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Chair

Mr. Mike Wallace

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• (1535)

[English]

The Chair (Mr. Mike Wallace (Burlington, CPC)): Hello, ladies and gentleman. I'm going to call our meeting of the Standing Committee on Justice and Human Rights to order.

This is our third meeting of the day, meeting number 34. It is televised. According to the order of reference on Monday, June 16, 2014, we are considering Bill C-36, An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts.

We have a number of witnesses with us today. I am going to introduce all of the witnesses and then we will go to each organization for 10 minutes. There will be rounds of questions afterwards.

From the Government of Manitoba, we have the Honourable Andrew Swan, Minister of Justice and Attorney General. Thank you for joining us, Minister.

From the Evangelical Fellowship of Canada, we have Julia Beazley. From Concertation des luttes contre l'exploitation sexuelle, we have Diane Matte and Rose Sullivan here with us. From the Sex Trafficking Survivors United, Natasha Falle is here. From Maggie's: The Toronto Sex Workers Action Project, Jean McDonald and Monica Forrester are here.

As the witnesses are here, we're going to start.

Minister Swan, the floor is yours for 10 minutes.

Hon. Andrew Swan (Minister of Justice and Attorney General, Government of Manitoba): I am thankful for the opportunity to be here to speak to the committee about Bill C-36.

Finding the right way to reduce sexual exploitation in Canada is difficult, complex, and controversial. It's also vitally important. Bill C-36 deals with the legal gap resulting from the Supreme Court of Canada decision in the case of Bedford. We now have an opportunity together to find a better way to protect and assist victims of sexual exploitation and enhance safety in our communities.

In my time today I'll explain why Manitoba supports the adoption of the so-called Nordic model. We'll also suggest why and how Bill C-36 needs to be amended. I'll also talk about the necessary support for victims of sexual exploitation, and why we need clarity respecting the funding announced by the federal government for this purpose.

In Manitoba's view, prostitution is not a victimless crime. Every day vulnerable persons—women, men, and children—are preyed upon by individuals and groups who sexually exploit them. The harm caused to those exploited is severe: alcohol and drug addiction, violent victimization, and emotional traumatization at the hands of buyers of sex, pimps, drug dealers, and others. We know that many victims in Manitoba are first sexually exploited at a very young age. The majority of those who escape suffer from deep physical and emotional scars and trauma that remain with them for the rest of their lives.

Victims of sexual exploitation in Manitoba and elsewhere face risks and dangers that can only be considered extreme. In "Homicide in Canada, 2011", the Canadian Centre for Justice Statistics indicated that between 1997 and 2011, 99 people were killed as a direct result of being sexually exploited. It is likely, Mr. Chair, that this number is quite lower than the reality. This number only includes those cases in which the police are able to determine that death occurred during prostitution-related activities. Indeed, many missing and murdered women cases, such as the Pickton case in B.C. or the recent Lamb case in Manitoba, involve women who were thought to have been sexually exploited.

The Manitoba government does not support the legalization of prostitution, it does not support the full decriminalization of prostitution or a de facto decriminalization of prostitution, which would occur if there was no response to the Bedford decision. All those options would continue to allow the purchase of others for sex, devalue human life, and enable tragedies associated with prostitution to continue to occur.

The great majority of sellers of sex—not all, but the great majority—are indeed victims of sexual exploitation. The great majority of sellers of sex do not have any meaningful choice about becoming involved and staying involved in prostitution. Given the significant role in prostitution of childhood sexual abuse, substance abuse, financial dependency, chemical dependency, and coercion by street gangs and organized crime, it is unreasonable to expect that the victims of sexual exploitation can easily exit without appropriate laws and supports to assist them.

Bill C-36 offers an appropriate approach to address prostitution. It focuses for the first time in Canada's history on reducing the demand for the purchase of sex and assisting victims to escape sexual exploitation. With reduced demand, there will be less incentive to coerce others to engage in prostitution and human trafficking.

The Nordic model of prostitution laws flows from the premise that victims of sexual exploitation should not be further victimized by criminal charges for selling their sexual services. Instead the laws take on the demand side of prostitution by making it a criminal offence to purchase sex and by penalizing those who exploit the victims for profit by making it a criminal offence to profit from procuring sexual services for another person.

In the Nordic model, the criminal law is part of a larger strategy that includes increasing public awareness to the harms of prostitution and providing exit strategies and supports to assist victims of sexual exploitation.

