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**Subcommittee on Solicitation Laws of the
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Chair

Mr. John Maloney

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• (0905)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): I'd like to call to order the 33rd meeting of the Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Welcome to Ottawa.

We're getting near the end of our public hearings with various witnesses. All of you have appeared before us during our witness hearing period, and we very much appreciated your testimony. We have asked you back to assist us in focusing on the direction of our report. Some of you have very different opinions on that, so it's almost perhaps like a bear-pit session, but perhaps from a very civil point of view.

We would like to have roughly a five-minute presentation from you, following which our committee members will ask you a few questions. We had some draft questions for you in advance to help you focus your considerations. Then we will allow witnesses to question each other or seek clarification from each other, and again, I hope the way we approach this round table is just to have a friendly discussion.

We'll go in the order we have listed on the schedule here. The first witness will be Jennifer Clamen, from the Coalition for the Rights of Sex Workers.

Jennifer.

Ms. Jennifer Clamen (Member and Coordinator for the XXX Forum, Coalition for the Rights of Sex Workers): Thanks.

I'm here today representing many of the roles I have as an activist in the sex worker rights movement. Primarily, I'm here today as the coordinator of the XXX Forum that we recently had in Montreal.

The XXX Forum brought together 250 sex workers from Canada and abroad, namely New Zealand, Sweden, India, France, Argentina, and many other countries. Our purpose was to share strategies, including a discussion around law reform. The result was a unified voice against the criminalization of sex workers and support for the decriminalization of our work and our lives.

Behind this testimony stands the 250 sex workers of the XXX Forum. The committee has heard thus far about various legislative contexts and recommendations for law reform, some recommended by those in the industry, many recommended by those who are not. There has been consensus that the criminalization of sex workers is

dangerous and denies sex workers of their human rights. Even those who seek to abolish the trade have testified to this. This has narrowed the debates of the committee to two recommended models: one, decriminalization of clients, otherwise known as the Swedish model; and two, decriminalization of sex work—the Swedish model.

Last week members of the forum had the pleasure of meeting a few sex workers from Sweden, who provided firsthand accounts of the effects of the Swedish model on their lives and their work. Johannes, a sex worker in Sweden, reported that the model is not “very concerned with sex workers as human beings, but more with abolishing prostitution as an idea”. I invite this committee to critically examine the model based on the following facts of the Swedish model since its inception.

A lot of women have since been forced to leave the streets and work in illegal brothels. Police have used video cameras to harass clients and collect evidence, violating the integrity of sex workers. Clients have become more aggressive, and many of the so-called good clients turn to indoor workers, leaving only clients with an already existing criminal record and less concern for sex workers' health and safety on the street. Sex workers are exposed to more violence as a result. Last, police look for condoms as evidence, giving sex workers a strong incentive not to carry condoms.

Some recommend the decriminalization of sex workers but the criminalization of clients as a compromise to decriminalization of the entire sex industry. It is often referred to as partial decriminalization. The committee must consider the dangers that sex workers still face with the Swedish model and recognize that this is not a balanced position. It creates further violence and greater danger for both sex workers and their clients.

One major theme throughout the forum and among its 250 members was the overwhelming consensus that sex workers and their work need not be criminalized, and that all sections of the Criminal Code relating to prostitution need to be repealed. One of the most inspiring and hopeful stories we heard was from Catherine Healey of the New Zealand Prostitutes Collective, whose country has recently decriminalized prostitution. She reported the following to us.

In June 2003, the Prostitution Reform Act was passed by the New Zealand Parliament. All acts of the Criminal Code relating to prostitution were repealed. The goal of the new law, similar to our demands here today, was to allow for sex workers from all sectors to be able to work within the law without impediments and to avoid the creation of an illegal sector within the sex trade. Some of the following sex workers' human rights have since been restored.

Street workers, who are often dehumanized in the context of law reform and talked about as victims or menaces, can now work on the street. They are no longer forced to work in the shadows and are not ghettoized or zoned into industrial areas. Sex workers are less harassed by the police and are able to access police protection. Individual sex workers do not have to register or license or seek approval from authorities before they can work. This helps to ensure that sex workers are not unnecessarily scrutinized by the authorities. There is no mandatory testing of sex workers. Sex workers are not subject to laws that serve as control mechanisms. Sex workers are able to work together in groups and can work independently.

The response to Catherine's presentation was overwhelming inspirational, and Canadian members of the XXX Forum in particular were hopeful that our government would follow in the New Zealand government's good example for civil rights and liberties.

On another related note, I am currently in the process of conducting research for my master's thesis with a focus group of 12 sex workers. We are seeking to define decriminalization and the tenets attached to it. Many of our discussions and detailed recommendations are echoed in the New Zealand law reform and could be outlined in the following basic guidelines.

It is imperative that legal reform involve a collaboration—i.e., a leadership—with sex workers.

No laws should be enacted that further curtail sex workers' freedoms and civil liberties. For example, zoning would ghettoize sex workers, and mandatory testing would control them.

If there is any type of regulation in the industry, it should be structured and driven by sex workers' needs—for example, by a sex work regulatory board. Laws or conditions should not be more strict or imposing than regulations on other work.

Reform should be driven by civil rights and liberties, not by moralism.

Models of law reform should consider all sectors of the industry.

- (0910)

It is generally agreed that legislative changes will not counter the stigma, discrimination, and violence that sex workers face. As long as the public continues to ignore the testimonies of people currently working in the sex trade, the discrimination and systemic violence against sex workers will continue in the face of their moral crusade.

Sex workers and sex worker groups have long been educating the public about sex work—what it is, what it isn't—and have taken sex workers' rights far beyond the fight for legislative change. We have been addressing daily the stigma in both our personal and collective lives and the violent attacks from moral crusaders against

our fight for human rights. We need to move beyond a social service context and educate about sex work.

The 250 sex workers of the XXX Forum have a number of recommendations with regard to changing societal attitudes through sex worker-driven education for the public.

First, fight against john schools that demonize men and dehumanize sex workers. These programs perpetuate violence.

Work toward police accountability. Police need to be accountable for their violence against sex workers and the human rights abuses that sex workers suffer at the hands of authorities.

Ensure sex worker representation and inclusiveness.

Use a language that represents sex workers' needs. For example, sex workers do not feel they are victims, and yet they are constantly being told they are. Imposing a victim framework on sex workers is destructive and detrimental.

See sex work as work, not as a social problem.

Finally, address issues of substance abuse, homelessness, poverty, and racism as social problems in and of themselves. Addressing these issues through sex work undermines the broad-based and systemic nature of these problems.

Most sex workers and activists would agree that sex workers, like all other workers, deserve opportunities for advancement and education. Exit programs that are designed and funded with the mandate to encourage sex workers out of the trade undermine what sex workers do. Training is needed for people who want to enter, remain in, and exit the sex trade. Sex workers do not need a special kind of programming or deprogramming for this.

Most groups that carry with them an exit focus also carry with them an anti-prostitution focus. It is therefore not recommended to fund or encourage these harmful programs. Alternatively, sex workers should have stigma-free access to job placement and training while considering the skills they have learned from their jobs as sex workers.

I'll conclude with something that struck me and my colleagues the other day. Thursday's *Globe and Mail* splashed the faces of 27 murdered Vancouver sex workers on the front page. As gruesome a reminder as this was, I was reminded of why we're here today. This subcommittee was initiated to ensure that sex workers, as citizens, are no longer denied their human rights. This extreme case of violence in Vancouver is but one example of a human rights abuse, a human rights abuse that would not have been tolerated had it happened to any other community. The government and public are complicit in this violence as long as we encourage a moralistic and dehumanizing view of both people who sex work and their work. Sex workers are unable to travel, unable to access police protection, and unable to live safely in their communities as a result of these laws.

• (0915)

The Chair: Jennifer, could I ask you to wind up in about 30 seconds?

Ms. Jennifer Clamen: I have one more sentence.

We encourage our government to look at New Zealand as the model for sex work law reform.

Sex workers are here, coming out and demanding rights. Sex workers are part of this society. We are voters, we are workers, and we are, above all, human.

The Chair: Thank you very much.

Rene Ross from Stepping Stone.

Ms. Rene Ross (Chair, Stepping Stone): Good morning, everybody, and thank you very much for inviting me here to represent Stepping Stone.

I have one question before I begin. Are there any witnesses here who are sex trade workers, or former sex trade workers, to your knowledge?

The Chair: Yes.

Ms. Rene Ross: In the best interests of time, I'm just going to give an overview of what Stepping Stone does. I'm quite confident that throughout this morning the stances and views of Stepping Stone will be made quite clear.

In preparation for the meeting, I've done research; we all have at the board level. I had a meeting with many of our program users, a very informal meeting, around our kitchen table at the house last week. I gave them the questions you posed to us, and much of what I'm going to talk about today is based on their feedback, their response, and what they would like to see.

The Stepping Stone association is a user-directed organization that supports individuals involved in the sex trade by contributing to their health, safety, and well-being. Located in Halifax's north end, our program users are women and men currently or formerly involved in the sex trade. The Stepping Stone association is an apolitical organization that does not advocate for prostitution, nor does it necessarily support the sex trade industry. We recognize the socio-economic realities that confront our target population and therefore do not interfere with nor attempt to stop the work of our program users. We assist our program users in making their life choices as safe as possible.

Stepping Stone was formed following the murders of three sex trade workers in 1985. We continue to be supported by members of the community concerned with the health and safety of the many men and women involved in the sex trade. We seek to protect and provide resources, solutions, and general support. All Canadians are privy to the basic human rights of health, safety, and economic independence, and Stepping Stone's bedrock principle is to ensure that this marginalized population is also protected under these rights.

A central program within the Stepping Stone's organizational framework is our street outreach program. Through this initiative, staff provide outreach to program users by making direct contact, providing health and referral information, distributing condoms, and providing information on the bad trick lists.

The Stepping Stone house, a non-residential drop-in centre, offers program users safety and shelter from the street. One-on-one peer counselling, recreational activities, health and safety workshops, and computer access are just a few of the services we offer to these individuals.

We have some great support by our community partners. Registered health nurses and support workers from addiction services also visit the program users at the house. We've been quite successful in our work and in our strategic direction at Stepping Stone. It's unfortunate that we are the only organization of our type in the Atlantic provinces, especially given the expansion of the sex trade throughout the provinces. We see a lot of men and women coming into the trade especially from rural areas throughout the Atlantic provinces.

The program users would like to see all the laws regarding communication and prostitution revoked. The only laws they would like to see in place are those regarding pimps and those who exert control over their lives. Not all of our program users have had experience with pimps, but many have, and they told me last week that they have been a destructive force in their lifestyle. It is also extremely important that we put harm reduction ahead of punishment, and that we improve communication with the criminal justice community, specifically police detachments, where we have seen women be re-victimized. Actually it makes the situation a lot worse for our community in general; because women fear arrest, they actually expand throughout the communities and into residential areas. I'm sure I'll be able to go into that in more detail, but those are our key recommendations and an overview of what Stepping Stone does.

● (0920)

The Chair: Thank you very much.

Ms. Mooney from the Aboriginal Legal Services of Toronto.

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

In addition to a legislative approach of implementing complete decriminalization of prostitution, social programs that address the needs of aboriginal people involved in sex work need to be developed. The majority of aboriginal women working in sex work do so on a casual basis, and they're engaging in survival sex. The National Anti-Poverty Organization reports that almost one-half of the aboriginal population, 47.2%, receives less than \$10,000 per annum, as compared to about one-quarter of all Canadians.

I want to also address the issue of over-policing. There has been a long-held belief in non-aboriginal society that aboriginal women are immoral and sexually promiscuous. There also exists a stereotype that all aboriginal people have severe problems involving alcohol. Aboriginal women are frequently picked up by police and charged with communicating for the purposes of prostitution because they are simply aboriginal women. This is an example of over-policing of aboriginal people.

In addition to being over-policed, particularly with regard to relatively minor criminal offences such as prostitution, aboriginal people are also under-policed in that serious offences against aboriginal people are not investigated or believed. Aboriginal people are often seen as less worthy victims. When this is combined with stereotypes regarding the promiscuity of aboriginal women, tragedies such as the murder of Helen Betty Osborne and the subsequent lack of investigation of the crime by the RCMP at that time are all too typical. Indeed, the *Stolen Sisters* report, recently issued by Amnesty International and the Native Women's Association of Canada, indicates that under-policing is still a huge issue for the aboriginal community in general and aboriginal women in particular. With regard to the pig farm, it should be noted that 60% of the dead bodies were those of aboriginal women, so I am grateful to be here and to be a voice for those aboriginal women.

There can be no real change to legislative practice and social programs that impact on the lives of sex workers without understanding how the current situation denies women who are prostitutes basic human rights that other people in this country enjoy. There's never a good reason to assert bigotry and misogyny. Whether or not you agree with prostitution or would practise it yourself, there needs to be support and legislation that protects human rights of all individuals in Canada.

The number one human right that's been violated for prostitutes is the right to life. Murder of prostitutes is a common occurrence, and those murders are commonly considered less offensive than other murders, as evidenced by the fact that prostitutes' murderers are often not sought, found, or prosecuted. I think that's also an example of what happened with the pig farm.

Our recommendations are as follows.

First, the legislative approach the federal government should take is the one of decriminalization of laws dealing with prostitution. This would remove sections 210, 211, 212, and 213.

Second, police need to investigate the cases of missing and murdered aboriginal women. Police need to be held accountable for incompetence in cases, and when racism is suspected, it should be rooted out quickly.

Third, the *Stolen Sisters* report pointed out clearly that whether or not prostitution is a criminal act, women in the sex trade are entitled to the protection of their human rights. Concrete and effective measures must be adopted to ensure their safety and bring to justice those who commit or profit from violence against sex workers.

Fourth, police forces need to address the over-policing of aboriginal people. This includes not only anti-oppression training of officers but a commitment to change the way aboriginal communities are policed.

Fifth, front-line social service providers need anti-oppression training, and their organizations need to develop policies that respond to the needs of prostitutes rather than turning them away.

Sixth, programs are needed to allow aboriginal women to find ways to feed their families other than by relying on prostitution, so that can truly be a choice for them.

Seventh, there need to be more treatment beds for women wanting to deal with addiction issues, and that should be treated separately.

Eighth, social spending to support youth aged 12 to 18 who are estranged from family is needed, accompanied by permanent housing for street youth. There is also a need for an increase in the social assistance amount for youth forced out of their homes of origin.

● (0925)

And finally, funds that have been allocated to morality squads can be transferred to investigative units devoted to apprehending pedophiles. Funds could also be used for more funding for counselling and support for child sex abuse survivors.

Thank you.

The Chair: Thank you very much.

From Simon Fraser University, Mr. Lowman.

Mr. John Lowman (Professor, School of Criminology, Simon Fraser University): Thank you for inviting me again to talk to the subcommittee. I'll make my comments very brief, because I think we've already heard a number of very strong statements about the need for decriminalization. I'm also an advocate of decriminalization.

I think that ultimately the subcommittee here has a relatively straightforward choice, and that is between some form of decriminalization, the removal of prostitution essentially from the Criminal Code, or the status quo. It's been called the Swedish approach. It's a different spin on the way we do things. It attacks the customer rather than the prostitute. But I'm afraid that what it will do is simply more of the same when it comes to the situation we're looking at across Canada.

I got two more e-mails yesterday, one about a woman who had died in Winnipeg, and of course another one about one of the women who had recently died in Edmonton. Of course I live in Burnaby, next door to Vancouver, where I've had the misfortune of studying the deaths of so many people.

If you want to change that situation, decriminalization is the way to go. We have to decide where and under what circumstances prostitution can occur, or we can go with a sort of moral script and say prostitution is the exploitation of all women and we can once again institute a system of criminalization, which, when it comes right down to it, will punish prostitutes over and over again, and nobody else, apart from a few men who are caught on the street. The people who will really face the brunt are once again going to be those women who have always faced the brunt.

I strongly advocate decriminalization.

Thank you.

The Chair: Thank you, Mr. Lowman.

From the University of Ottawa, Mr. Poulin.

[*Translation*]

Mr. Richard Poulin (Full Professor, Department of Sociology, University of Ottawa): Good morning. Thank you for having invited me. You will understand that I wish to make my presentation in French.

You have received my text. I would like to underscore that my position is very clearly abolitionist in the humanistic tradition of the close of the Second World War. Those who adhere to the abolitionistic position wish to decriminalize the activities of prostitutes and to strongly penalize the pimps, those who profit. In the discourse of those who are in favour of decriminalization, no mention is ever made of the term "procurer", because from that standpoint procurers are simply businessmen.

I would underscore that Canada has signed several international conventions, including the Convention on the Elimination of All Forms of Discrimination Against Women, also known as CEDAW. In its article 6, the Convention requires the signatory states to take all appropriate measures, including legislation, to eradicate all forms of trafficking in women and the exploitation of women through prostitution.

Canada has also ratified the Convention on the Rights of the Child. It has thus committed itself to ensuring that children not be encouraged nor forced to engage in illegal sexual activity and that children not be exploited for prostitution or other illegal practices.

Finally, Canada is a signatory of the so-called Palermo Convention, namely the Convention Against Transnational Organized

Crime. In its additional protocol, it is clearly stated that Canada is committed to combat trafficking in persons, and this trafficking means among other things the exploitation of another's prostitution, in other words pimping and organized crime. Canada has thus committed itself to combat pimping and organized crime, which organizes human trafficking on a global scale.

Before the Second World War, the systems in place in Europe were reglementarian. This is what we mean today by "legalization". The reglementarian system was an absolute failure, because most prostitutes fled the bawdy houses managed by the State and worked underground. After the Second World War, following upon the victory of the Allies against Nazism and the fascist ideology, the humanistic vision that brought about the adoption of the Universal Declaration of Human Rights also brought about the 1949 Convention against prostitution and human trafficking. Canada was not a signatory to this Convention but given the other conventions it had signed, it should have been.

Still today, reglementarism is a failure. The so-called "abolitionistic" Convention reflected the failure of reglementarism before the Second World War. Reglementarism is a failure because 4% of prostitutes register themselves in the Netherlands. In Germany, 7 or 8% of these people were registered, and in Greece, it was the case of 6 or 7% of them. There too, prostitutes flee the regulatory system.

I would like to add two things. I am for a dose of morality in politics. I am for a policy based upon ethics. Canada has an ethical position with regard to the sale of organs: this is forbidden in Canada. One can donate an organ, but one cannot sell an organ. Canada goes even further: it prohibits the sale of one's blood. You are aware that in the United States and in China it is permissible to sell one's blood. There was an AIDS epidemic following the sale of blood. Canada thus has fundamental ethical positions with regard to the sale of organs and of blood. Why should it accept the sale of sex? It seems to me that there is here a fundamental contradiction that must be resolved.

