information relating to each of those sections from the court systems, and we could make that information available, yes.

I did ask for some information on section 212. The numbers are fairly small, but we do have that information in great levels of detail, and that could be made available to the committee as well.

**The Chair:** That might be helpful. Thank you.

Mr. Hanger, do you have a question arising out of my question?

**Mr. Art Hanger:** Right. I do.

We talk about incidents. What does an incident mean? Does an incident mean that the police laid a charge against a person? Or could it be a number of charges against a person or a number of charges against several people and still be classified as an incident?

**Mr. Roy Jones:** It depends on the offence, whether it's violent or property-related. An incident can involve more than one individual and more than one offence. When we're talking about violent incidents, we're actually talking about the number of victims involved in that incident.

So, for example, if there were three people who were assaulted in an incident, we get three incidents of assault. In the case of property offences, there might be multiple counts associated with an incident of property offence, for example, with a break and enter. There would be one incident of break and enter on a street, for example, and it might involve three houses. There would be, potentially, three counts of a charge of break and enter in that one incident because it's a contiguous incident reported by the police.

• (1900)

**Mr. Art Hanger:** So the distinction, then, between property and people would be that if it's a crime against a person, it is classified as one incident if a charge is laid, regardless of how many individuals may be involved.

**Mr. Roy Jones:** On the property side, it's more tied to the timing and the connectivity of the incident. On the side of crimes of violence, we're counting the number of individuals who were victimized in that incident. So as I mentioned in that one case of three individuals being assaulted in one incident, there would be three incidents of assault reported by the police, and one or more of those may be cleared by charge or cleared otherwise, but we'd get three incidents of assault in that case.

**Mr. Art Hanger:** As this relates to prostitution, if the police report prostitution, would the level of activity the police may have taken determine if a prostitution offence has taken place? In other words, in a timeframe, in a district, there could be several...even if it's an off-duty police officer, say, posing as a prostitute, several clients may approach that person and that would be one incident—or is it?

**Mr. Roy Jones:** They're independent incidents involving those accused. They're not related, other than by the enforcement officer in that circumstance.

**The Chair:** I believe our researcher has a question.

Madame Casavant.

[Translation]

**Ms. Lyne Casavant (Committee Researcher):** I'll start with a very brief question.

You've given us data on prostitution-related homicides. Can you tell us how many clients and pimps were killed by prostitutes over the same period? Is there any data on that, in Canada?

[English]

**Mr. Roy Jones:** In the analysis that was conducted in the mid-1990s, we reported on the information on both clients and prostitutes. That information is available from that earlier analysis in one of our *Juristat* releases on prostitution. I believe it was released in 1997, but it's available from the Statistics Canada website.

[Translation]

**Ms. Lyne Casavant:** Are you aware of John Lowman's article entitled *Violence and the Outlaw Status of (Street) Prostitution in Canada* published in 2000? There is data in this article regarding homicides of prostitutes in Canada, and the figures are somewhat higher than those in your chart. The data he has comes from Canada's homicide survey.

[English]

**Mr. Roy Jones:** I am not familiar with that report, but I'd be very interested in having my staff analyze it and look at the points, if there is divergence between the stats reported there and what we have on our database, especially if they're sourced through our information.

[Translation]

**Ms. Lyne Casavant:** Thank you.

[English]

**The Chair:** Will you try to provide that information to the committee on your analysis?

**Mr. Roy Jones:** Absolutely.

**The Chair:** Very good.

I think we have concluded our meeting, if there are no other questions.

Thank you very much, Mr. Jones. I think we found your stats very interesting. They will certainly contribute to our discussions on our subsequent report. Thank you.

The meeting is adjourned.





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