The Nordic model has been successful in reducing prostitution where it has been adopted. For example, it's significantly decreased street prostitution by at least half in Sweden at a time when prostitution in other Nordic countries was increasing. Human trafficking into Sweden has all but ceased. Studies from Norway, next door, show a marked decrease in serious violence against victims of sexual exploitation. Several other countries, including Norway, Finland, Iceland, Israel, and France have since also adopted or are in the process of adopting the Nordic model.

In Manitoba, I can tell you that prosecutors and police have effectively adopted the Nordic model demand reduction approach in dealing with prostitution charges under the Criminal Code. Our prosecutors encourage those who are charged with offences to participate in diversion programs and consider whether more stringent probation conditions, such as community work and stay-away orders, should be sought against buyers of sex convicted under the Criminal Code prostitution provisions.

● (1540)

In November 2013, the Winnipeg Police Service announced that it's counter exploitation unit would be adopting the approach of not arresting victims of sexual exploitation. Instead, they would be working with them to see if they could connect them with social work organizations and support groups that could help them to leave what they're doing. They would also continue to arrest and charge johns and those who exploit sexually exploit people for profit.

The RCMP and other municipal police forces in Manitoba have also taken this deferential approach. Given my government's support for the Nordic model—expressed at the last national meeting of justice ministers and by way of my letter to Minister MacKay of February 5—I'm very pleased that Bill C-36 primarily adopts a similar approach, by creating an offence of purchasing sexual services and criminalizing profiting from the prostitution of others while not criminalizing the selling of one's own sexual services or using the proceeds for non-exploitive purposes. I do support those elements of the bill, and I encourage all members of Parliament to enact them so they can be implemented as soon as possible.

I am pleased that I don't stand alone. I do want to recognize the work and the efforts of Manitoba MP Joy Smith; we've maybe taken a different path to the same conclusion. I'm sure that some other day we'll be disagreeing vehemently on something, but Joy Smith has been a strong voice on this in Manitoba.

That being said, there are certainly requirements for amendment before this bill should pass. I do have serious concerns about those

provisions of Bill C-36 that would criminalize the victims of sexual exploitation if they are forced to engage in prostitution in a manner that stops or impedes traffic, or communication for the purposes of prostitution in a public place where persons under the age of 18 may reasonably be expected to be present.

Those provisions are completely inconsistent with the Nordic model, in terms of punishing and revictimizing the victims of sexual exploitation. This would force those engaged in street prostitution to ply their trade in more isolated and dangerous locations. It would put their safety at risk. It certainly could jeopardize the constitutionality of the legislation by undermining the safety of victims of sexual exploitation rather than enhancing their protection. I can't support those provisions, and I would urge that Bill C-36 be amended to remove them from the legislation.

I do have serious concerns that the provisions contained in clause 15 of the bill would lead to greater danger, an almost certain series of court challenges, and a much enhanced risk that they will ultimately be struck down. In the meantime, the focus will continue to be on the sellers of sex. Instead, it should be on the buyers of sex to take responsibility for their actions and change their behaviour.

I've tried to determine how these provisions made it into the bill. My best guess is that they attempt to reconcile a lack of consensus among law enforcement on the best way to have victims of sexual exploitation make changes in their lives. It is perhaps the threat of criminal prosecution that is seen by some to be the best way to get there. I do not agree.

In Manitoba, as I have already stated, our law enforcement partners have already moved as far as they can toward the Nordic model. The prostitution diversion program, operated by the Salvation Army, and paid for by the diversion program for the buyers of sex, commonly known as john school, will continue and hopefully be enhanced. Victims of sexual exploitation will pursue change if we give them reasons and the opportunity to do so, not by holding the threat of prosecution over their heads.

Finally, although not part of Bill C-36, I would like to express qualified support for the federal government's commitment to provide funding for programs to assist victims of sexual exploitation. Programs to assist victims to withdraw from prostitution and to pursue more positive alternatives are an essential part of the Nordic model and a key element to the success of that approach. There is a need for robust ongoing programming to provide sexually exploited victims with a meaningful choice to leave the sex trade.

It is unclear from the federal government's announcement whether the \$20-million funding allocation is a one-time grant or is intended to reflect a commitment to annual federal funding for this purpose. I saw media reports just today that suggest it would be \$4 million for each of five years. If we divide that up per capita, that would mean less than \$200,000 a year for Manitoba. We already spend \$8 million a year as a province, helping out victims of sexual exploitation.