Finally, from a democratic viewpoint, in Western countries such as ours, it is estimated that 10 to 14% of males are clients of prostitutes. Why should we pass legislation fully liberalizing or decriminalizing prostitution for 10 to 14% of the male population?

● (0930)

It seems to me that the majority, including that of men but mostly of women, is of the clear view that if we must make laws these laws must be geared to the majority and not the minority.

Lastly, we do not have but two choices in Canada. We have three in fact: the status quo, an abolitionistic position that might extend to the criminalization of the client, and the complete decriminalization of the entire sex industry, which would mostly profit men, pimps and clients, as well as organized crime.

Thank you.

[*English*]

The Chair: Thank you, Mr. Poulin.

Frances Shaver from Concordia University.

Ms. Frances Shaver (Professor, Department of Sociology and Anthropology, Concordia University): Honourable members, colleagues, ladies and gentlemen, members of the press, it is a pleasure to be here and an honour to participate in this debate—at least I think it will be at the end of the day.

My recommendation is for the decriminalization of prostitution activities between consenting adults and for social reforms promoting the health and human rights of sex workers and the health of communities.

You will find two tables in the attached brief that outline my case. Table 1 differentiates between the three models most often proposed during your meetings: the Swedish model, legalization, and decriminalization. Table 2 summarizes the effectiveness of these models while keeping the concerns of sex workers and residents in mind.

The evidence indicates that criminalization is not an effective deterrent to prostitution. It does not protect the people engaged in it or the communities in which it takes place. In addition, as table 2 demonstrates, neither the Swedish model nor legalization is likely to be fully effective. Thus, I have four recommendations related to decriminalization.

First, repeal all prostitution-related laws in the Criminal Code: section 210, the bawdy house provision; section 212, which prohibits the transportation of anyone to a bawdy house; subsections 212(1) and 212(3) the procuring provisions; and section 213, the communicating provision.

Second, repeal or modify section 173, engaging in indecent acts, and section 174, public nudity.

Third, use existing legislation to counteract any criminal activity or other negative outcomes related to sex work. Criminal laws, such as assault in various forms, sexual assault, criminal assault, and forcible confinement, protect workers from a number of things, including dangerous pimps and customers. On criminal and civil public disturbance laws to protect residents from nuisance, the key here is to ensure that the focus is on the disturbing activity and not the individual. Sexual interference, section 151, and sexual touching, section 152, can be used to protect youth under 14.

Fourth, establish a committee to examine provincial laws and municipal bylaws regulating businesses and individuals involved in sex work. The committee should develop ways to ensure that the basic tenets of decriminalization are reflected at all levels of government.

Legal reform on its own will not improve the health and human rights of sex workers or the health of the communities. In addition, as table 2 demonstrates, social intervention programs addressing the concerns of sex workers and residents will be most effective if developed in concert with the decriminalization of prostitution. Thus, I have six recommendations for social intervention.

First, address sex work as work rather than as criminal activity. Ensure sex worker participation in all legal and policy discussions regarding sex work. Facilitate the use of labour and workplace legislation to improve the work conditions and workplace benefits of sex workers. Ensure sex workers have the rights, protection, and

the respect afforded all Canadians. Ensure the sex industry operates under the same health and safety rules as other similar businesses.

Second, eliminate stigma and marginalization in police and judicial responses by providing education and training at all three levels of government regarding the factors that increase and decrease risks to the health and safety of sex workers.

Third, educate the public and policy makers about the diversity in the sex trade and sex workers' lives. Here I would emphasize the difference between voluntary prostitution and what's been called forced or enforced prostitution and what John Lowman referred to in his written report as the difference between sex work, sexual slavery, and survival sex. There are important differences that we must recognize.

Fourth, provide economic and organizational support for sex worker groups to educate, support, and advocate for their members.

Fifth, inform sex workers about and facilitate their access to existing education and job training programs, including access to academic education, vocational training that is affordable and meaningful, and employment opportunities that match individual skills and interests.

• (0935)

Sixth, support pan-Canadian multi-site research to increase our knowledge about the sex industry and to investigate the broader issues, underlining the harms involved both to sex workers and to residents.

Canada is in an excellent position to be proactive and innovative in dealing with this challenge. We are looking for policy programs and actions that decriminalize prostitution activities and for social reforms promoting the health and human rights of sex workers and the health of communities. There have been attempts in the past that did an excellent job of articulating appropriate directions for both legal and social initiatives—and here I refer to the Fraser committee report—but the political will to put them in place was not there. Now is the time to get it right. Researchers, sex workers, residents, and their community-based organizations, who have the highest level of public confidence, are eager to help in this endeavour. As members of the subcommittee on solicitation laws, you are in an excellent position to mobilize these groups to address the issues in a fair, equitable, and effective fashion.

Thank you.

• (0940)

The Chair: Thank you, Ms. Shaver.

From the RCMP, Darrell LaFosse.

Assistant Commissioner Darrell LaFosse (Community, Contract and Aboriginal Policing Services, Royal Canadian Mounted Police): Thank you very much. Again, it's an honour to be asked to speak here this morning and participate in this round table.

Many times when I participate in these groups I'm amazed at how much we are alike in where we want to be. We may be speaking slightly different languages, but I think the end goal is the same for all of us. Again, I'm amazed and pleased at how we're aligned on many things already.

My area of responsibility within the RCMP is the provincial and territorial policing area. I represent about 700 detachments across Canada, anywhere from two-person detachments up to the largest, in Surrey, of getting close to, if not over, 500 members working the streets of Surrey. Prostitution and the derivatives thereof are first and foremost in our mind, first with the Pickton investigation and also with Project KARE in Alberta.

The RCMP obviously upholds the key mandate of safety and security of our communities. In fact two of our five strategic priorities, youth and safer and healthier aboriginal communities, speaks to the desire of the organization to de-victimize and make our communities safer right across the board and across the country. Accomplishing this mandate requires input from law enforcement, certainly, but what we have found over the years is we also need and desire the input from the people in our communities. Certainly they're the ones who are most aware of the problems and some of the solutions that are available to attain.

The police are interested in preventing crime and reducing the number of victims in society. This is the basis of our community policing philosophy. Prevention in this area involves connecting with young people to build their self-esteem and strengthen their ability to resist becoming drawn to or entangled in the sex trade. The legislative approach to this issue should focus on the exploitative individuals or organizations and on protecting the vulnerable individuals in our society.

In order to reduce victimization and exploitation there's a need for effective exit strategies, aimed particularly at younger victims, and supportive structures that bring together the expertise of social agencies, police, youth workers, and other community groups that help them quickly respond and would maximize the quality of this approach. From a police perspective, the establishment of legal brothels in the private sector would instantly attract organized crime involvement, since organized crime is already heavily involved in the sex trade industry.

Sex trade workers who are drug-dependent will continue to work on the streets to feed their habit. The core cause of their vulnerability in such cases is their drug dependence, so focus must be placed on this area.

For these and other reasons, we believe that street-level prostitution will never be eliminated. Early identification of victims is a must in this area. We also need to look at areas where officers on

the street have increased discretion to deal with the problems they encounter on a shift-by-shift basis. Diversion conditions need to be looked at.

Finally, I'll mention that a national rollout on these and many other items sometimes may not be the immediate answer. We need to look at focused efforts in a certain geographic area, and look at best practices in that area and then move outward from there. When we try to look at a national approach or a national rollout on some issues, we fail certainly on the magnitude of the challenge that's before us. So on many occasions we're looking at the best practices and working outwards from there.

Again, I welcome the opportunity to discuss the issue at hand this morning. I'm sure the devil will be in the details as we get further into discussion this morning.

Thank you very much.

The Chair: Thank you.

From the Pivot Legal Society, Katrina Pacey.

Ms. Katrina Pacey (Director, Pivot Legal Society): Good morning, and thank you.

Many of the questions that were circulated by the clerk I answered in my submissions of March 29, so I'm going to take a slightly different focus. I will be reiterating a few key points I made on March 29, but I'd also like to talk a little bit about the scope of the committee's report.

I imagine that at this time the subcommittee is faced with a series of considerations in terms of what approach to take in your final report. For example, you could take a broad principled approach or make very specific recommendations for legislative reform. The subcommittee is faced with the reality, I think a very positive one, that repealing the criminal laws related to prostitution will open the door for a range of provincial and municipal statutes to become relevant and available to sex workers. For example, sex workers could have greater access to provincial labour and employment protections. Perhaps more problematic is the issue of city councils that may consider a new range of municipal zoning and licensing schemes.

At this time, I just want to remind the subcommittee that it's not necessary to be able to answer every law reform issue prior to recommending decriminalization. It's my submission that the subcommittee will be most effective at this time in drafting a report that has the three following characteristics. First, make very clear recommendations for specific reforms to the key statute that falls within your jurisdiction, which is clearly the Criminal Code. Second, bearing in mind that provincial and municipal governments will have a new role to play, set out guiding principles for law and social reforms relating to sex work, and propose a mechanism for provincial and municipal governments to engage sex workers in any legislative reform they are contemplating. And third, focus your federal powers on improving social and economic inequalities facing all disadvantaged groups in Canada.

First I want to address the issue of legislative reforms. As you well know, Pivot Legal Society is urging this subcommittee to recommend the repeal of all four Criminal Code provisions relating to prostitution, specifically sections 210, 211, 212, and 213. At this time, I'm specifically focusing on the provisions related to adult prostitution.

Furthermore, it's our submission that with the repealing of those sections, legitimate legislative objectives can be satisfied by other criminal laws of general application. Specifically, if those legislative provisions of the Criminal Code provisions were put into place under the guise of protecting sex workers, well, the sections that really are in place in order to protect sex workers are provisions such as the assault provision, the kidnapping provision, sexual assault, and extortion.

I want to talk specifically about section 212, because it's a difficult one. It obviously has an underlying objective that is clear and important: to protect individuals engaged in sex work from exploitation. The position of the Pivot Legal Society, however, is that section 212 rules out the possibility of any professional relationship whereby an employer exercises any control, direction, or influence over an employee who is engaged in sex work. Clearly this section is intended to address real and important concerns about coercion. However, it's also important to allow for the creation of positive employer-employee relationships within the sex industry, and this is not possible while section 212 is in force. That section is far too broad.

In our opinion, that section should be repealed. The extortion provision of the Criminal Code will achieve the objective that it's set out to achieve. Specifically, section 324, which relates to extortion, makes it an indictable offence to induce or attempt to induce any person to do anything, or cause anything to be done, with the intent to obtain anything, by threats, accusations, menace, or violence. I think clearly this captures any concerns about coercion, violence, and exploitation within the industry.

I'd also like to propose that the subcommittee set out important guidelines within the final report, specifically because provincial and municipal governments will be faced with questions about whether they also need to engage in legislative reform. What I'd like to do is set out a few guiding principles that you may want to include in your final report.

First, sex workers must be involved, in a consistent and meaningful way, in any law and social policy reform that affects their work. I'd like to echo Ms. Jen Clamen's submission that in fact it must be a leadership role that sex workers take.

Ensure that all future legislation that affects sex workers is respectful of their human rights, and ensure fair and equal application of labour and employment protections afforded to other workers. That's really about maintaining equality within existing legislation, not necessarily about creating new sections to those statutes. It's making sure there is fair application of existing protections.

Finally, acknowledge that unduly restrictive municipal laws could create a scheme whereby certain populations of sex workers continue to be marginalized—in fact, they could recreate the conditions we're seeing under the Criminal Code—and recognize that the federal government has a role to play in making sure the Criminal Code is more effective in preventing violence against sex workers by increasing the access sex workers have to the enforcement of the assault provisions and the provisions I've discussed.

● (0945)

I also want to reiterate that there may be some concerns from members of the subcommittee that perhaps municipal legislators—municipal city councils—and provincial legislators may start to try to enact prohibitions that look an awful lot like the Criminal Code because they don't agree with decriminalization. I want to remind you that any type of law that resembles a criminal prohibition is subject to challenge under the Constitution. So I'd like this subcommittee to entrust local advocates, such as organizations like mine, to take on that role, to continue to advocate and take on litigation if municipal or provincial governments start to create legislation that looks an awful like a prohibition or a Criminal Code provision.

Third, Pivot does support the notion of a governance council, made up of sex workers and community representatives, to develop and oversee any future work in this area.

Finally, I want to point out that obviously social and economic reform is crucial. We live in a society where women and men who are part of disadvantaged groups suffer major social and economic inequalities, and clearly there are women and men in the sex industry who would prefer to be engaged in other types of work.

So it is our proposal that the federal government clearly has an important task ahead of it, which is to ensure that the provincial governments undertake to provide increased social welfare, increased housing, and so forth. The federal government can do so by increasing transfer payments to the provinces for the provision of social services and by requiring that provinces meet basic standards in the provision of those services.

Targeted funds should also be directed to federal ministries and agencies that administer services and public institutions relevant to assisting all individuals in Canada. But specifically, any individual who wants to transition out of sex work will do so best if they're provided with economic opportunities, professional opportunities, safe housing, and so forth.

I'd also like to recommend that this subcommittee include a provision that can be seen in the New Zealand legislation—and at this point it really would be a recommendation, because it is a provincial jurisdiction—that refusal to work as a sex worker does not affect entitlements to social welfare and to income assistance.

Finally, I'm conscious of the fact that this is a particularly fragile and volatile time in Parliament, so I want to close with a message of urgency. It's my respectful submission that delaying legislative reform on this issue for a more favourable day will have devastating and, after all the evidence you've heard, undeniably tragic consequences. I call on all of you to make a decisive move and to convey to your colleagues the result of all that you've learned over the past months. It's taken 20 years to get here since the Fraser committee issued its findings, and the bottom line is that the current legal framework is leading to tragedies of extreme proportions. It would be unconscionable to sit back and let the suffering continue.

Thank you.

● (0950)

The Chair: Thank you very much.

From the Prostitution Awareness and Action Foundation of Edmonton, Kate Quinn.

[*Translation*]

Ms. Kate Quinn (Member, Prostitution Awareness and Action Foundation of Edmonton): Good morning and thank you for your invitation.

[*English*]

Good morning. It's a privilege to participate in this round table session.

I bring the experience of living in a neighbourhood that has been heavily impacted by street prostitution and drug trade activity for over 20 years. Our family has experienced women pounding on our doors late at night, escaping from violent men, violent johns. Children and women are regularly harassed by men who use our city streets as shopping malls. We have seen pimps hanging back in the shadows while children and women stand on street corners. Where there are no pimps, the driving forces are drugs, drug houses, drug dealers, and poverty.

Three blocks from our home is a faded flower memorial for the 20-year-old woman whose body was found burning in a field in April. She was the 25th murder victim since 1983. Sadly, a 26th victim was added to our list in May.

Ten years ago, in 1995, our volunteer neighbourhood group wrote to the federal Minister of Justice. At that time, we asked if there could be two different laws—one for the buyers and one for those who are prostituted. As ordinary citizens, we could see the power imbalance between the two, and we observed violence

against women and children on a daily basis. We found some common ground with the prostituted individuals in our neighbourhood community, because we too had suffered from the actions of men who were johns.

Citizen advocacy, including the voices of prostituted women and of parents whose daughters were on the street or were murder victims, resulted in Edmonton's decision to start a john school. That is how PAAFE, the Prostitution Awareness and Action Foundation of Edmonton, was formed. It's now my privilege to work for PAAFE, a caring community working to reduce sexual exploitation and to create viable options for women, men, transgendered individuals, and their families.

PAAFE recently completed a participatory research project, funded through Status of Women, called Breaking Down Barriers. We examined two of the main system barriers that keep women trapped in prostitution and make it very difficult to stay out of prostitution. One is enmeshment in the criminal justice system and the criminal records that result. This includes other charges not related to prostitution, such as drug-related charges, shoplifting, etc. The other is limited access to safe and affordable housing. Thirty women with current and past experience in prostitution were interviewed.

A research advisory committee comprised of women with past experience in prostitution guided the study. At one of their meetings they discussed what kinds of laws they thought Canada should have. Their message was clear: go after the johns, go after the pimps, go after the drug dealers; help us heal and be able to have the basics of life, such as food and housing; help us create a more positive future for ourselves and our children.

The board of PAAFE listened to the experiences of prostituted individuals and to neighbourhood residents desiring to live in safe communities. We listened to families whose lives had been torn apart by sexual exploitation, addictions, and murder. We decided to craft legislation to replace section 213 with a new law that strengthens penalties against those who purchase sexual services from vulnerable persons. We would remove criminal sanctions against prostituted individuals.

PAAFE's stance is that we want to create hopeful strategies, not just coping strategies. We want to challenge the common response that prostitution has been around for a long time, you'll never get rid of it, just try to make it safer.

In the end, it's a question of our vision for Canadian society. Are we a society of citizens who care for the most vulnerable among us? Will we have the courage and political commitment to put into place the safe housing, addictions treatment, holistic healing, resources, prevention, and prosecution programs required to uphold this vision?

We cannot separate street prostitution and the drug trade. One police officer remarked that Edmonton today is like the Wal-Mart of the drug trade. Cheap crystal meth has brought the price of crack cocaine way down, and cheap heroin is returning to our streets. Some women are selling themselves for \$5 to \$20 for drugs. Gangs and organized crime are involved.

We cannot speak of prostitution and not speak of homelessness: 51% of those who accessed our diversion program had no stable housing at the time of arrest.

We cannot ignore the fact that some of the vulnerable people on our streets struggle with mental health conditions and the effects of fetal alcohol.

We cannot turn a blind eye to the economic desperation that is part of prostitution.

In addition to the work on section 213, and our suggestions there, we believe there are two positive concrete steps that can be taken now.

• (0955)

We do advocate for changes to the pardon process so that we can open doors for employment and further education that are currently shut to those with criminal records. We advocate for more housing along the whole continuum, from emergency housing to independent, affordable housing. Quick action on these two issues will make an immediate and real difference in the lives of many.

Changes to the legislation alone will not put roofs over heads, food in stomachs, or jobs on the table. Women, especially those among us who have experienced violence and poverty, deserve the benefit of full participation in society. We also want to uphold a vision for what it means to be healthy, respectful men who do not hate or harm girls and women and who value themselves.

Thank you.

The Chair: Thank you.

Now from the Canadian Association of Sexual Assault Centres, Lee Lakeman.

Ms. Lee Lakeman (Regional Representative for B.C. and Yukon, Canadian Association of Sexual Assault Centres): Good morning. Thank you for your invitation. I know you were hoping to hear from the Coalition Against Trafficking and Women. I would urge you to look at their website, particularly the ten reasons for not legalizing prostitution.