I hope the government will reconsider this and provide ongoing funding. The needs of sexually exploited victims will be ongoing no matter how well this bill works. I would urge the Minister of Justice to consult provincial and territorial ministers to assess the level and type of federal funding that is critical to supporting long-term programming for sexually exploited victims across the country.

Mr. Chair, the appendix to the written submission describes Tracia's Trust, which is Manitoba's strategy to assist victims of sexual exploitation. Again, Manitoba invests about \$8 million per year. We look forward to meaningful, ongoing contributions from the federal government, and I promise that Manitoba will invest those contributions wisely.

In closing, I want to thank the committee for allowing me the opportunity to provide my comments on behalf of the people of Manitoba. I do urge the passage of Bill C-36, but with these important changes, so that we can change the dialogue and change the channel in this country and go after demand.

•(1545)

I do look forward to any questions you may have after the other presenters have had their opportunity to speak.

Thank you.

The Chair: Thank you, Minister. Thank you for that presentation from the Government of Manitoba.

Now from the Evangelical Fellowship of Canada, Ms. Beazley.

Ms. Julia Beazley (Policy Analyst, Centre for Faith and Public Life, Evangelical Fellowship of Canada): Thank you.

The Evangelical Fellowship of Canada is the national association of evangelical Christians gathered together for influence, impact, and identity in ministry and public witness. Since 1964 the EFC has provided a national forum for evangelicals and a constructive voice for biblical principles in life and society.

Over the last few decades, the EFC has presented a number of papers and submissions to Parliament on the issue of prostitution and on the closely related issue of human trafficking. We also intervened before the Supreme Court of Canada in the Bedford case. We're grateful for the opportunity to speak to this important bill. For the sake of time I'm going to focus on a few key elements of the bill and ask that you would refer to our written brief for our full analysis.

A central message of the Bible is the call for God's people to be compassionate because God has been compassionate to us. Our belief that God has created all people in his image and loves each one compels us both to announce and to guard the fundamental dignity of each person. We understand people should be treated as creatures with inherent worth, not as objects for another's gratification or profit. The EFC has long expressed concern for those who are prostituted based on biblical principles that compel care for the vulnerable, the pursuit of justice, and inform the duty of care we owe one another as human beings.

Research shows that the vast majority of individuals in prostitution enter by force, coercion, or as a result of constrained choice and last resort. Prostitution is inherently dangerous. It's violence against women and a form of systemic exploitation of many

of our society's most vulnerable women, children, and men. We do not believe prostitution can be considered safe or legitimated as a form of work, nor can it be accepted as a solution to poverty and a range of other underlying social issues.

We commend the government for the good work it has done in crafting Bill C-36, which courageously challenges the assumption that men are entitled to paid sexual access to women's bodies, and boldly refutes the notion that buying sex is an inevitable in our society. In this regard the bill represents a paradigm shift in law and policy, and eventually we hope in public attitude about prostitution.

This is a shift the EFC has advocated for, so we're pleased to see it reflected not just in the bill but in comments and speeches delivered by the minister in introducing and framing it.

The preamble begins with the recognition that prostitution is inherently exploitive and dangerous, that objectification of the human body and commodification of sexual activity causes social harm, and that prostitution violates human dignity and gender equality. It also recognizes issues like poverty, addiction, mental illness, and racialization are key contributing factors to individuals entering prostitution, and it notes the importance of denouncing and prohibiting the purchase of sex because that's what creates the demand for prostitution.

This positioning effectively turns the historic treatment of prostitution on its head. Legal and political treatment of prostitution has long focused almost exclusively on those who are prostituted and how we might deal with them as public nuisance, as a threat to public health, or a source of community disruption. Sex buyers who drive the demand that funnels individuals into prostitution and holds them there have been largely invisible.

C-36 correctly identifies and targets demand as the driving force behind prostitution and trafficking for sexual exploitation. The bill proposes a new offence prohibiting the purchase or attempted purchase of sexual services. If passed, the purchase of sex would be illegal for the first time in Canada and a buyer's conduct would be illegal wherever it occurs.

The sex trade operates according to market principles of supply and demand. Without male demand for paid sexual access to primarily women and children, the prostitution industry wouldn't flourish or expand. This new offence takes aim at the root of this exploitation and is supported by significant fines and potential jail time. Surveys of men who buy sex indicate these, along with a risk of public shaming, are the things that would most effectively deter them from continuing in their sex-buying behaviour.