The Canadian Association of Sexual Assault Centres will have a written brief and it will be made available to you, but for this morning I'm asking you to rely on what you've heard from the World March of Women, the Elizabeth Fry Society, the Native Women's Association of Canada, Vancouver Rape Relief, and other women's groups that have already described prostitution as violence against women.

Our recommendations are as follows:

1. The committee should recommend approaching prostitution law and policy by declaring prostitution as violence against women and take an abolitionist, unequivocal position.

2. The Native Women's Association of Canada—that is, NWAC—and CASAC have both called for a tighter and more effective enforcement of the criminalization of johns as benefactors of prostitution.

3. No equality-seeking women's group at the provincial, regional, or pan-Canadian level calls for or agrees with the complete decriminalization of prostitution, either domestic or international. That should draw your attention to the equality issues at stake.

4. CASAC has just convened a meeting of 150 front-line anti-rape activists in Vancouver who were joined by 50 representatives from other feminist organization. We reasserted in that context that none of those benefiting or profiting from prostitution should be diverted from criminal proceedings before judgment. In a public court room, no restorative justice program currently in place has our endorsement as serving the needs of women or advancing women's equality.

5. CASAC, NWAC, and all other equality-seeking women's groups of which I'm aware call for the effective criminalization of recruiters, procurers, traffickers, bawdy house operators, and all others who profit from the trade in women and children that is prostitution.

6. CASAC, NWAC, and all equality-seeking women's groups of which I am aware have called for simultaneously—simultaneously—decriminalizing the victims of this prostitution industry, the women and children commodified, with no detention and no fines.

7. We agree that there must be support for victims to prevent victimization: money, most of all, including welfare, support services, education and training access, jobs, and housing, including emergency housing. But, as Cherry Kingsley says, women shouldn't have to sexually service men to get those resources. They must be universally available now. Exit services are necessary, including aboriginal services being maintained and transition houses and anti-rape centres being maintained and developed. There must be specific race, class, and gender-appropriate exit services. However, exit services should be unequivocal in their support of the victims and their denunciation of the global sex trade.

8. We do need prevention programs. We must have a reduction of the demand by censuring johns and profiteers. We must reduce the vulnerability of women and children, in particular by supporting women's resistance to the impoverishment of women, children's vulnerability to incest, and by aggressive criminalization of violence against women in all its forms.

9. Women should not have to qualify for protection from sexual exploitation by proving force. The threshold is entirely too high.

10. Women should be encouraged to reveal abusers, but not blackmailed to do so. No punishment through welfare, criminal law, detention, family law, or immigration law.

11. Enforce the current laws against violence against women. These have the lowest conviction rates of all serious crimes. For policing practices and responsibilities, political directives from the provincial and federal level are completely necessary.

12. Current law includes the charter, and the Charter of Rights and Freedoms, the Palermo accord, the convention against trafficking and organized crime, and CEDAW all point you to the historical disadvantage of women. The charter, the courts, and some legislation have recognized that historical disadvantage of women and aboriginal people, both of whom are key populations for victimization, and solutions must be consistent with the promise of protection of the rule of law. We suggest Canada should sign the 1949 accord.

● (1000)

13. Any recommendations and/or drafts of legislation approaches and social policies should be widely circulated and transparent to foster a frank, public discussion, particularly of the federal, provincial, and city division of responsibilities proposed. People need to know the implications of requiring force to be proven in law, since it can't be on any other issue of violence against women. People need to know the inadequacies of current criminal justice responses to all forms of violence against women. People need to know any plan, whether staged or quick, to decriminalize and thereby download to the cities. The inability of cities to refuse the prostitution industry is a key issue in this matter. The implications for women who refuse sex as work must be known. The sexual abuse as work must be known. The regulation schemes to be imposed on women prostituted through health, taxes, records, and access to the police must be known.

Thank you very much.

The Chair: Thank you very much.

Next is the Federation of Canadian Municipalities, Mr. Berry Vrbanovic.

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

I'm pleased to be here today to provide my comments on issues related to the impact of the sex trade on Canada's communities, and I do so as the chair of the Standing Committee on Community Safety and Crime Prevention for the Federation of Canadian Municipalities.

I think we would all agree that Canadian municipalities are on the front lines of the battle to build safer and healthier communities across the country, and in the context of the new deal we're prepared to take that front-line knowledge and work in partnership with other governments on issues that affect all three orders of government. The fact is that the sex trade is such an important issue that it includes important roles for the federal, provincial, and municipal orders of government to play in any solutions.

Canadians are not happy that their communities are being used for the sex trade. 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 communities they can be proud to call home. In other words, they want safe and healthy communities.

As elected officials, we need to be honest with one another and with our citizens. The reality is we will never eliminate the sex trade from our city streets. That, however, 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 trade workers get off the street, 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.

I want to stress at the outset that I strongly believe our collective goal of building safer and 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 toward the sex trade and sex trade workers. It is time to stop thinking of our street-level sex workers as criminals and start recognizing them for who they are: victims. They are victims of abuse, victims of crime, victims of addiction, and victims of a vicious cycle that keeps them down.

It's time to put harm reduction ahead of punishment in law enforcement. 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 solicitation and the sex trade within our limited fiscal and legal abilities. Admittedly, our success has been mixed at best.

In my opinion, that 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 the sex trade 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 get the prostitutes off the streets and out of sight, we will all be safer. That perception, quite frankly, is 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 community safety issues through traditional methods of law enforcement has proven to be woefully inadequate and ineffective. If we're going to succeed as a nation in properly addressing issues of prostitution and solicitation, we need to tackle the root causes of it and look carefully at how we can prevent people from turning to the sex industry in the first place, both in terms of sex trade workers and their clientele as well, 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 sex trade worker finally says "Enough is enough". When a sex trade worker finally makes a decision to break the cycle, we, as their governments, must be ready to respond and to lend them a hand.

If there is one message I would like to leave with members of this committee today, it is that no order of government can make effective progress in dealing with these issues on its own. The issues around the sex trade are just too complex and the perceptions are 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, detailed national strategy, which is developed in partnership with all orders of government, law enforcement agencies, NGOs, and sex workers themselves.

• (1005)

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. We need more than consultations. We need a true partnership and a comprehensive plan based on evidence-based approaches, both from within Canada and internationally.

For too long Canada has been without a national plan. 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.

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 the sex trade in Canada's communities. In the end, such a detailed national strategy would benefit the sex trade workers themselves and our citizens, who are demanding action to make all of our communities safer.

Thank you.

• (1010)

The Chair: Thank you, Mr. Vrbanovic.

Now we will go to the question and answer stage. I would just comment that if anyone would like a coffee or juice or tea, it's at the back of the room. I'd encourage you to help yourself. Just slip away and come back.

Mr. Hanger.

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

I must thank all the witnesses who have appeared before our committee today. I'm pleased with the very direct opinions that you all have. I believe that many of them are based on research that you've done personally, or certainly experienced, such as those in the community and looking at it from that point of view, or those directly involved with prostitution and that issue. I think this input is very needed for our committee.

I've had an opportunity, as have the rest of the committee, to travel the country and listen to others in different cities who are associated with the issue directly or indirectly, but I keep coming back to one thing. This committee, in my view, and I believe in the very significant view of any committee struck on a federal level, is not the sole and final decision-maker. The public have a significant role to play here. There are some here who have advocated that it's our committee alone that will decide this. I do not believe that it is our committee alone that will decide what's best for the country or the greater good, if you will. I believe the community at large must be involved.

Several of you have advocated that this is only the beginning, in a way. This issue is an important one. It deals not only with those sitting at this table, but the broader community, the families of those who have had youngsters who have fallen into this horrible trap of prostitution. It certainly deals with a lot of criminal activity that surrounds it. So quite frankly, I'm all for a broader discussion.

I'm going to put my first question to Mr. LaFosse, given the fact that he represents the only police presence here at the table. I want to ask him, since there are those who advocate elimination of all prostitution laws or laws around prostitution, what a community would be like in dealing with this problem.

You indicated in your presentation that prostitution is not going to go away, and I agree with you. From all the evidence that this committee has heard, prostitution will not go away. Even if you legalize it, there will be illegal activity on the street. There will be those involved in the drug industry as well.

Could you tell me what a community is going to look like if police can no longer enforce prostitution-related offences?

Commr Darrell LaFosse: Sir, that is a rather large question, there is no question about that.

The discussions we have with the detachment commanders in large areas in the lower mainland area.... I must preface my answer by saying that the RCMP polices approximately 70% of the geography of Canada but only 30% of the population. The larger centres of Canada, the Torontos, the Hamiltons, the Vancouvers, have their own police forces, as you well know.

If there was legalization of prostitution and a community of sex trade workers was established or sprung up, our concern would be, primarily, that just by establishing a community as such, the respect and the value of an employee that you would see in any other corporation or enterprise simply would not be there in that type of environment. Also, as I mentioned in my opening comments relative to individuals who are drug-dependent, they may be working at certain hours within that community, but that would not prevent off-the-books work, if you want to refer to it as that, to enhance or to support their drug dependency. They would be the primary concerns relative to that.

Overarching that would be the influx of organizations or individuals that would capitalize on an enterprise such as that. We see that across the board on a lot of criminal activities as well. Primarily, it would be on the area of individuals who would see themselves with an ability to capitalize on an enterprise that would be blessed by governmental bodies.

• (1015)

Mr. Art Hanger: What you're saying, so that I may attempt to clarify your position, if I may, is that organized crime will capitalize on the fact that the police can no longer enforce what used to be prostitution-related laws.

Commr Darrell LaFosse: You're absolutely right.

On the prosecution of offences of that nature, the evolution of the prosecution, if you want to call it that, we see that in the law enforcement area on the front-line policing level as being an absolute last resort. As I mentioned, if there were some other ways of diverting or providing support or assistance to the individuals engaged in that enterprise, then that would be a major step forward.

Mr. Art Hanger: Thank you.

I would invite others to comment on this particular question if they wish.

I have one more question, and I would like to direct it to Frances Shaver.

Ms. Shaver, you clearly indicate that you would like to see the stigma removed from prostitution. I don't know how that's going to happen. You want to call it sex "work", and define it as "work". I don't know if it was your expression the last time you appeared before the committee, but it would be a profession that would be no different from the mechanic down on the corner where you could go to get your car serviced. It would be no different from the prostitution on the corner, and the community would sort of embrace and accept this as a part of reality and a profession that would be honoured just like any other.

I know you're an academic and you teach. Would you advocate courses taken in this kind of activity, a training session, an apprenticeship? What would you suggest?

Ms. Frances Shaver: You have about three questions in there. I'll try to sort of peel them out and answer them. Other colleagues in the room may be able to address some of these issues as well.

I was looking over some of the reports that you have before you, and that I have seen, and for me one of the really key things that we have to keep in mind—and it was John Lowman who had mentioned it in his written report—is that it's absolutely essential that the committee and others recognize that there is a very clear difference, and the evidence shows it, between voluntary prostitution and non-voluntary prostitution, or what Dr. Lowman has described as sexual slavery, survival sex, and sex work. This is the kind of thing that I think is essential to keep in mind.

Also, if I'm talking about educating the public and policy-makers about the diversity in sex work and sex workers' lives, it would have to include that very important component that there is a difference, and that there is evidence and evidence from Canada that clearly shows that there is a difference among those three. That said, when I'm talking about sex work I'm talking about one of those three options: I'm talking about the buying and selling of sexual services between consenting adults.

If I were wanting it to be seen—and I would argue it can be—as similar to other businesses, I think the provision of sexual services and the buying and selling of sexual service is similar to other personal work, or personal service work, as it's called. So we may be talking about coiffeurs, we may be talking waiters and wait staff, we may be talking about ward aides and orderlies in hospitals who are providing care and service to patients. I have done research comparing those two groups, sex workers and aides and orderlies.

I would argue that I wouldn't be necessarily comparing sexual service work to the work of a mechanic. There's a different, more personal intimate exchange between the client and the provider of the service that's more reflected in hair care or care-giving or that kind of activity that's not going to be there when the mechanic is working on your car.

On education or courses, I don't know whether courses at this stage in time, before we have done a better job of changing some of the stereotypes, would be a course I would give at a university on how to do sex work. There are courses about sex work and sexual labour that are there. There are sex work organizations that already provide such courses that do help sex workers learn how to work safely. These are courses they would give to people who are doing what I would define as sex work, and are doing it as a consenting adult and are doing it in a situation in which they are trying to act in a responsible manner.

Many of the courses that are available from sex worker organizations around the world—and they shared much of this information with us at the XXX Forum that Ms. Clamen referred to in her presentation—have those kinds of guidelines and those kinds of information available, including information on strategies and empowerment if you are a voluntary migrant sex worker, that are available that say this is something you can do.

That said, I also think it's important to differentiate between voluntary labour migration and migration that people are referring to as sex trafficking in which the individual is not a voluntary participant.

I'll leave that as some answers, because I know you'll have other questions, and there may be others who wish to respond.

• (1020)

The Chair: Ms. Clamen, do you want to respond?

Ms. Jennifer Clamen: I want to talk about some facts rather than speculation, with all due respect.

What would a decriminalized sex industry look like? We have an example of that, thanks to New Zealand. I think what has happened since that time and one of the reasons we call for decriminalization of the sex industry is because situations where exploitation does occur are more easily identified when the entire sex industry is not criminalized, when you're focusing on people who are actually exploiting their workers. It does exist; that's why we're here. Nobody is denying that. I think that's sort of where a lot of sex worker messages get confused—that it's seen that we're ignoring that message. But the reason we're here and the reason we're fighting for rights is because that exploitation exists.

In New Zealand they're a lot better able to weed out the people who are the exploiters, if you will. One of the ways they're also able to do that is by the creation of occupational health and safety guidelines to ensure that there is sort of a standard—I use that loosely—met in each of the workplaces.

That's basically all. I think it's really important that we look to existing situations of decriminalization and the aftermath of that.

The Chair: Thank you.

Ms. Lakeman, and then Ms. Ross.

Ms. Lee Lakeman: I'd like to correct a couple of things that were said.

First of all, there are people who believe it's possible to get rid of prostitution. I'm one of them. You've already heard from Mr. Poulin, who argued that, and I've listed off the names of women's groups across Canada who clearly think it is possible to get rid of prostitution. So I'd like that not to be written out of the discussion.

Secondly, there are clearly divisions being proposed within prostitution when one lists sexual slavery, survival sex, and voluntary sex work as three different categories, but I suggest to you that when we're talking about the solicitation laws there is no division to be made. We are talking about sexual slavery and survival sex by everybody's criteria, so let's be very clear that in street prostitution it's not even realistic to pose those differences. I don't think they exist anyway, but that's certainly my point of view on street prostitution.

The third point is that to create the illusion that women can negotiate their own safety as individuals by having prostitution called something else just seems to me to be utterly ridiculous. The reason violence against women succeeds in street prostitution is that women are overpowered, and they require the intervention of their community and their state to increase their safety.

• (1025)

The Chair: Thank you.

Rene Ross.

Ms. Rene Ross: There is so much to comment on.

First, I'll just comment that—and I'm sure I have the support of the Stepping Stone program users when I say this—we totally reject the notion of sex trade workers as victims and as drug addicts. So if we could try to change our discourse a little bit around that, I think it would be great.

I would like to respond to the question Mr. Hanger asked of the witness from the RCMP. We actually think that if you decriminalize especially the communication law, it will make the jobs of the police and the RCMP a lot easier and a lot better. I'll give you a couple of examples.

Number one, because the communication laws are so vague—and again I'm speaking specifically around Halifax—the police are trying to get the men and women who are involved in the sex trade on a lot of other charges that the rest of us would never be stopped for. We had a worker who, a couple of months ago, was charged a fine of \$400 for throwing a chip bag on the street, and one of those same police officers said to her last week, “I'm going to get you by the end of the month, no matter what the charge is”.

Also, I believe the current law, because of the nature of the law, is really strangling communication not only between the sex workers and the police, but also between agencies such as ours. Last Tuesday I was sitting around the table talking with workers, and we had a picture of a missing girl from one of the RCMP detachments. Without getting into too much detail and to protect confidentiality, we will say that the RCMP were on totally the wrong path in their search for this girl. However, she was seen by our program users, and they were afraid to make that call to the RCMP and to the local police because of the treatment they had had, because of the criminal nature of their work, because that relationship is so strained. I had to make that call, and when I made the call and even told them what organization I was with and what we did, I started feeling like I was being a little bit intimidated, and I had to ensure that our confidentiality would be protected.

If communications improved, and if these laws are decriminalized, and if we do put harm reduction ahead of punishment, I believe it will build the trust and the relationship between the police and the workers, and who better to have a good strong relationship with? They're on the front lines. They're seeing what's going on in the community.

I also want to mention that I did say to our program users last week, “Okay, what about the connection between organized crime and prostitution?” And they said, “Rene, what organized crime? What are you talking about?” Again, perhaps that’s just Halifax and the area I’m speaking of, but our program users don’t see that relationship between organized crime and their work, from their perspective.

Thank you.

The Chair: Ms. Pacey, and then Ms. Mooney.

Ms. Katrina Pacey: I just want to talk a little bit about what tools are going to be available for law enforcement if sections 210 to 213 are repealed, and I want to echo what Ms. Ross just said about the comment, “I’m going to get you before the end of the month”. I want to say, with some concern, that even with the repeal of those laws, it will still be possible for police forces to go out and get sex workers; they utilize section 213 to do so. At this point, sex workers report to Pivot Legal Society a great deal of harassment.

I also want to point out that there still will be in existence section 175 of the code, the section on causing a disturbance. That will be available to law enforcement, and in my respectful submission, it could very well be used to disproportionately enforce this section against sex workers.

So I have some concerns about that. I also want to point this out for those individuals who are concerned about police having no tools available to them in terms of addressing street-level disturbance.

The reason I’m a little bit more in favour of the utilization of this section is that causing a disturbance actually involves causing a disturbance, as opposed to just the mere presence of an individual engaged in one’s profession on the street. There’s an actual legal test for causing a disturbance; it involves disrupting the environment around you. Just your being an individual standing on the street engaged in your labour would not fulfill the legal definition. However, I just want to point out that law enforcement will still have tools available to them if they’re in a position where they find that sex workers are literally causing a disturbance, as subject to that legal test.

• (1030)

The Chair: Thank you.

Ms. Mooney.

Ms. Maurganne Mooney: Thank you. I want to respond to a few things, actually.

First, in addition to my work with Aboriginal Legal Services, I have been involved in the last decade with the violence against women sector. I work directly with prostitutes and feminists.

It should be noted for the record that within third-wave feminism, we are now looking at other alternatives. The transgendered community has come forward and said, hey, our voices aren’t being heard, and prostitutes have come forward and said, hey, stop calling us victims: we keep telling you that we’re not victims, we keep telling you that it’s our right to choose what we do with our own bodies.

This issue, morality aside, is equivalent to the pro-choice issue, the abortion issue. It’s also equivalent to, and has some similarities with, the gay and lesbian rights issue. A person’s right to determine one’s own sexuality, a woman’s right to have more than one sex partner—these are basic things, and we’re inflicting our morality onto other people. When you’re in your home and you’re raising your kids, believe what you believe. Teach them and do right by them. But when you go out in public and you inflict that upon other people, I believe it’s called bigotry. And that’s problematic.

In the violence against women sector, working with prostitutes, the reporting of rapes is very challenging. When women are criminalized, they become an enemy to the police. I have seen women be arrested for reporting sexual assaults because they had outstanding warrants for summary offences, which are equivalent to parking tickets. A woman I know worked for me at Maggie’s, and her whole criminal record is 30 “communicate” charges. She’s been on the street since she was 16.

If we want to address the problems and the core issues behind why someone becomes a prostitute, and we look at the different factors behind why individuals get involved with prostitution, then let’s stop putting band-aids on cancer. Let’s just stop that.

Paul Bernardo and his father were on the bad-date sheet years before the murders of Leslie Mahaffy and Kristen French. You should know that these guys practice on prostitutes. That should be noted in the record as well.

When I returned to my aboriginal community and I shared with the women in my community the last time I testified in front of you, five women present in that circle knew women who had died on the pig farm. And that was in Toronto. One of the women came up to me after and told me that Pickton didn’t work alone; they believe bikers are involved and truck drivers are involved, a whole network.

My last thought on this is taken from the second World Whores Congress from 1986, a congress of sex workers from all around the world:

Financial autonomy is basic to female survival, self-determination, self-respect, and self-development. Unlike men, women are often scorned and/or pitied for making life choices primarily in the interest of earning money. True financial independence includes the means to earn money (or the position to have authority over money) and the freedom to spend it as one needs or desires.

You know, a few years ago they were arguing whether or not it was a good idea to let women vote.

Thank you.

The Chair: Mr. Poulin, and then Mr. Vrbanovic.

[Translation]

Mr. Richard Poulin: It should perhaps be mentioned that there is a consensus in this room, namely that prostitutes should be decriminalized, in other words that they should no longer be harassed by the police nor treated as criminals. Criminalization creates tremendous problems for those wishing to turn their back on prostitution, because it is clearly more difficult to find employment when one has a criminal record. It is therefore clear that decriminalizing prostitutes is a step that should be taken.

However, diverging opinions begin to take shape as soon as you start talking about notions such as sex work and voluntary, forced or survival prostitution etc., which then lead to the acceptance of the trafficking of women and children for prostitution, which trafficking is then depicted as the voluntary migration of sex workers. There underlies all of this a logic that flies in the face of Canada's traditional policies and of international policies such as the Supplementary Protocol of the Convention Against Transnational Organized Crime. There is no issue of consent or of absence of same in the case of trafficking in persons. On the contrary, consent is not used as a test when dealing with trafficking of persons for the purpose of sexual exploitation. It must be very boldly underscored that it is countries with an abolitionist or regulatory approach that, in the course of serious negotiations, agreed that the matter of consent, whether voluntary or not, was fundamentally irrelevant. We know that the recognition of prostitution as simply sexual work will bring about a growth in the sex industry and a greater demand for sex workers. Therefore, as has been the case in Holland, Germany and Australia—I am less familiar with the situation in New Zealand because its legislation has only been in place for two years—we will see an increase in the trafficking of women and children for purposes of prostitution and an explosion of the number of improperly documented persons involved in underground, illegal prostitution, living in the worst possible conditions of health, safety, etc.

This is the problem I see in the definition of sex workers as set out in the framework for legalizing the prostitution industry, including procuring. How can we combat pimping with such a notion?

My colleague, Francis Shaver, never speaks of pimping, as if, in an ideal world, sex work was simply an exchange of services between two persons. But there is a third person involved here, and who sometimes negotiates the rates on behalf of the prostitute. That third person is there, and we must not forget it. Prostitution is a triangle. It is not simply two consenting adults exchanging sexual services. The day Ms. Shaver deals seriously with the procurement issue and integrates it in her research work, she will perhaps be able to convince me. But until then, until she deals with the missing piece, the pimp, then I will remain unconvinced. Thank you.

• (1035)

[English]

The Chair: Thank you.

Mr. Vrbanovic, Mr. LaFosse, and then Ms. Shaver.

Before we go to a second round, Ms. Ross, we'll have to first ask anyone else who hasn't responded.

Mr. Vrbanovic.

Mr. Berry Vrbanovic: Thank you, Mr. Chairman.

I think it's important, particularly in regard to Mr. Hanger's question, to reiterate that up to this point FCM has not taken an official position in regard to the repeal of any sections of the legislation. Quite frankly, we haven't had an opportunity to take this back to our member communities. However, we have in the past taken positions on issues surrounding safe communities, harm reduction, and crime prevention through social development. Our views expressed today are consistent with those positions that we've taken in the past.

With regard to any proposed changes that may come out of the work of this committee, I think it's important that those changes reflect and take into consideration the community safety concerns in our neighbourhoods and of our citizens in our communities. So any solutions that come out of this, be they decriminalization or other options that the committee may consider, need to address the impacts of those things.

The other comment I wanted to make was I understand that there has been some concern expressed around the issue of sex trade workers being portrayed as victims and so on. That comes out of the work that many of our municipalities have done with sex trade workers in those communities. The reality—certainly I can speak about my own community, and I know I heard the same from colleagues—is that there has been a correlation in regard to the street-level sex trade workers and a reliance on the illicit use of drugs. The reality is that the street-level sex trade in many instances, quite frankly, is using the sex trade to fund those addictions.

So I think we need to ensure that the changes that are being proposed through the work of this committee help to address those issues and help to address the challenges that come from the problems of those addictions.

• (1040)

The Chair: Thank you.

Mr. LaFosse.

Commr Darrell LaFosse: Thank you very much, sir.

I have a couple of comments that I hope will be useful to the committee.

I think what we have to do is determine what we want to do. Do we want to reduce the level of prostitution that communities are experiencing? Do we want to protect the worker? Do we want to look at ways to eliminate the victimization and the violence they are experiencing out there? We have to put these into categories. Or more importantly, do we want to look at ways and means of eliminating or reducing the next generation of sex trade workers and how that comes to pass?

What we do on a front-line basis as far as policing goes is we talk to the communities. We sit down and have community consultative groups in individual communities. I know we do so in Halifax, my old stomping grounds. We find out ways and means of dealing with what the most important issue is for the community, and then we put a strategy in place to deal with that. For example, again I go back to the multi-jurisdictional work that's going on in Project KARE: the relationships that have been established out there between the police and the sex trade workers have evolved to a point that there are sex trade workers who actually call the police when they're going to leave town and let them know where they will be in the event that someone is reported missing or they themselves are in fact reported missing.

This all boils down to two things: integrated policing and relationships. Once those relationships are established, then you can move forward. Going back to my original comments, once we collectively decide what we want to do as far as the categories I mentioned, then I think we can move forward.

Thank you.

The Chair: Ms. Shaver, and then Mr. Lowman.

Ms. Frances Shaver: Thank you.

I wanted to respond to my colleague Dr. Poulin and the questions he's raised around pimping and procuring.

There's no doubt that it is a major concern of any of us who have done research on sex work and sex workers, and certainly any of the men and women and transgenders in the business I talk to. But I do want to emphasize the point Ms. Pacey brought out, which is that section 212, which has to do with living off the avails of prostitution, does not address in any way, shape or form the concerns that the majority of even the community members I've talked to have about the abuse that happens with respect to pimping and procuring. The abuses that the majority, even here around this table, are probably concerned about have to do with extortion; they have to do with sexual assault in all its forms; they have to do with criminal assault in all its forms, and forcible confinement.

My concern here is that these laws don't seem to be currently put into use often enough to protect sex workers and to prosecute the men, whoever they may be, or even the women, whether they're pimps or procurers or whether they're operators of bawdy houses, when they are involved in these abuses of individuals.

So if we need to do something to address that issue, I think it is to perhaps do some research on why these laws aren't being applied. If there are some reasons why that can't be done, then we need to be tinkering with those laws to ensure that they can be applied when it's absolutely necessary, and not tinkering around with laws that have only to do with prostitution, and certainly section 212, which really has only to do with procuring and living off the avails of prostitution, which can be done in a very above-board manner, using good practices. So let's take that off the books and address the concerns that people really do have around pimps and procuring, and use the laws most appropriate to address those issues.

• (1045)

The Chair: Thank you.

Mr. John Lowman, please.

Mr. John Lowman: I'm responding to a number of different comments that have been made.

One comment was that street prostitution is all of a piece. That speaker said that in fact, for them, all of prostitution is just a single entity. The fact of the matter is that street prostitution has a number of different levels as well. Some women use drugs, and some women do not use drugs on the street. Some women on the street do make choices. I would not classify them as survival sex workers. It's way more complicated. Street prostitution is probably only 10% to 20% of the prostitution that is occurring in our communities at the moment.

It's interesting to hear from the municipalities. Obviously one of the main concerns is healthy communities, but the truth of it is that communities are pretty healthy even though there's this huge prostitution business going on in the midst of every community. It's just the stuff we see on the street.

I do believe that whatever is done will ultimately not be politically saleable unless there is some way of controlling what happens on the streets. So in the submission I've made—and this is something that really occurred to me only a few days ago—I've said that one possibility is to have some kind of law involving street commerce; just don't make it specific to prostitution. The only way you should be able to enforce that law is if there is somewhere to go for women who would normally work on the street. Those women are usually homeless; they're impoverished. None of them should be in prostitution probably, and until we figure out some way of getting them out of it by creating alternatives where they really can make a choice, what we have to do is figure out where they can safely practise the trade without ending up on a pig farm.

So I'm saying that having parking lots with parking stalls where cars can park in order to conduct that business will create the situation where you don't have street prostitution in residential areas and you don't have women ending up on pig farms.

As to organized crime, I'm always amused to hear the idea that if we have legalized prostitution it will attract organized crime. If you look at organized crime in Vancouver, they own a considerable chunk of the ancillary film business, so let's close down movie-making. They own a considerable interest in the docks, so let's close down the docks. As a matter of fact, they own a very large grocery store in the west end of Vancouver, so let's close down grocery stores. And while we're at it, there's a liquor store that's owned by those very same individuals in my area, so I guess we're going to have to close that down too.

The Chair: Thank you.

Ms. Mooney.

Ms. Maurganne Mooney: I would like to expand a little on the procuring and pimping law that was brought forward.

Over a decade ago, when I entered the violence against women field, in a court of law there were two women who couldn't be raped: a woman who was married, by her husband, and a woman who was a prostitute. I am pleased to say that we've made some headway with married women. When a man is charged for beating his wife, he's not charged with being a husband, he is charged with what he did: assault, or attempted murder, or aggravated assault. The same with living off the avails. The way that law is written actually violates a woman's human right—guarded by the UN charter—to respect for private and family life. Laws that criminalize those who profit from earnings from prostitutes are frequently used against family of prostitutes, denying her the right to have relationships if she is in this work.

Again, we already have laws in the Criminal Code that would address any third party that was in it for violent means. From my experience, women who seek out third parties are doing so to exercise safety. They work with another woman, or they want somebody to drive them to a date. Under the current situation, a woman's attempt to obtain some safety while working is criminalized. So we need to look at that. You're saying, basically, that if you work as a prostitute, you're subject to a de facto death penalty, because any right of yours to engage in safe working measures can land you in jail.

Thank you.

• (1050)

The Chair: Thank you.

Ms. Ross.

Ms. Rene Ross: Thank you.

Just quickly, I would like to say, especially to our sister organizations, that we at Stepping Stone would be more than willing to work together and talk to our program users around the procuring law. I learned a lot more about that law this morning, and I thank you all for educating us around this. There was a lot of debate around that issue, because that's how one of our staff, who was a former program user, got in, through a relationship; it was her partner. I think everybody has made some really good points that I'll take back to our program users.

I want to quickly respond to the talk that's going around on trafficking. Two years ago I was a delegate to the United Nations Commission on Human Rights in Geneva on behalf of the worldwide WCA, focusing on violence against women. The special rapporteur on violence against women at the time, Radhika Coomaraswamy, was doing her final outgoing report. The report was this thick: she listed every country in the world and listed the biggest concerns around violence against women for each country. Canada's was trafficking. That was the biggest problem of concern to the special rapporteur against women at that time. She said that Canada was a destination and a through point for women in trafficking.

I'm from Halifax. I live in a port city. When I talk to the program users, when I talk to other agencies, and ask why there aren't many immigrant women, I'm told that what's being seen is that it's been driven far underground.

Recently there was established a special rapporteur on trafficking in persons, especially women and children. She says that because of

the illegal nature of prostitution, women who have been trafficked into Canada cannot come forward and ask for protection. She says women are also being revictimized, as they are penalized on charges of prostitution instead of receiving assistance.

After they are, in many cases, penalized, they are then deported out of the country. I also want to say that the trafficking in persons must be viewed in the context of international and national movements in migration. It is economic globalization, armed conflict, the breakdown of states, and the changing of political boundaries that contribute to trafficking. I don't believe it's the laws of the countries to which women are being trafficked.

I also want to say that the issue of trafficking cannot be answered by this committee or by my colleagues and me alone. It needs to be combatted through prevention and education in all countries, not just Canada. We need to educate health care workers, police officers, and border control officers, and work with other departments within the government, to address this issue. I simply reject the notion that if we decriminalize this law, we're going to have a massive overflow of women coming in wanting to work in the sex trade industry.

The Chair: Thank you, Ms. Ross.

This time we go to Madame Brunelle for some questions.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Good morning, Ladies and Gentlemen. I am very happy to see you here today.

We have been hearing numerous witnesses, and I am trying to understand where we are at with our objectives. We see that it is necessary to protect prostitutes as well as children or minors. We also see that it is necessary to intervene so as to attempt to resolve social problems such as drugs, poverty, etc. We hear much talk about the need to reintegrate former sex workers, those wishing to leave prostitution, as well as the need to help communities. There is therefore a whole host of problems. From what I have been hearing for several months, everyone would agree that the status quo is untenable. Reforms must be made.

There has been much talk today about the notion of decriminalization. We have often discussed this. Some people want complete decriminalization whereas others are in favour of partial decriminalization. I would like to invite you to discuss amongst yourselves how this might work. This is a round table and your interaction could be helpful to us. I believe the chair of the committee would be in agreement with this approach to having you discuss the matter.

My first question relates to decriminalization. Which jurisdiction would be responsible for this? Ms. Shaver, in your table 1, relating to legislative approaches to prostitution, you talk about the basic tenets. You state the following with regard to decriminalization:

Prostitution outside the federal domain. This leaves fewer, if any, limits on the types of legislation that can be developed by governments.

I would invite you to explain this further. If there are others who have opinions on this, I would invite them to respond as well.

During our cross-Canada hearings, I realized that it will be very difficult to draft changes to the law which will garner consensus, because the prejudices, ways of seeing things and opinions of Canadian citizens vary greatly, be it in Montreal, Toronto, Vancouver or elsewhere. People vary greatly in their tolerance levels and their feelings are often quite intense. It is therefore my sense that it will be very difficult to change the law with the approval of all communities. If prostitution were not a matter for federal jurisdiction but rather for provincial jurisdiction, would it be possible to provide for different variations within the law?

Those are two very broad questions.

• (1055)

[English]

Ms. Frances Shaver: I'll take a first go in trying to answer your question.

I'm glad you have had an opportunity to look at table 1. The point I was trying to make there is that if we do decriminalize prostitution, it does take it out of the federal domain. This is a concern that's also been raised by Ms. Pacey, and she may well have some points to speak to on that. That leaves fewer limits on the type of legislation that can be developed by provincial and municipal governments, and certainly that is a concern for those of us who are arguing for decriminalization.

That's why I tried to build into my comments not all the answers...but at least to alert the committee, although I'm sure you're aware of this, that we do need to think about and consult about ways that we can address this. Certainly those of us supporting decriminalization would want to ensure that, however it moves forward, it does not lead to the creation of new quasi-criminal or punitive regimes through the use of fines or penalties at either of the provincial or municipal levels, at our local levels. I don't know how best to ensure that the basic tenets of decriminalization are reflected at all levels of government, but I do know that's a concern.

Ms. Pacey suggested that maybe more communication at the municipal and provincial levels could help this, or groups at local levels could be charged with communicating with the municipalities in order to work through what this might look like and still provide protections for both the sex workers and the residents, and for anyone else who may be affected by this particular change in the law and may have some concerns about it. So we do need to address those concerns.

I wonder to what extent as well the charter may be useful here. I know the right to abortion is provided within the charter and I know that means, then, that provinces and municipalities cannot outlaw abortion within their own communities. Now, there may not be abortion clinics available in some communities, and I think that's the case in Prince Edward Island, but they certainly can't make it not happen, because the right to abortion is protected in the charter. Whether that's another avenue to look at, I'm not sure, but certainly if we are going to be having decriminalization at the federal level,

we do need to be doing work, both educative and otherwise, at municipal and provincial levels—certainly at the more local levels, where things are happening.

There have been some suggestions from my colleagues here about best practices that have worked and have been successful, that have not penalized either the sex workers or the residents, or things that could be looked at and shared. But it probably means some goodwill and an understanding that some education does have to take place if we're going to be removing some of the stigma and marginalization, because goodwill is not going to happen just because we decriminalize prostitution and prostitution activity.

Although that's not an answer, that gives you the details of what to do...other than to say it is a concern, and the community, in consultation with others who are greater experts in the area, certainly should be looking more closely at that. As I said, I think Katrina Pacey may have some suggestions as well.

• (1100)

The Chair: Ms. Mooney.

Ms. Maurganne Mooney: I wanted to speak to some prevention measures, so that if we do decriminalize, we can maintain that this is a choice, to be as close to that ideal as possible.

The first is the drug and alcohol issue. Drug and alcohol addiction is devastating to communities, I agree 100%. It's a fatal disease. Within the city of Toronto, the police and community groups have agreed that it is a health issue. There are accountants who are crack addicts; they are in every walk of life. Alcohol and drug addiction isn't discriminatory. Anybody from any class, walk of life, or profession can engage in it.

We need more access to treatment beds, to detox. A person can go into detox for from two days up to five days, and then they'll wait a month to two months for a treatment bed. So funding in that area certainly would be beneficial to give people, because often it takes several attempts at treatment for an individual to get sober. Certainly harm reduction programs are effective in saving lives. It's not promoting drug use; it's helping people stay alive while they're at the bottom with their disease.

The second piece is protecting youth. I work as an aboriginal youth court worker at 311 Jarvis Street in Toronto, and a lot of my clients are CAS wards. When family breakdown happens, when there is child abuse, there needs to be encouragement from our society, so that child abuse survivors are encouraged to speak out against their abusers, and so that abusers are held accountable for child abuse, rather than having the child stigmatized for reporting child abuse.

We also need to help our youth stay housed. When family break-down happens, the worst person to be in this country is a 14-year-old, because they have no rights, they have no way of gaining income, and they're not really going to be helped that much by CAS. They fall between the cracks. If we want to prevent youth prostitution, we need to find some ways to help youth help themselves, or have more group homes or more foster parents who are willing to take older kids.

Thank you.

The Chair: Thank you.

Next we have Lee Lakeman.

Ms. Lee Lakeman: You have in front of you the spectre of the 14-year-old protecting herself with the labour legislation. In B.C. that's an entirely conceivable possibility.

I definitely want to say that when we're talking about jurisdictions, we need to look up as well as down. It's pretty obvious to everyone at the UN level that we're dealing with an international multi-million-dollar trade. To then reduce the question to what is the individual choice in relation to that industry is just ludicrous.

Clearly, to have variations across the country from province to province, from city to city, is a balkanization that completely abandons the equality of women issues. It completely abandons them. We've been watching since 1995 what that balkanization is doing. You can't call for social development from the federal level at the same time as you call for balkanization on this matter of criminal law, which is all women have at this point against violence against women.

The charter requires some standardization. Clearly, women have been fighting for positive obligations in the charter, positive obligations of the government to provide some economic supports, some access to policing, some standardization in criminal law, some access to housing, some anti-colonial attitudes, and we're continuing to insist on that.

To make the comparison between abortion and prostitution is very questionable logic. Clearly, feminists talk about reproductive rights, which both embodies the positive obligation of government for social development and implies the necessary choice on the part of individual women, but you don't reduce it to a matter of individual choice in the way this analogy proposes. Prostitution, in our mind, is not control over one's body; it's loss of control over one's body. So for me, that analogy is just inane.

• (1105)

The Chair: Mr. Poulin.

[*Translation*]

Mr. Richard Poulin: I will attempt to answer your question. It is somewhat enigmatic, given that States usually regulate rather than deregulate. If there were total decriminalization, there would be complete deregulation of prostitution. That would mean—and Ms. Shaver underscored this—that, for example, the provisions relating to procuring would disappear. Thus, pimping would in Canada become a de facto legal activity, or at least not illegal, and it would be other provisions of the law that would apply, such as those relating to extortion. For example, a merchant extorts us. Tell

me what portion of prostitution extortion accounts for. Is it 50%, 60%, 70%? We do not know and we could not define this. This would be quite a problem. Some pimps take up to 100% of a prostitute's income, whereas others take 50, 40 or 70%. Approximately 90% of traffickers let prostitutes keep a little bit of money in order for them to be able to feed themselves.

This, for me, is an ethical problem as well as a problem under the international conventions that Canada has signed. A procurer is a person who sells someone else's prostitution. Procuring is considered to be morally unacceptable and an attack against human dignity. The term “dignity” appears in the Universal Declaration of Human Rights. I am therefore opposed to the removal from the Criminal Code of the section on procuring. I am of the view that this provision should be reinforced as opposed to revoked.

Full decriminalization would in fact render possible all activities related to prostitution and some of the activities related to trafficking, such as trafficking between provinces, for example, in various sectors. This would mean that brothels would be legal. However, Canada, with its policies, has mostly combatted street prostitution. Massage parlours are rarely attacked. Escort services never are. From time to time there have been police raids in illegal brothels where women, especially from the Philippines or Thailand, were the victims of international trafficking. There was such a case in Toronto. In this country, there is the law and there is practice. Practice is very different from the law, because we do not apply the law relating to solicitation or communication to massage parlours. The Yellow Pages are full of escort service ads. We do not apply the act at that level, but we apply it in the street. That is the problem. It is that prostitution which is visible that has thusfar been the problem.

To my mind, we need a policy aimed at abolishing prostitution, and that is possible. Abolitionism comes from the fight to abolish slavery, and the abolition of slavery was possible. Abolitionism is two things: a fight against those who exploit prostitutes, namely the pimps, organized crime and johns, and the taking of the necessary means to allow prostitutes to get out of prostitution, in other words providing the necessary funding for occupational retraining centres, etc. That is the abolitionist approach. The 1949 Convention is no more than that.

I am also of the view that it would be damaging for our society if we were to consider that procuring could be dealt with solely through the provisions relating to extortion and other such tools. That does not hold water. It would legitimize procuring. Only the worst abuses would be dealt with, but not procuring itself. That is unacceptable.

• (1110)

[*English*]

The Chair: Thank you, Mr. Poulin.

Ms. Pacey.

Ms. Katrina Pacey: There are a number of issues I'd like to respond to, and I'll try to keep it short.

The point I'd like to make about the extortion provision is that it contains some very important wording that the procuring provision doesn't, and that is that it's causing or inducing someone to do something by threats, accusations, menaces, or violence, and that's the difference I see between those two provisions. There's nowhere in the procuring provision that requires that it involve any sort of coercive, threatening, violent behaviour. All it involves is that someone literally involved as a manager, providing referrals, providing any kind of support services to a sex worker can get captured by that section. So that's why in our submission we say it's too broad, and that's why the extortion provision does capture what I think people around this table are aiming for, which is to protect workers generally, and people generally but also sex workers, from particular threats and violence.

The issue of division of powers between different levels of government is a complicated one, obviously, and is obviously constitutionally entrenched, so there's a limit to what this federal subcommittee can do in terms of binding recommendations about legislation that takes place at the other levels of government.

What we need to be clear about, though, is that the Criminal Code provisions relating to prostitution at this time create a barrier for sex workers who want to access legislation at the provincial or municipal levels. So, for example, the sex workers we work with who maybe work in the massage parlour industry in Vancouver cannot go before the Labour Relations Board or to the employment standards board and make a complaint about their relationship with their employer in a situation where they may be forced to do something they don't want to do—provide a sexual service they don't want to do, give over more of their wages than they want to, work under conditions they don't feel comfortable with. So they're completely devoid of any power within the employment standards or the labour standards that are provided to any other worker in British Columbia. If decriminalization takes place, a lot of that responsibility will flow to the provincial governments, because provincial governments have control, given those two pieces of legislation, over a lot of the labour and employment standards in the province.

So what we have to do, as advocates, as people who are analyzing the issue, and as sex workers' rights activists, is start to really look at legislation at those levels and take part of the responsibility to flow from the work that's going to happen here, and hopefully the recommendations for decriminalization, to then work with governments at the provincial and municipal levels to look really specifically at that legislation and ask sex workers, ourselves, and lawyers, will that legislation provide the kind of protection sex workers are looking for in the context of their labour and employment, so that those statutes can both protect sex workers from unfair and poor working conditions and can also support a positive employer-employee relationship, which already exists and is going to continue to exist in the sex industry? What we need to do is to empower sex workers within the context of that relationship so that they can determine the working conditions and the conditions of their lives.

The Chair: Mr. Vrbanovic.

Mr. Berry Vrbanovic: Thanks, Chair Maloney.

I indicated earlier that FCM, specifically in regard to Ms. Brunelle's question, has not developed a position on decriminaliza-

tion, but it is something I'm prepared to take back to our committee and have staff work on over the next couple of months so that FCM can look at developing a formal position as this discussion goes on.

However, I've heard a number of you reference the fact that as we go forward, and if decriminalization is an avenue that is pursued, it's something that needs to happen in dialogue with all three orders of government, and I couldn't agree more strongly with that.

I think particularly to those sitting here in Ottawa, you're well aware that the Federation of Canadian Municipalities has been advocating for a seat at the table on these types of issues for a long time, and we're certainly pleased to be able to be here and participate in this round table on that. But I can also tell you that it's something that our sister provincial associations have been advocating with the provincial and territorial governments across the country as well.

I think one looks at, as an example, where the federal government worked with municipalities in the development of Canada's municipal drug strategy. We've seen some success in that, and I think if decriminalization is pursued, it's only going to be successful through the development of a comprehensive partnership and a national strategy that's going to involve all those with a vested interest. I just wanted to re-emphasize that point. I think that is absolutely key in order to ensure that there is going to be buy-in among all orders of government and ultimately by the citizens of our communities.

• (1115)

The Chair: Ms. Ross.

Ms. Rene Ross: I wanted to state the importance of working with sex trade workers in the way Stepping Stone does. We will provide exit strategies, and that is a very important component of our work. But equally important is working with program users who are currently working. Based on our experience and also research that has been done within our area, it is the sex trade workers who are actually educating others on safe sex practices, drug use. That's even how we get a lot of our program users to come to the house. They hear it on the street from other users. I mentioned to you earlier that a program user had seen a person on the street. She had seen her on the street because she went up to her to give her condoms, to make sure that she had some.

Also, as far as the spread of STDs, etc., is concerned, it is the clients or the johns who we find in the majority of cases are wanting to have unprotected sex, not vice versa. What we actually have is program users and sex trade workers educating their clientele on safe sex practices and refusing unprotected sex.

That brings me to my next point. Again, as I said earlier, I am not a former sex trade worker or a current sex trade worker, but I have a very important task here today. I am the voice of those program users and sex trade workers in Halifax, and it is not a task I take lightly. I know that if they were sitting here today they would say, "Rene, I want you to respond to the quote about prostitution being the loss of control over our bodies. It is not." They decide the rates. They decide whether they're going to have oral sex or full-blown sex. When they go out, they decide their hours. Most of them have full control over what they do, and they want to maintain that control.

Also in that respect, I do see a lot of similarities between this and the abortion debate. We need to face facts. If it wasn't about sex, this debate wouldn't be so hotly discussed. The community wouldn't be so concentrated and focused on this. The media wouldn't sell as many papers if it wasn't about sex. It's very important to be very clear, because I know some people around this table have been quoted as saying this is a moral issue. This is not a moral issue; this is an issue to protect all of our citizens, regardless of what occupation or what they need to do to survive or what they freely choose to do.

Thank you.

The Chair: Now, there are some who have requested a second opportunity. Is there anyone who has not participated in the first response who would like to do so? If not, we will go on to those we have listed now, and then we will go on to Ms. Davies for her line of questioning.

Then I would ask Frances Shaver for a second round.

Ms. Frances Shaver: Thank you.

I have three comments, and I think they'll be rather brief. They reinforce some of the issues that have already been mentioned.

I want to point out and reinforce the idea that the decriminalization of prostitution does not at all mean that women will not be protected against violence. There still are all those laws in the Criminal Code that do protect women and children and men from violence.

I also think that some of the education programs I've suggested in my submitted brief—this is with regard to relations between police and sex workers and others—along with evidence I've seen in other places will mean that more sex workers will come forward and make complaints, and they will be protected from violence in a way in which they aren't now because they're fearful of coming forward. So I wanted to make that one point.

I also wanted to come back to this issue of decriminalization and possible problems at different levels of government. Even though I put it on the table as an issue, I don't want us necessarily to use as a reason for not moving forward the possibility of unintended effects, that some of the ones we have suggested may be negative. I simply want to remind us, and to remind you, that when we're dealing with this kind of legislation or any kind of reform, probably all legislation has more or less unintended effects—some positive, perhaps mostly negative—but we can't let this keep us from moving forward. The issue is that we need to identify what unintended effects are acceptable and which ones aren't, if we can do some anticipating, and we certainly need to build in some research and review process so that we can make appropriate changes when those unanticipated, unintended effects come to light.

Certainly with the communicating section, when it was put into place in 1985, we built into that a research and review process to see what would happen. Much of the research that John Lowman has made available to us is a direct consequence of that. I'm not sure we've taken action to move on that, or have taken seriously any of that kind of research about the extent to which that law increased violence against men and women and others working in the sex industry.

The final point is just to reinforce the notion that we do need to have cooperation between all levels of government. That is important. Certainly in the research I have done with the sex trade advocacy and research group that appeared before you, it became quite clear, as has been pointed out in some anecdotes and examples here, that criminalization means that sex workers can't get protected under already available labour and employment standards protection, because they're seen as being involved in criminal kinds of activity, or quasi-legal activity.

As members at this table, I certainly think we do need to take some responsibility there, but I also would reinforce that cooperation between all levels of government needs to be looked at. What happens at the federal level has implications for what can and cannot happen at provincial and municipal levels.

Thank you.

● (1120)

The Chair: Monsieur Poulin.

[*Translation*]

Mr. Richard Poulin: Let us take an example of deregulation in Canada. It relates to nude dancing. I consider that this deregulation sits perfectly with neo-liberal policies and their acceptance. In the area of nude dancing, there was very broad deregulation. What has happened? No nude dancers union has been set up. Working conditions have not improved. On the contrary, they have degenerated to such a degree that we now call upon foreign workers because the people of this country no longer wish to dance in the nude.

You will remember the scandal surrounding Minister Sgro and the 500 visas granted to exotic dancers from Romania? Why do we all of sudden call upon "foreign labour"? I did a study on exotic dancers in the early 80s. They were paid the minimum salary given to servers, and they also got tips for table dances. Today, these dancers no longer are paid a minimum salary by the bar owner; they are independent workers who must pay to be able to dance. There has therefore been a degradation of their salary conditions, if I may use the term. Some of them pay to dance and make money, and others do not make a cent but without losing any money. The bar owners can now have 40 or 50 dancers because they no longer have to pay them. It is the dancers who pay to be able to dance. And on top of that, there has been a decline in their working conditions. They now must go into the private parlours to be mauled by customers in order to make money. You will remember the statements made by Ms. Parent and Ms. Bruckert. They did not include in their statements the list of injuries inflicted upon dancers in the isolation booths. Their work is becoming dangerous. And because it has become dangerous and because their conditions have worsened, they have to bring people in from the third world, from Thailand, from the Philippines or from Eastern Europe.

This is what will happen if we deregulate prostitution in Canada. All we have to do is look at the very enlightening example of exotic dancers. Everywhere in the world where this has been deregulated, where prostitution has been legalized, we have seen a decline in the conditions in which prostitutes work, we have seen the cost of tricks go down, etc.

This in no way helps the prostitutes, much the contrary!

• (1125)

[English]

The Chair: Thank you.

Ms. Mooney.

Ms. Frances Shaver: If I may, I would simply say that another analysis is that—

The Chair: Excuse me, Ms. Shaver, but Ms. Mooney has the floor.

Ms. Frances Shaver: I'm sorry.

Ms. Maurganne Mooney: In my final response to Mr. Poulin's question of what would happen with decriminalization, I would be remiss if I didn't specify aboriginal issues. We need aboriginal women's voices and transgendered aboriginal people at any meeting, at any level, that's going to affect and impact on their lives. So often non-native people speak for native people as parents...that we don't know what we need. We have cultural solutions for the healing of the members of our community. We just need to be put in a leadership position and have our voices heard.

I named my report "Invisible Tragedy" because we are highly represented among the dead and the imprisoned. Native women with status are 131 times more likely to be incarcerated than non-native women. Our Youth Criminal Justice Act came out. Now youth prisons have become aboriginal youth prisons. Even though we're doing extra-judicial measures for every other culture, and it is working, for some reason it's not impacting aboriginal communities. So when we look at decriminalization, I would hate to see the effort we've all put in...if it turns out that we're saving everybody else's lives but there are still dead aboriginal women.

I would recommend that Canada respond to Amnesty International's *Stolen Sisters* report and act on their findings.

Thank you.

The Chair: Ms. Clamen, and then Ms. Shaver. Then we'll move on to Ms. Davies first for more questioning.

Ms. Clamen.

Ms. Jennifer Clamen: I just want to shed some light onto what the situation is for dancers, at least in Montreal.

It's not because the dance clubs were deregulated that the workers are now experiencing worse working conditions. It's actually because the bosses were freed of all responsibility for those workers, and now there are dancers who are working independently and not recognized as workers. So the bosses have no interest in actually trying to increase and better the working standards. The workers have no contracts. There are no standards of workplace cleanliness or health in general. There's no recognition of their rights as independent workers, and again, that's where the federal government and provincial governments can be useful, because as it stands right now, the union movement doesn't recognize independent workers, and a lot of women in this country are independent workers. That's something that I know this committee cannot take care of, but independent workers need to be recognized.

I just wanted to provide that information.

The Chair: Ms. Shaver.

Ms. Frances Shaver: Thank you.

I guess I'm reinforcing what Ms. Clamen has said, because what we have in the situation Dr. Poulin has described is legal reform on its own. All of us have tried to make the case here that legal reform, whether or not it's simply deregulation of what happened in the dance clubs, won't work on its own; it must be developed in concert with social intervention programs. These would include the elimination of stigma and marginalization and would make it easier, I think, for sex workers to be operating, or dancers to operate even in the dancing situations, as employees who have employers, and those employers would be compelled to follow the provincial labour and workplace legislation respecting the workers in their clubs.

The Chair: Ms. Quinn, please.

Ms. Kate Quinn: Thank you.

I've been listening with great interest, and I find little bits in each person's presentation that give me food for thought.

I do want to begin by supporting Maurganne's statement that we need to seriously honour and look at what aboriginal people in cities and rural communities are saying all across the country. Edmonton has taken one small step. There is an urban aboriginal accord that is being developed. I think it is vital that in anything we do we increase the capacity for members of the aboriginal community to participate at all levels. It is true that in Edmonton over half of the individuals on the street are first nations, Métis, or Inuit.

I can't speak as fully as those of you who are criminologists or lawyers. I can only speak from our direct experience. I think it is a very challenging and complex issue. I've been trying to think about the different powers, federal, provincial, and municipal, because that is where it will come down. My experience is that it comes down to the communities and to municipalities, and that's where we are closest to each other and that's where we need to work things out with the appropriate supports at the provincial and federal levels, both in terms of real dollars and in terms of legislation and policy.

I want to bring a couple of experiences. On Saturday I went to our office, which is right in the midst of one of the heaviest areas. Most of the women who have been murdered in the last few years have disappeared within a few blocks of our office. A woman was standing outside our office and I went over to talk to her. In the privilege of that long conversation she said a few things that I bring before you. I did ask her, "What do you need right now?" She said, "Well, a smoke, a sandwich, and I really need a home." I could do something about the smoke and the sandwich, but I couldn't do anything about the home because the federal and provincial governments are not working together. Federal money was used to start up a transition house for transgendered persons and women, and provincial money would not commit to carrying that on. We lost 15 transitional beds last June. There have been four murdered women in Edmonton.

At our office we play a unique role within the community because we are a mixed organization. I personally have disbursed \$4,500 in funding for emergency accommodation, partial payment of rent. I wrote a cheque for \$1,000 on Saturday to help a woman and her daughter. They are both aboriginal women. They have both been involved in prostitution. There are three grandchildren at play, and they are being threatened by a gang. This is real. They moved out at midnight under cover. We have heard from former gang members that they call women mattresses. We have this reality.

I don't know if Edmonton is unique among other cities, but I will tell you that the alienation of young people does lead them to become involved in gangs and does leave them to harm each other. That's a reality. In Edmonton the drug trade is a big factor on the streets.

I'd like to say one other thing that the woman outside my office told me. I said, "What else would you like to do with your life?" She said, "I'd like to work with Project KARE. I want to be part of solving these murders." Then she said, "I wish I could have married and had children." Then I had to leave her and she had to go on her way. She said, "I'll just find a john tonight who maybe will give me enough money to pay for a hotel room."

The other thing I have been involved in over the last three days is with a woman who actually spoke to the parliamentary subcommittee when you were in Edmonton at our office, and she gave me permission to tell this story. She was a five-year-old in my neighbourhood 20 years ago. I probably met her at the store. She was molested at five, and at eleven she sold her body to feed her brothers and sisters. She is a mixed race woman. Right now her 13-year-old daughter, who is affected by fetal alcohol effect and other struggles, has run away from home because she wants to party.

• (1130)

This young woman is now in my neighbourhood. I know those risks all too well, as does her mother, who knows them in a way, in her body and her mind, that I will never know.

This 13-year-old won't tell her mother where she is, but she will phone every now and then. She's in an apartment, and she said she's working for a call centre. A 13-year-old? I don't think any employer would hire a 13-year-old. So the police are trying to find her before further harm is perpetuated upon her.

All I can say is what I know. I know that in Edmonton and in my community, children, women, transgendered, and men are being hurt every day. All I know is that I want to be part of a caring society that creates opportunities for people. I want to do everything that you said on your list, and more.

I want our cities and communities to be healthy and safe. I can tell you that it is very hard to live next to a drug house. I can tell you it is very hard to have children threatened on their way to school. It's very hard for women to be harassed standing at bus stops. It's very hard for me to call the 18-year-old and the 19-year-old and the 20-year-old who were murdered in the last year in Edmonton "sex workers". When they were under 18, they were victims of child sexual abuse. When they crossed 18, they became of-

fenders in the eyes of the law, and I guess they became sex workers in the eyes of others.

I do accept that there are individuals who see themselves as sex workers, and they may be found in many locations. I accept that as a member of a pluralistic society. However, by labelling everyone a sex worker, we don't look at some of the really harsh realities. And I think we do a disservice to those who dream of something different for themselves and who want to have opportunities and to participate in the fullness of our society.

So we have a big challenge, and there are no easy answers. I think we can begin, as our very small organization has done. A multitude of voices has created this legislation, saying that we want to decriminalize for prostituted individuals, and that we do want to go after those who profit from and prey upon vulnerable individuals. This has been made available to the subcommittee, and I think that's what we need to do, at least for the next ten years. We need to hold up a different vision and say it is not okay to prey on people, it is not okay to profit from them, and our society is going to take this very seriously. Then we can review in ten years and see where we're at. What I see around me in Edmonton cannot continue.

The mother of the 13-year-old said, "Kate, you go and you speak for us little people". So I'm speaking for her today, and in her memory. I hope and pray that the police find this 13-year-old before she is either another murder victim or before she's dragged further into sexual exploitation and whatever else may lie ahead for her.

Thank you.

• (1135)

The Chair: Ms. Lakeman, and then on to Ms. Davies.

Ms. Lee Lakeman: I'd like to reinforce Katrina's point about procuring not requiring legal proof of force. That's exactly its value to me. It's already extremely difficult under Canadian law for women to prove that they've been violated criminally. It's necessary to have the extra protection that does not require such heavy-handed proof, because we're not succeeding at getting violence against women proved in criminal courts.

My second point is that the division of powers among the provincial and city and federal governments is very important, as you were asking. I worry that the cities will be offered the tourism dollars in return for tolerating prostitution, instead of being offered real social development. I worry that the provinces will have no interest in the administration of justice against this violence against women in that context. And I worry that we have a federal government now that is already caving in to neo-liberalism, abandoning its commitment to equality law and social development at that level. So I worry about all three levels of government collusively agreeing to support prostitution.

I completely agree that it's important that aboriginal women and women criminalized have leadership in this discussion, as well as all the women who are threatened by prostitution. But I would point out to you that the equality-seeking women's groups, as I said earlier, have not supported decriminalization. NWAC asked you for increased criminalization of the johns. The only people who spoke from CAEFS were from the local organization on the east coast, and they called for increased criminalization of the johns, and the national office has backed that. I've checked those things. There's a list in my written presentation of the women's groups that have come forward on this. There is no equivocating here. The national women's groups that are dealing with the equality of women are calling for increased criminalization, not decreased.

• (1140)

The Chair: Thank you.

Ms. Davies, please.

Ms. Libby Davies (Vancouver East, NDP): First of all—

Ms. Lee Lakeman: Excuse me, perhaps I could take one last second. The author of the report that's referred to, the Amnesty International report, is the current president of NWAC, who supported that criminalization position.

The Chair: Libby.

Ms. Libby Davies: First of all, I'd like to thank everyone for coming today.

Just to be clear, Mr. Chairman, we're each going to ask a question. When I finish mine, are we going to go into more of a back and forth? Is that the plan?

The Chair: That's the plan.

Ms. Libby Davies: Okay.

I'd really like to thank people for coming. I think you are all very key witnesses.

Do you know what? I think in this committee we've probably taken on just about the toughest issue there is in Canadian society. I've just been amazed at the kind of debate and the differences of opinion we've had. I think it's probably one of the most important things we can ever discuss and hopefully come to some sort of conclusion on. I don't quite know where it's going to head, but I think it's been an incredibly important debate.

Many of you have made the point that it's taken 20 years to actually have a parliamentary committee revisit this issue after the Fraser committee, to try and bring some honesty—even though there are different points of view, to have some real honest debate take place. I really want to thank you for that. I think it takes a lot of courage to come and put it on the table, no matter what your point of view. I think we've all learned that in taking this issue on, you kind of take everything on. It challenges you at so many different levels about what we believe in our society. I just wanted to recognize that.

For me, one of the most important things we've done is actually hear from sex workers themselves. Those voices have been incredibly important. There have been different opinions within that community. It's not necessarily a uniform voice, and why would it be? It

wouldn't be uniform necessarily for any other group of people, so why would it be for sex workers?

But the way I've tried to approach this is from the point of view of both rights and equality, and to put my stuff on the table. That's why I'm having a really difficult time with this idea of an abolitionist point of view. I know, Lee, you probably represent that in the strongest way.

I think what we've heard from so many different women and some men—not a lot of men, but some men—involved in the sex trade is that there are different levels, there are different aspects, and there are choices being made. I think the biggest challenge we're facing is how we separate out what is harmful, coercive, and exploitive and what isn't. For me, that's really what it comes down to.

There are a lot of things we agree on. Everybody agrees that we do not want to see the sexual exploitation of children, basically 18 and under. There's a lot of agreement about the need to provide state intervention for social development in terms of exit supports, prevention and education, and harm reduction. We say it over and over again. There is actually a fair amount of consensus, I feel. Where I think it comes down to a very difficult point is whether or not we are able to separate things out and whether or not there is consensus as to what's harmful and what isn't. I have to say that the voices of those workers themselves are very important in that debate.

I would really put out two questions.

One, what does the experience of those people count for? I would address that to you, Lee, because you take a very strong position. I would say that we've heard from many feminists and organizations who believe in equality and rights but don't hold an abolitionist opinion. I know you represent a certain point of view, but I think there are many other feminists who have gone beyond that, and partly because of those voices that have been heard. So how is that to be reconciled?

Second, in terms of separating out what's harmful and coercive, is there agreement that we are...? We use this one word, "prostitution", the sex trade, but I think it's very true that there are different elements, whether you use the word "slavery", whether you use the word "survival", or whether you use the words "sex work". Is there recognition? Who doesn't agree with that is maybe a better way of saying it. Are there individuals here who do not agree that you can actually break it down into those elements, at least? And maybe there are further divisions from that.

Those are the two questions I'd like to put out there.

Lee, perhaps you'd like to begin.

• (1145)

The Chair: Lee will start off.

Ms. Lee Lakeman: On the first question, what are the experiences of those people, first of all, I think you have fooled yourself by who you're listening to. You obviously don't realize that every transition house and every rape crisis centre in the country deals with women who have been prostituted. I've been working since 1973 in transition houses and rape crisis centres, and I remain a front-line worker. I have not had a week of my life in that time when I was not working with women who have been violated in prostitution.

First of all, there are many, many, many women's voices about prostitution within the anti-rape movement.

I think it's also very important to ask yourself, would you only have listened to the voice of battered women if you required that only the battered women who were still in their marriages could speak?

Ms. Libby Davies: I'm sorry, I don't understand your point.

Ms. Lee Lakeman: Those who have escaped prostitution are saying quite clearly something very different.

Ms. Libby Davies: No.

Ms. Lee Lakeman: Oh yes, they are. I would point you to not only all the national women's groups involved.... You can't name me one national women's group that's calling for decriminalization. There isn't one.

Clearly the women involved with violence against women do see women violated in prostitution every day, every week. Yes, it's true there are a few women, a very few women, who've managed to live in prostitution and don't see it as violence. I'll give you that; there are a few. My problem is that the majority of women are violated, are endangered, are harmed, and I remind you that that's your interest. You've set out to actually protect the street-involved women, the most damaged women. It's clearly been your life's work. That's who we're talking about. So for me this shapes the question quite a bit.

I think it's also important whether or not you think you can separate out the harm. For me, the intrinsic nature of prostitution is violence. I know of nobody who has been involved in prostitution longer than weeks who has not been violated. I'm sure there are a few, but believe me, it is not the norm. It is absolutely not the norm. Besides which, I don't think it takes a big active imagination to realize that to sell or be sold in the most private parts of oneself is in and of itself a violation. Nobody should have to do that to eat and have shelter. It's just a completely unacceptable concept of human rights. I think international law does not support that concept, as Mr. Poulin has pointed out. It doesn't support it.

I think we are all desperate to protect the women who are on the street and to protect the most disenfranchised among us, most particularly those who are being colonized and forced to migrate from rural communities into the hearts of the cities, where they are left abandoned, with no resources, and they are left prey to international flesh traders. For me, that's the question we have to answer, and I do not see legalization as the answer.

There's a kind of pretence here that we're going to be able to have decriminalization that does not require legalization. It's a figment of one's imagination. It's simply not possible. Someone will

be regulating and registering, will be keeping track of these women. The pretence that that's not going to happen is not helpful to the debate, I find.

The Chair: Mr. Lowman.

Mr. John Lowman: I'm a prisoner of research, so what I've tried to do in order to understand prostitution is look at all of it, at all its levels, and while there are women who have had awful experiences in terms of their life in prostitution, many have not. I'm now convinced of this by virtue of having focused on the upper end of the sex trade for the last few years.

It's bourgeois prostitution. There are all sorts of issues intersecting here—race, class, gender. We don't talk nearly enough about the class issues that are involved here. It's always the lower-class women in prostitution who receive the brunt of law enforcement efforts.

If I look at what is being offered from the criminalization lobby as a solution for those women, what I'm seeing is the likely entrenchment of the class system of prostitution law that we already have. If we're going to go after the procurers, if we're going to go after the clients, who do we actually end up going after? If we're going after the clients, we're going to be going after the people on the street. Why? Because that's where you can put a policewoman out as a decoy. What are you going to do, put a policewoman inside an operating brothel? It's going to be very quickly discovered what she's doing. There aren't going to be very many bodies going through the courts that way. What are the authorities going to do, set up brothels themselves so that you have a police-run brothel? I think that's called entrapment.

When I look at what criminalization of clients is going to do, what I'm seeing is the women who are the most desperate being further and further marginalized in a situation where they have to go and turn their tricks in more and more dangerous places, because they do not anticipate seeing the social programs, the answers to addiction, and all of the things that they need. And I don't expect to see them very soon.

So the best thing I can do for them, as far as I'm concerned, is make sure that until we can figure out all of those other things, they are not going to get picked up by Gary Ridgway or Mr. Pickton, if he's guilty, or whoever—hence the suggestion of parking lots. Although everybody is going to say, well, that's crazy, where would you put them, I'll leave that up to the politicians, because they're the leaders and they need to show political leadership on this issue.

And what about the exploiters? I'm listening to various comments about the need to go after exploiters. Okay. Is this just anybody who is involved in prostitution as a third party facilitating the business? According to the current procuring and living-on-the-avails laws, yes, it is. But look at where our problem started. Look at where the problem started in terms of the need to get the Fraser committee in the first place. They started in Vancouver when the police closed the Penthouse Cabaret and put prostitution on the street, and they started in Toronto when poor little Emmanuel Jack, the 14-year-old shoe-shine boy, was murdered on the top of a brothel. What happened in Toronto was that the police put prostitution on the street.

Then we had the discourse of disposal—newspapers, politicians...we've got to get rid of prostitutes. It didn't come out quite like that, but that's the message that got heard. And what we did by doing that was give predatory, misogynistic men one more excuse to go and kill prostitutes. We put a target on street prostitutes, and look at what happened.

What are you going to do? Go after the people who run the brothels? You're going to put prostitution back on the street. You're going to put them out in the killing fields again. You're going to create more nuisance. We're going to talk about getting rid of more prostitutes. It's just more of the same.

Please don't recommend doing that.

• (1150)

The Chair: With your indulgence, I'm going to recess for a few minutes. Lunch has arrived, and it's warm. I think we can all perhaps use a comfort break, and if we could take—

Ms. Libby Davies: You will allow the panel to answer my question, though?

The Chair: Yes.

At the risk of breaking the continuity of thought here, I think we need a break. We've been going since nine o'clock, and it's almost noon.

I'll ask you to reconvene in roughly ten minutes.

• (1154)

(Pause)

• (1214)

The Chair: I'd like to reconvene the meeting.

We were about to hear from Ms. Mooney. You're on.

Ms. Maurganne Mooney: I just want to respond to Ms. Davies' question with regard to the differences in opinion within feminism. I've done a lot of front-line work, as I said earlier, in the violence against women field. I know that in the province of Ontario we've been doing a lot of work in education, and in circles within feminist organizations.

My understanding of the feminist movement is that women's organizations respect a woman's right—that she's an expert in her own reality. Certainly when I counsel a woman on the phone, I may believe that she should leave her husband who is abusing her, but I won't ever say to her, "Leave. Can't you see that this is really bad for you?" She may know that it's safer for her to stay right now, and it's a strategy for saving her life. I don't know. She's the one who lives with the reality of her choices. Whenever I counsel a woman in any area of this work, she determines her choices in how she's going to respond to the situation she's living in.

I've been involved in activism as well. I have supported my lesbian sisters in their fight for their rights for equality and for their right to choose their sexual preference and live without discrimination. My work with sex workers has shown me that there are women who are living independent lives, and it is the highest-paid form of women's work. If we want to change this we need to start looking at other areas to improve women's wages. We pay child care providers \$10 an hour. We don't tell women who choose to be day

care providers, "How dare you work in child care? That's meaningless work." We aren't doing that within feminism. Of course, it is a highly emotionally charged issue, and I respect any woman who has an opinion on the issue. But I also ultimately respect a woman's right to choose and determine what she's going to do with the situation she has in hand.

Thank you.

• (1215)

The Chair: Kate Quinn, please.

Ms. Kate Quinn: I want to try to address the two questions, though I don't know if I can answer them.

I do think it's vital to listen to the experience of women and men and transgendered individuals wherever they may be along the spectrum of involvement, and to appreciate that things do look different depending upon where and when you stand. Therefore, it is important to hear the voices of those who are still active and of those who have exited, and not try to say that it is all the same.

Can we break down the different elements and separate out the harm? That's where I struggle. Again, the primary experience that I bring is from the street level, though I can tell you that I've also received calls and had women visit our office who have been working in massage and escort services who want help to exit. They have told me that they don't feel they have control over their working environment, and some have come forward and said they wanted to work with us to prevent other women, especially young women, from ever getting involved. I struggle with all of this.

I seem to hear mainly the harm—and that's a reality. Again, a lot of it is around economics. A woman came to us whose face was battered by the man she was living with, who was telling her that she had to work in the massage industry. She came to us for assistance, for a bursary. We couldn't pay the \$11,000 that she needed, but we could pay a little bit. She couldn't get student financing because she had tried it a few years ago and had defaulted on that loan, so she's trapped inside.

I really wish that as Canadians we would focus more on the barriers to women being able to achieve their integrity and their dreams for themselves, and less on what I would call coping strategies. I see some of what we're talking about as being more coping strategies than.... We always have to have harm reduction, but we can't stay only with harm reduction.

I would just add that we've had challenges in Edmonton. We did try to regulate massage and escorts and exotic dancers in 1994 as a response to street prostitution. Some of the language was that it would make it safer for women, that it would allow police to ensure there were no underage children being pulled in, and that it would give police a way to monitor the involvement of organized crime. We have now regulated those as businesses.

When some of us who were concerned about the health and safety of women went to the city to advocate that women should have access to a course informing them of all their employee rights, the employer's responsibilities for health and safety, and on filing income tax, we were told, no, because we were now treating it as a business and those things were not done for other businesses. We couldn't advocate for reduction of some of the harm, because we were told it was simply a business with a business licence.

So I don't think the question of how to protect people from the harm will be solved easily, even when it's an intentional choice.

• (1220)

The Chair: Monsieur Poulin.

[Translation]

Mr. Richard Poulin: I would like to come back to the question of equality. I believe that this is an absolutely fundamental issue in the debate on prostitution.

My political feelings are closer to yours, Ms. Davies, than to those of the others in this room. However, in the area of prostitution, my impression is that we do not agree whatsoever. It seems to me that the prerequisite for equality was the abolition of slavery. For me, the prerequisite for equality between men and women is not the legalization or the decriminalization of prostitution. That flies in the face of the very concept of equality. Prostitution is a system that benefits men, be they the procurers or the clients, and it works to the detriment of women. The women are exploited, as we often hear said, and it is all for the pleasure of men. There is nothing that is further removed from equality. The day we fully legalize or decriminalize prostitution, there will be a "prostitutionalization" of our social fabric.

I stated in my presentation that between 10 and 14% of males use prostitutes in Canada and in other similar countries, on occasion or regularly. But in those societies where prostitution has been legalized, there has been an increase in the number of clients. Do you not think that the men who use the services of prostitutes, who exploit other human beings' sexuality, view women differently, have unequal relationships with women? I believe that that is the case. This has a global influence on men-women relationships. In Thailand, for example, 75% of males today call upon the services of prostitutes, which was not the case some 30 years ago. This is what I mean by the "prostitutionalization" of the social fabric.

We live in a strange society. With neo-liberal globalization, we have now come to privatize that which is alive. I would imagine that the NDP, at least it is my hope, would be opposed to the privatization of water. But we are moving towards the privatization of the living, to the merchandization of bodies, of parts of bodies, to organ trafficking, and we would also accept the merchandization of sex. It seems to me that a social-democratic party should be opposed to such merchandization, precisely because of its social and democratic values and because of issues of equality and social justice.

The position that you have been developing for some time escapes me completely. I understand, because everyone is concerned by the same phenomenon. It is the prostitutes who are the victims of murder, of rape, of violence. We therefore must find a way to

prevent these murders, this violence, these assaults suffered by prostitutes or, more globally, by sex trade workers. However, I must assure you that it is not through the legalization or the decriminalization of prostitution that we will succeed in this. On the contrary, when you decriminalize or legalize prostitution, you allow men to purchase, exploit and sell women and children. There is nothing that is further than equality between men and women in this area. I would remind you that the prostitution system was set up for men, for the procurers and the customers, and not for prostitutes. It is not the prostitutes, even when there is legalization, that benefit from the legalization of the prostitution system.

It is therefore my belief that if our aim is equality, then we must combat the prostitution system.

• (1225)

[English]

The Chair: Thank you.

Frances Shaver, please.

Ms. Frances Shaver: Thank you.

I'll try to answer the questions you were raising, Ms. Davies, in terms of separating out what's harmful and what isn't. This is not an easy task. One of the reasons you're seeing differences around the table about what's harmful and what isn't has a lot to do with the way in which the research is done and the way in which the data are gathered.

Certainly it's no surprise to me to hear that Ms. Quinn and Ms. Lakeman have been hearing mainly about the harm. My understanding, from the way they've explained it, is they are working for the most part with people who are asking for help at different levels and who have in fact been in crisis. And of course, if we're going to be calculating on the basis of the data from the people who are in crisis, what we are going to hear is for the most part what is happening with respect to the harms.

In terms of the way many of us see ourselves—as researchers, and perhaps, as John Lowman put it, as prisoners of research—there is a real attempt to collect the data in a way that brings in some who may well be in crisis, but others who are not.

In the research—and here I'll speak only of the research I've done with street-based sex workers—one of the things we've found in looking at the data is that yes, there are some in crisis, but the vast majority of people even on the street do not act in such a way as to suggest they're in crisis, or seek out help from bureaucratic groups and associations—whether that be Centre Le Portage, or CACTUS, or in Montreal, Clinique pour les jeunes dans la rue, or any social service or support groups—and other kinds of supports to help them get over the crisis they are experiencing.

In fact, when I look at the data, perhaps 16% at most are in contact with official helping agencies. The others are getting help from families and friends and their other networks that many of us who are not in crises would normally depend on. I think that reinforces what John Lowman said earlier, that even on the street it's more complex. On the street, we find that kind of diversity where there is voluntary, consenting prostitution taking place and perhaps some non-voluntary prostitution taking place as well.

I think it's important to separate out those differences in where the harm lies, but I think part of the key lies in recognizing that even on the street there are those differences between what some around the table would call sexual slavery and what others would call sex work between consenting adults.

So I'm looking to the committee to do that, and if they need help separating out what's harmful and what isn't, there are those around the table and others in our larger provincial and municipal communities to whom they can go to get a better sample of that.

Certainly those of us even who are advocating for decriminalization are not advocating for the harms to continue and have tried to build into our presentations ways in which those harms can be addressed as well, whether by using Criminal Code sanctions already in place—and finding better ways to ensure they can be used effectively.... If they're not, as Ms. Lakeman implies, being used effectively to protect women and others from violence, then we need to be addressing those laws and finding out why they can't be used effectively to protect the people who need to be protected when they are abused and violated.

I'll take this opportunity also to mention something I said earlier when I appeared before you in March, because of the indication that we may be going to follow a Swedish model and protecting women by not criminalizing the sellers of sexual services but coming down hard on the clients and the procurers: that certainly the evidence that seems to be available is there are other sides to this story. It's not a straight story. There is the sex worker's side, certainly, and I've provided you with this evidence that suggests that the Swedish sex workers are feeling more endangered by the laws, in fact, that are seeking to protect them.

• (1230)

It's harder to assess and to find time for screening the clients, and there is some suggestion that this clearly opens the field for others to arrange those meetings. The sex workers remain apprehensive about seeking legal protection, nor do they want to be forced to report the client, and there is some pressure that may be involved in doing that. The informal networks have been weakened, and also there seems to be some suggestion and some data to support the idea that it's the bad dates, the bad customers, who have been left on the street and it's the good ones who have moved elsewhere.

Now, it's not just sex workers who are making these claims. There's also a national police report that has indicated they see the law to some extent as creating some obstacles to prosecuting profiteers. The other problem the police themselves have mentioned in this report is that sex workers can be made to appear as witnesses, and in that kind of situation they have neither the rights of the accused nor the rights of the victim.

I just wanted to bring some of that data forward because it has to be assessed as well when we're trying to peel out what's harmful and what is not.

The Chair: Thank you, Ms. Shaver.

Jennifer Clamen, then Mr. Lowman.

Ms. Jennifer Clamen: I just wanted to add that what's really insulting about the debate—and I call it a debate because I think it's a

debate of ideologies—is that most of the time when you hear people talking about the abolition of the sex trade or about all sex workers being victims, it's coming from people who've never turned a trick in their lives and it's not coming from something that's based in reality. There's been an entire movement that has been created to counter the movement that is fighting for sex workers' rights. It's insulting.

It's also completely ironic to me that the movement has been born out of one of the feminist movements. It is a patriarchal structure and gives men a lot of power. It posits women as victims when you have women standing there saying they're not. It's ironic to me we would give men this power by saying women are victims, reducing women to their sex.

We're trading bodies; there's this talk around this selling of bodies and not selling of a service. It's highly insulting and not based in reality, which is why I would recommend to the committee that it steer clear of debates that should be kept within ivory towers and universities...and not necessarily in recommendations for the lives of sex trade workers.

The Chair: Thank you.

Mr. Lowman.

Mr. John Lowman: I'd like to make available to the subcommittee an article that's just about to be published that does talk to some of these issues. It talks about how research is set up and the kinds of findings produced according to the sort of methodological slant of the particular authors.

Actually, I'll make two papers available. These are both by Ronald Weitzer. He's not particularly satisfied with the term “sex work”, just as he is not satisfied with terms like “prostituted women”, but I think his analysis will be helpful for the subcommittee.

The Chair: Thank you, Mr. Lowman.

Rene Ross.

Ms. Rene Ross: I just want to start by thanking Ms. Clamen for her comments. I think you hit it right on the head. If I had won the lottery last week, we would have a lot of program users with us here today. You know a lot of them, actually. They certainly wanted to be here today.

I do research and I've done the whole university thing, but I learned about this issue first-hand and from the voices of our program users at Stepping Stone. They've been an invaluable resource to me, our board of directors, and the community at large. Therefore, their experiences and their voices must be at the forefront of this debate, there's no question about it. Could you imagine if we were discussing racism and we were around a table and didn't have any black people or aboriginal people there; if we were discussing hate crimes and gays and lesbians and didn't have anybody from that community there? They need to be at the forefront, and Stepping Stone truly advocates and pushes for that.

I know there's been a lot of discussion here around harm. I want to say there is another harm that hasn't been addressed today, and that is the harm of poverty. I come from Nova Scotia. As I've said many times before, we're one of the have-not provinces in this country. I don't think very many people in my province would disagree with that. But it also needs to be stated that I don't think it's just a coincidence that a lot of young girls coming to Halifax are from the small, poorer areas in the provinces, specifically Cape Breton.

It's true that research shows there are women in the trade who were victims of rape at a young age, or abuse from their families. There are some who come from poor families, and some not so, but the important thing is that not all of their experiences are the same. We can't just take them and lump them into one category. Everybody's life is different. They've all come to the street or to the sex trade for different reasons. One of them, I do believe, is the issue of poverty.

Stepping Stone is my volunteer work. In my regular job, I'm currently researching social assistance rates in Nova Scotia. I can say that social assistance rates in Nova Scotia currently give women inadequate budgets to live, and that does affect the sex trade in many ways. The minimum wage in Nova Scotia also affects this. We've had a lot of program users who decided to exit the trade. They're working in minimum-wage jobs, but they're not making as much as they would make in the industry.

Back to the harm of poverty, women on social assistance only get so much for medicine for their children. They can't afford transportation to Halifax to the children's hospital for specialist appointments. I would do the same thing. I have a baby at home. She's seven months old. She eats before I do. There are a lot of women in Nova Scotia who are going hungry because they can only afford to feed their children, and not themselves.

Poverty does indeed have a very direct impact on not only the mental and emotional health of women in our country, and especially in our province, but also on their physical health. So I think that needs to be examined. Nova Scotia has increased our minimum wage—I think by the end of the year it will be 60¢ more. It's a start, but it's certainly not enough to address that. I think there are linkages there.

Again, we have a number of women who are not working right now, and they are still involved with the program. At Stepping Stone, we employ former program users. They have that experience and they're doing that work, but sometimes for general workers it's very hard for them to stay off the streets because their economic options are so poor.

I also want to add that if you criminalize the johns, you'll just drive the women further in poverty. You'll be taking away that source of income for them. So Stepping Stone is totally against the criminalization of the clients and the johns. In the end, you'll just put more suffering on the heads of sex trade workers.

Thank you.

• (1235)

The Chair: Thank you.

Katrina.

Ms. Katrina Pacey: I just want to make a brief point to respond to something that was said earlier.

I know that no one around this table is saying that anyone should have to be in sex work. What I think we've argued is that there are protections in the Criminal Code outside of sections 210 to 213, and that, ultimately, the best way of improving social conditions and options for individuals who would rather transition out of sex work is to provide adequate social services, social welfare, and housing.

At Pivot, we spent our first year focusing exclusively on sex workers in the downtown east side. I'm happy to report that we've moved beyond the downtown east side alone and started to work with sex workers from diverse areas of the sex industry. However, in that first year we worked with a large population of sex workers from that neighbourhood, and many of those women would have exited the sex trade, given the opportunity. That's a reality that nobody is denying.

However, what's unanimous among those women and among the women and men we're working with now, whether they're working for high-priced escort agencies, massage parlours, or as independents, is that they want safe working conditions. The sex workers we spoke to are saying that if they are in the sex industry for one day or for 300 days, or for the rest of their lives, they want to be safe in the working conditions they're in right now. If their plan is to transition next week out of sex work, then so be it—but for now, they want to be kept safe and be provided with the opportunity to create safe working conditions for themselves, which will facilitate their ability to leave the sex industry. They will be less damaged by the work.

It's like anything: driving a car has related harms. So the purpose is to look at every activity in society and ask what are the harms related to that activity and how can we reduce them? What sex workers are demanding or saying is, provide us with the opportunity to do our own harm reduction and to create our own working conditions, because we know what the related harms are and we know how to reduce them.

• (1240)

The Chair: Thank you.

At this time, I would ask our researchers to pose a few questions that they've been interested in asking.

[*Translation*]

Ms. Lyne Casavant (Committee Researcher): This morning, you shared with us a list of negative effects of sex worker legislation. Could you give us a list of the positive effects of decriminalization, of the decriminalization as we know it today, namely that of clients only, in other words, the neo-abolitionist model?

My second question is for Mr. Poulin: you gave us a statistic during your appearance before the committee. You stated that 92% of those women presently involved in prostitution would leave it if they had the choice. Do you believe that if we were to adopt a decriminalization approach that statistic would change or that, whatever legislative approach is chosen, those persons wishing to leave prostitution would seek out the necessary tools to do so?

[English]

The Chair: Mr. Poulin, could you respond first, because it was directed to you.

[Translation]

Mr. Richard Poulin: That statistic of 92% was drawn from a study done by Status of Women but it has not thusfar been invalidated. Everyone agrees that it is a relatively realistic number. Your question is a difficult one to answer. What are the motivations of those 92% of prostitutes who want to get out? They can be quite varied.

Some say that they do not have the choice, that they practice survival prostitution and that if they had other means of survival, they would not practice it. In the case of others, it is their physical and moral integrity that is affected. We have not discussed it here, but there have been many studies published on the effects of the practice of prostitution on the integrity of the person after a certain period of time. A woman doctor who works with the *Bus des femmes*, in Paris, did her doctoral thesis on the phenomenon of decorporalization. These people no longer have any physical sensation in their bodies. We have heard stories like that of a woman in the terminal stages of cancer who realizes that she is ill at the very last minute because her body no longer feels anything at all. She is so used to living with pain that she has become insensitive to her own pain. There are therefore countless factors that can explain the reasons why women might wish to get out of prostitution.

The unfortunate thing, in Canada, is that we do not have the means to help those who want to get out, in other words, those 92%. Nothing is done to allow them to escape. On the contrary, the criminalization of prostitutes is such that they often wind up with a criminal record. It is more difficult for them to find any ordinary job whatsoever because they have a criminal record. We therefore are doing everything to prevent these women from getting out rather than helping them escape.

In my brief, I put forward certain possible solutions. I share Lee Lakeman's view that prostitution is a form of violence against women. We could grant the necessary funds to set up drop-in centres for these women, such as those that exist for battered wives, or give greater funding to those safe houses that already exist for victims in order that they might make room for prostitutes as well, and we could fund professional labour force re-entry centres, etc. There are countless measures that people are aware of, that have been experimented with elsewhere and that we could replicate. Of course, that would require some money and the government would have to provide the necessary funding.

The statistic you mentioned can be found in other countries. In my view, it is not very useful to talk of voluntary and involuntary prostitution. The age for entry into prostitution is 13 years in the United States and 14 in Canada. To talk of voluntary prostitution in

such conditions is to my mind quite absurd. There are psychological, economic and social constraints that push one into prostitution. In society, no one wants to be marginalized and even less to be stigmatized. This is not a choice one makes just like that. There are constraints that push people into making that choice. There are all sorts of constraints in our lives that lead us to the choices we make.

Ms. Davies talked about miners. This is not funny. No one wants to go and work in a mine. These people are forced into it, but not in the same way. It is the market that forces them into it. You must earn money in order to feed yourself. In the area of prostitution, it goes way beyond market forces, and the research that has been done proves this. The most recent Quebec study showed that 85% of prostitutes had been victims of sexual violence during their childhood and that for 15% of these individuals, prostitution was commonplace: it was either already practiced within their family or else in their neighbourhood, and it was therefore a lifestyle possibility. The banalization of prostitution is it too a factor.

• (1245)

Ms. Lyne Casavant: In what way does the criminalization of johns or the status quo have a positive effect on those women who are presently working in the sex trade?

Mr. Richard Poulin: I believe there are no direct positive or negative effects. The criminalization of johns is a conception of prostitution. It is like the criminalization of pimps. If we want to combat the prostitution of young girls, if we want to protect these young people, then we must attack the problem at its very source, go to the very cause of prostitution. And it is mostly men who are the customers and the procurers.

Clearly, if we go after one of the causes of prostitution, there will be fewer clients, etc. There will therefore be an effect on sex workers and their income. However, if that is not accompanied by social reintegration measures, but job market re-entry assistance, etc., then clearly the criminalization of clients alone will be an absolutely arbitrary and random measure that is not worthwhile. You need not only a measure, but an overall anti-prostitution plan. I would remind committee members that this system is largely controlled by organized crime. It is organized crime that benefits the most, as has been shown by all of the data produced by the UNDP, the UN and the International Labour Organization. If we do not deal with this system with an overall plan, that might include the criminalization of johns, then we will miss the boat, we will miss the target.

I hope I have answered your question.

[English]

The Chair: Perhaps we can open up that question to all of us, as well as the first part of the question: is there anything positive about our current laws on prostitution?

[Translation]

Mr. Richard Poulin: Is there anything positive? Oh, yes.

[English]

The Chair: Perhaps we'll go to Ms. Shaver first and then we'll come back to Mr. Poulin.

Ms. Frances Shaver: Let me clarify the question, if that's okay, because I thought the question had more to do with what positive aspects may come out of decriminalization or the abolition model, which seems to be in reference to the Swedish model. Was that your question?

[*Translation*]

Ms. Lyne Casavant: I was saying that we heard a lot of discussion this morning about the negative effects of the law which presently criminalizes sex workers. I would like to know if in your opinion this legislation has any positive effects.

• (1250)

[*English*]

Ms. Frances Shaver: My short answer is no. If you're talking about criminalization, the status quo we have now, no, I don't think it has positive effect. I spoke to that in 1985 when I appeared before the Fraser committee, and the details are pretty much outlined in the abridged version that was published.

I'll be happy to tell you, if you do have a question about what might be the positive impact of decriminalization in comparison to the Swedish model, but it wasn't your question, so I'll wait to hear the question and invite others to answer it even if it isn't asked.

The Chair: Mr. LaFosse.

Mr. Darrell LaFosse: Thank you very much.

Everybody seems to be reaching for a positive result of criminalization at the current time. What we found, not just in the laws relative to prostitution but in all laws, is that when we start going down the road of restorative justice or alternative measures, "it's the door that gets you in the system". It's the underlying or bottom line.

Under the restorative justice or alternative measure processes under the YCJA or the old Young Offenders Act, once the charge was laid or prior to the charge being laid, the prosecutor was involved, social services were involved, pre-sentence reports were involved, and that type of thing. In a case of a young person, if the young person didn't abide by the terms and conditions, then of course the bottom line was the actual appearance before a judge. You can take whatever reference from that you will, but from a policing point of view, the laying of the charge for the indictable or summary offence would be the gateway.

The Chair: Is there anyone else?

Jennifer Clamen.

Ms. Jennifer Clamen: It's just about the idea that being in the system would be considered a positive gateway or something positive for people to do. That same gateway is what doesn't allow sex workers to travel after getting a criminal record, to access police protection after that—in fact, they're chased more afterwards—to access other job opportunities, etc. Is it a positive gateway? I would suggest the opposite.

Mr. Darrell LaFosse: I didn't say "positive" gateway; I said it was the gateway.

The Chair: Ms. Mooney, and then Ms. Shaver.

Ms. Murganne Mooney: With respect to criminalization, it is rooted in literature. There have been numerous studies done on in-

carceration. It has been found that incarceration does not rehabilitate people.

If you hold the view that women who are in the sex trade are victims, putting them in jail doesn't change their reality. Dr. Leschied did a thorough research paper on studies with rehabilitation of women versus men. Our current jail system has young women and women being rehabilitated the same way they try to rehabilitate men. Actually, his research has found that women are different from men; therefore, rehabilitation practices need to change to reflect that need.

The Chair: Ms. Shaver, and then Ms. Pacey.

Ms. Frances Shaver: I actually decided I had an answer to the question. While I'm loath in some respects to share it, I do think the criminalization and all of the negative impacts that have fallen from it, including the murders that we hear so much about, got us here. That's one very positive thing that has come out of criminalization. We're here, we're discussing, and we're debating some of the issues.

What we're really trying to do here is to work out what the issues are around effective legislation and to try to sort out whether we want effective legislation that means the intended social effects are achieved and the problem solved, or trying to decide maybe whether we want symbolic legislation rather than actually achieving the changes we're after.

So, yes, one positive effect I have is, hey, we're here and thanks. The motion went through.

The Chair: Mr. Poulin, and then Ms. Pacey and Mr. LaFosse.

[*Translation*]

Mr. Richard Poulin: In my view, it is not so much the law itself as it exists in Canada—there are the provisions against procuring and against keeping a bawdy house—that is the problem, but the philosophy underlying the application of the law. It is this philosophy that must be changed. This creates a problem for police forces, for the legal system, etc. It creates a problem with regard to the axis being established. It is also a problem with regard to the various jurisdictions in the country.

We can have good legislation at the federal level, but the enforcement of most of this legislation in the area of prostitution is carried out at the municipal level. It therefore is dependent upon the finances and priorities of municipalities. If they decide to clean up their streets and to remove the homeless and the prostitutes, then it is the police that is mandated to do so. We therefore have a problem here.

I believe that we must deal with the philosophy of the act. This is why I would propose that Canada adhere to the 1949 Convention which, in the manner of Canadian law, does not make prostitution illegal but rather certain activities related to prostitution, such as the keeping of a bawdy house or procuring.

In this way, Canada is not very far, practically speaking, from the 1949 Convention. Philosophically however, Canada should seek inspiration in this Convention which set out an overarching philosophy not only for police intervention and the legal system, but also with regard to social assistance, social reintegration and witness protection.

When prostitutes wish to take the stand against their pimp or against the criminal network holding them in prostitution, there must be measures to protect these witnesses, because otherwise none of them will make any complaints. They will not be calling upon associations such as Stella, in Canada, or Cabiria, in France. These people are completely isolated and under the thumb of these networks. We therefore need a system to protect them, a system that would allow them to appear as witnesses if they so desire or that removes them from the system in order to protect them. What we mostly need is a system to prevent, protect and reintegrate the victims of prostitution.

But we are lacking this philosophy to frame our laws.

• (1255)

[English]

The Chair: Thank you.

Mr. LaFosse, and then Ms. Pacey and Ms. Ross.

Mr. Darrell LaFosse: Thank you very much.

I guess I should ask Mr. Poulin if he wants a job, because his views are right along my comments as well.

One of the additional challenges the committee is going to have to face—and there are many of them—is to be able, at the end of the day, to provide some tools to the folks on the front line. Notice I didn't mention police and I didn't mention powers. But there have to be some tools provided, so that when a community in North Vancouver or a community in Arichat, Cape Breton, comes to the social workers or to the police and says they have a problem and they'd like to work together to solve that problem, there will be ways of facilitating a solution. So whether that would be some ways and means of facilitating an exit strategy for the one in whatever number asks to exit that particular way of life, the tools and the abilities would be there for the police officer or the social worker, the teacher, the professor—what have you—to enact.

There is absolutely nothing worse than to have a community come to those groups to ask for help or direction and have nowhere to go. So I implore you to be able to provide those tools, those facilities, the facilitation to have that done.

The Chair: Ms. Pacey.

Ms. Katrina Pacey: I just want to make the brief point that the way the administration of justice has evolved, particularly around section 213, it being a summary offence, and the way legal aid is funded—I can speak particularly about British Columbia—is that people charged with communicating offences aren't accessing legal aid. So what happens to low-income people who are subject to charges under section 213 is that sex workers, particularly, don't qualify for legal aid for the most part and end up in the system by themselves with no representation.

In terms of diversion and restorative justice or alternative measures, I'm generally supportive of that trend within this criminal justice system. However, in this case, because of the lack of access to legal aid and legal representation, what you find is that people don't understand what it means to enter a diversion program. It's seen as a sort of alternative or diversion out of the criminal justice system. But what clients and sex workers don't understand.... And I

say sex workers with the proviso that in fact there's very little diversion available for sex workers as far as actual specific programs are concerned, but, as we know, there's John School, which is the diversion program for clients. They enter that program and they are under the impression, so I've heard, that it's an acquittal, essentially, at the end. What they don't understand is that it's a stay of proceedings. So in fact, on their record for their life is “communicating for the purposes of prostitution—stay of proceedings”; they're not acquitted. That's something that stays on their record, and it's something that's misunderstood as the result, I would argue, of the lack of legal representation.

I'm trying to make the point that I don't see any benefit to section 213 particularly. In fact, I think it's hugely harmful, as I've submitted. But particularly I would urge the committee to also support the funding of the administration of justice in the provinces, at the legal aid side and also for the attorneys general, who can then use their resources to prosecute the sexual assault provision and the extortion provision more effectively.

• (1300)

The Chair: Ms. Ross, then Ms. Quinn, and then Ms. Mooney.

Ms. Rene Ross: I just want to state that Stepping Stone recently received funding to do court support work with our program users who are now in the system. We've never been so busy, and it's quite challenging for us to keep up. But our work is really paying off. It may be a gateway—and you'll have to excuse my language here—but I believe it's a gateway to hell. Once they're in the system, they're in the system.

I would like to know what the community and the taxpayers of this country think. Whether they agree with prostitution or not, what do they think about their tax money going to the police, who spend all their time trying to pick up people for jaywalking and littering, and aren't concentrating on other crimes and other issues of more urgency in our communities? Regardless of what they think about prostitution, I am confident that the majority of taxpayers would want the police to concentrate their efforts in other areas.

Regardless of my criticism of the police and the judicial system, it is so important that we work together on these issues and communicate, because communication has broken down so much. It has broken down to the point where we have had the police in our area threaten us with obstruction of justice because we are passing out condoms and clean needles on the strolls—because we are out there on the strolls. They're actually threatening our agency, which is out there doing good.

Many of you know that in Halifax we have the prostitution task force, which has now been cut back. I believe there are now two members on that task force. As I reported before, they do a lot of good work. They make the contacts with a lot of our program users, and they offer to help. Obviously we differ, in that they are out there to save the prostitutes, as they say, and get them off the streets, and they don't support them in their working trade. But at least they are there to communicate with the vice squad, who we have had a lot of trouble with in the past. They go out, and we see a lot of harassment coming from them.

When you have two of these paradigms in the same department, it can get very confusing for our program users. But if anything were to happen to that task force, there would be no educational component at all for the police who are coming in as to the reasons why these men and women are in the trade, and what the reality is like for them.

I just wanted to say that. Thank you.

The Chair: Thank you.

Ms. Libby Davies: Before you go to the next speaker, I'm afraid I've got to go to a meeting at one o'clock. I know you're going to go over a little bit, but I'll try to get back as quickly as I can. I have to leave just for a short while.

The Chair: Thank you, Ms. Davies.

Next are Ms. Quinn, Ms. Mooney, and then Ms. Lakeman.

Ms. Kate Quinn: Thank you.

I would like to respond to a couple of things around diversion programs and enforcement.

With respect to the diversion program that we've been able to create in Edmonton, it's because of, again, listening to the voices of women, working with crown prosecutors and with police, that we've been able to create our diversion program whereby charges are withdrawn and are not on the record. We've also been able to expand the program to include any other charges where prostitution is a core issue.

For example, a woman who was charged with shoplifting was able to access a program. She shoplifted because her pimp would not give her money to buy baby food. So we are able to roll together all the failures to appear and breaches and support the woman in designing her own exit strategy and pull that in, so that at the end she has a second chance and the charges are withdrawn. I would recommend that for any other cities that are trying to look at diversion programs—again, get it off the record.

I'd also like to affirm what you were saying, Rene. One thing we've been able to do through this diversion program is some research and use that to challenge both ourselves as taxpayers as well as our systems.

For example, it costs \$64 a day to run that transitional home that the provincial government wouldn't continue funding last year. It costs \$103 a day, per person, to house people in our jails. So we've been trying to do that and we'd like to find ways. I'd really like the subcommittee to look at how you, when you make your recommendations, can talk to Canadians, policy-makers, and elected members about where we as taxpayers want to invest our money. Do we want to invest it in healthy people and healthy communities, or do we want to create more and more jails at a higher and higher cost?

The other issues are around enforcement, as Mr. Poulin has stated. We're experiencing a new model of police working with women through Project KARE in Edmonton, where their sole responsibility on the street is to build relationships of trust. They're also working with the community in a new way. I think there are many challenges around the enforcement practices of police forces across the country. Let us look to what may be learned from the Project KARE experience.

It's always difficult. I myself wouldn't advocate this, but I can tell you again that both women and men who've been charged under section 213, when those charges were coupled with a restorative justice program or a diversion program, have said, "Thank you. It was a wake-up call. I realize I had some things happen in my life that were out of control." But it has to be the two things together. You just can't arrest people and not offer an alternative.

Again, there are many women in particular who've been harmed by the application of section 213, so I don't want to advocate to arrest women to have access to resources. In Edmonton, I think we've tried to be very practical around the fact that enforcement was happening. So we worked very hard to create the diversion program and the prostitution offender program, and we've all learned a lot through that.

We're also participating in offering a drug treatment court, because, again, in Edmonton—I will only speak to that experience—with the high impact of the drug trade, we're trying to create an addictions court where individuals will not be incarcerated when they come in contact with the law due to addictions but be offered the support if they want to access that.

I would like to conclude by saying that we can look at the role of deterrence and the role of vision. We did ask men who came to the prostitution offender program what they thought about the proposed vehicle seizure or licence seizure legislation in Alberta. They are citizens; it's their right to express their opinion. Over 80% of the men at the prostitution offender program said it would be a very good deterrent. Knowing that kind of law existed would deter them.

● (1305)

So we would remove one stream of offenders through deterrents. But for the serious cases of men chronically abusing women, we as a society would have to create different kinds of policing tools.

The casual men, first-timers, or men who have some trouble in their lives and go to use women on the street and end up in the john school, they talked about it as being a deterrent. They would go for stronger measures for second-time offenders; they thought the penalties should be harsher.

So I think we should not let men off the hook; that's why we are speaking so strongly about creating a law that addresses men who use women. We have to set up a vision for what it means to be an honourable man in our society and we have to give men standards. If we say it's okay to use women in any way, then what are we saying to our boys? What are we saying to men? Fifty percent of the men who come to our programs are married. What are we saying to their families?

I will conclude there, but say let's try decriminalization for the women, men, and the transgendered involved and let's try setting up this different vision and criminalizing those who prey upon vulnerable Canadians.

The Chair: Ms. Mooney, Ms. Lakeman, and then Ms. Clamen.

• (1310)

Ms. Maurganne Mooney: I wanted to respond on restorative justice or diversion programs.

The Supreme Court ruling in Gladue spoke to an aboriginal person's right to have their life circumstances taken into account if they're found guilty of a charge. We have native diversion, and I'm able to offer it to youth on a fairly regular basis; there are only a few crimes that can't be diverted.

However, according to Justice LaForme, our first aboriginal appellate court justice, though we thought we had solved the problem of the high representation of aboriginal people in jail in the Gladue ruling, what in fact happened was that there was a 3% increase in the incarceration of aboriginal people. So there was a systemic breakdown somewhere. However, that's not to say that native diversion doesn't have some positive effects on the individuals, because it's the community deciding and working with the individual on what they need for their healing journey for every kind of offence that can come before a community council.

With regard to diversion programs, we have one in Toronto. It was formed as part of a political platform or strategy.

I agree with some form of choice. We need to have services that support people's choice, so that we don't have people who are exploited, but then again, I feel strongly about people being exploited at McDonald's or Starbucks, as they are making a small income and the company is making a large amount of money. We've got exploitive labour out there.

As for the street life situation, it's paid for by the johns; they pay \$400 for a one-day course, and the women go to a two-week course. To my knowledge, this organization has not been able to get any additional meaningful funding to help develop their services. For the women who really have the hardcore pimp situations—which I don't deny exists in some realities—they're unable to help. A couple of women are not going to take on organized crime; they just can't do it and it's unrealistic to think they can. Those harder issues are where we need the support of our police officers in dealing with organized crime.

I also want to discuss quota busting, because it is a problem. There are quotas for how many parking tickets they hand out. Once a girl is known to the police, I have heard time and time again that she does not have to be communicating for the purposes, but she could just be seen on the street after nine o'clock being asked to get into a car.

As for shelters, they are denying women housing, because the women are working. It is free for shelters to develop a policy on women working at night. We shouldn't have to re-create the wheel; we shouldn't have to have segregated shelters and segregated diversion programs and employment centres. Why don't we just call them employment centres? Why don't we just give a whole bunch of money to employment centres so that everybody can get a better job?

With that I'm going to close. Thank you.

The Chair: Ms. Lakeman, please.

Ms. Lee Lakeman: Could I get a reminder of the second question? I have the first one, but could I have a reminder of the second question you asked us to address?

[*Translation*]

Ms. Lyne Casavant: The question related to a number that is often quoted. We know that the majority of those who are presently involved in prostitution would leave the trade if they truly had the choice. Do you believe that, whatever legislative approach is adopted, this statistic will change? Or do you believe that there will always be persons who will want to get out and that we will be able to help them as long as we put programs in place, whatever the legislative approach chosen?

[*English*]

Ms. Lee Lakeman: Thank you.

First of all, I think there is some positive effect of the current laws in combination, because in combination they express a social and political disapproval of the trade in the flesh of women and children, and that's an important thing not to lose. Total decriminalization would in fact lose us that.

Second, there is an important effect that in combination provides us with a pan-Canadian, criminal-justice, legislated hedge against unbridled capitalism and sexism in the sex trade. It's our only hedge against the intrusion of that world sex trade, so far.

I also want to say that we did not.... It's very difficult to answer part of your question, because we argued for an integrated response. We argued for decriminalization of the women involved—and certainly there are men and boys involved, but overwhelmingly it is women who are criminalized in the sex trade. We want them decriminalized, but we want simultaneously more pressure on the men. At the moment that could be done with enforcement strategies. It would require money, time, and attention from the federal government to actually apply enforcement strategies, but it's possible.

I want to remind you that we see it as a global trade, and that any solutions within Canada have to be consistent with the fact that it's a global trade; that everything we do within Canada is either increasing the impact of the global trade on us, or protecting us against the global trade and affecting the global trade for women in other countries.

Certainly part of my understanding is that what I'm dealing with is an intersection of class and race and gender domination, and that if I don't fight back as a privileged woman in Canada, there's not much hope for the peasant in Thailand. So for me the insistence on fighting for the protection of women here has an international impact that is very important.

I want to say that we need and currently are desperate for more national standards regarding the human rights needs of residents in Canada, and it's absolutely intricately tied to this question. The effective loss of welfare that we're experiencing since 1995 is absolutely critical to this issue, and the pretence that this is not a class fight—not just within the industry.... This is a class fight at the widest level, and I certainly am one of the people, and so are the women's groups who just met with me, who are part of the force saying we must have national standards that redistribute income within Canada so that the people on the bottom are not forced into these positions.

Fourth, it's critically important that we face that there is a crisis in violence against women, particularly at the level of incest, where the failure to apply the criminal law to violence against women, including by sleight-of-hand tricks with restorative justice initiatives and diversion initiatives, leaves people in the position of being violated before they're fourteen, before they have choice. Then we're in hell.

I urge you to see the criminalization issue as more easily compared to wife assault than it is compared to jobs, and that in the situation of wife assault, in spite of the profound failure of the criminal justice system to deal with abusive men, despite the undercriminalization of the issue, we still have moved past the point of saying the solution is to decriminalize wife assault.

Thank you.

• (1315)

The Chair: Thank you.

Ms. Clamen, please.

Ms. Jennifer Clamen: I'd like to make a serious distinction between wife assault and violence against women, versus men who have sex with women. I think it's time we stopped talking about sex work, or penetration in general, as violence against women. It causes a lot more violence than we need, and a lot more violence in general.

I think what happens with these john schools and these diversion programs is you have a man—yes, most of the clients are men—who wants a sexual service, whether it's because he's disabled and doesn't have access all the time, or because he's interested in having sex, which isn't generally seen or shouldn't be seen as a bad thing. Then they go through these programs.

I had the unfortunate pleasure, I guess, of watching the videotape that these clients are exposed to—and the brainwashing they go

through when they go to these john schools. They're told that women are victims, that women are weak, and that they are stomping on these women even more. They're basically brainwashed into thinking women are helpless victims. I hoped we'd come a long way in the women's movement, and I wouldn't have to acknowledge every man who wants to have sex with a woman as a violator.

Ms. Lee Lakeman: I'm not supporting john schools.

The Chair: Okay.

Did you put up your hand, Mr. Lowman? Okay, well go ahead, then. You can use up the last few minutes.

• (1320)

Mr. John Lowman: I was just reflecting back upon the first question. It's claimed that a number of women want to leave prostitution. On the statistics that get thrown around, the 92% that came from Professor Poulin is from a report from Status of Women. I wonder if that's the report I'm familiar with from 1984. All of that research was done with women from the street sex trade. When you start looking at women in other levels of the sex trade, it's very different.

But I'm wondering why those women want to leave prostitution. Is it because of something inherent to prostitution, or is it the kinds of things I'm hearing in this room about the people who denigrate prostitutes, effectively making them without agency, without brains? Quite frankly, they're reduced to children when they're told, "We need to save you from choices you've made". I just find that an astonishing form of logic.

Thank you.

The Chair: That will be the final word. Did you flash at me there, Mr. LaFosse? Okay.

It's been a marathon session. We very much appreciated your appearing before our committee when we came to visit your respective municipalities. Thank you very much for coming back. We're most appreciative of your coming back for round two.

I'm not sure whether we've clarified or solidified any positions here, but you've certainly given us a wealth of information to try to wrestle with this as we try to prepare our report. I'm sure you all look forward to what it might hold.

With that, we'll conclude the meeting. Again, thank you very much for being here.

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