We recommend funds incurred from fines under proposed subsection 286.1(1) be directed towards exit services. We question the purpose of proposed paragraph 286.1(1)(b), which gives the option of a summary offence with lower fines and jail terms. For consistency of message and deterrents, our preference would be that all offences under this section be indictable as under 286.1(1)(a). However, if there is good reason for maintaining the option of a summary conviction at the crown's discretion, then we suggest that summary conviction only be an option on first offence and that subsequent offences be indictable.

● (1550)

We also question what will become of re-educational programs like john schools, which serve an important restorative justice function. Feedback from buyers who attend and anecdotal evidence from those who run or participate in the programs suggest that these play an important role in changing how buyers view prostitution, and that recidivism rates among those who attend are relatively low.

In prostitution, everyone is robbed, including the buyer, and certainly any family they may have. Our interest is that all parties to prostitution be restored and we feel that john schools play an important role in this. So we hope that provinces will be encouraged to maintain or establish prostitution offender programs as part of the punishment for offences under section 286.1.

Where the diversion program is often an alternative to a first offence criminal charge, it could be made mandatory so that in addition to the \$1,000 fine on a first offence, buyers could be required to attend a diversion program.

Bill C-36 also initiates a critical shift in how those who are prostituted are viewed in law. Research and anecdotal evidence tell us that between 88% and 96% of those in prostitution are not there by choice and say that they would get out if they felt they had a viable alternative. This bill recognizes and reflects that reality. The government has made it clear that in the spirit and intent of the legislation those who are prostituted are no longer seen as a nuisance but as vulnerable, and therefore afforded immunity from criminal charges except under specific circumstances.

This is an important shift that we affirm wholeheartedly. We are concerned, though, that paragraphs 213(1)(a) and (b), which deal with stopping motor vehicles or impeding vehicular or pedestrian traffic, remain and are unqualified by the new section 213(1.1), which makes it an offence to communicate for prostitution in a public place or next to a place where reasonably minors might be expected to be present.

We understand the balance the government has tried to achieve between protecting vulnerable individuals involved in prostitution and protecting communities, especially children, from exposure. Where there is prostitution there are johns and pimps, and the objective of protecting children from exposure, being solicited by buyers, or approached by pimps is a good one. But the current wording of the section leaves a fairly big loophole that could undermine the intent of the law to criminalize mainly the activities of johns and pimps.

Further, by our interpretation the only ones who risk criminalization under the proposed laws are the most vulnerable: those engaging

in street-level prostitution who are among the poorest, most desperate, and most addicted. Criminalizing vulnerable individuals creates barriers to their exit from prostitution and further entrenches the inequality and marginalization that got them there.

Criminal records are a significant barrier to many potential educational or employment opportunities for those who successfully exit, especially when so many who find health and freedom want to then go back and help.

We want to minimize the potential of this section for criminalizing prostituted individuals. The current scope is far too broad as it could be argued that minors could be reasonably expected to be just about anywhere in public. Our preference is that section 213 be either narrowed significantly or removed. Offences under section 213(1) and 213(1.1) are punishable on summary conviction, which, as I understand it, can carry fines of up to \$2,000, jail time up to six months, or both.

If section 213 is not amended to minimize the potential for criminalization we suggest the punishment for these summary offences be set at a very low threshold with no potential for imprisonment, and be defined in the legislation so that we can ensure the most vulnerable don't continue to face undue hardship.

Ultimately a lot of this comes down to enforcement. How can we be assured that the spirit and intent of the bill will be upheld when it comes to enforcing the laws? We have travelled extensively across Canada, conducting public informational forums on prostitution, in partnership with Defend Dignity, and I can say two things with confidence. There are police officers and police forces in whose hands we feel completely confident that the spirit of this law will be upheld. But there are also others in whose hands we don't have that same confidence.

The Attorney General of Canada can give direction to the provincial attorneys general, who then give guidance to law enforcement within their jurisdiction, but how a particular police department enforces the laws is determined by the department itself, as evidenced by the number of police forces across the country that have already been policing in a manner consistent with Bill C-36.

We suggest that standardized training be developed for law enforcement, provincial attorneys general, and crown attorneys about the new treatment of prostitution under Bill C-36 to support enforcement that's consistent with the intent of the legislation.

Finally, the legislative changes proposed are part of what is to be a two-pronged approach taken by the government. We welcome the initial commitment of \$20 million to supporting exit programs and hope this will translate to long-term sustained federal funding. The government should also engage provincial, territorial, and municipal governments and a wide range of stakeholders in developing a comprehensive national plan to ensure that programs and supports are in place to prevent vulnerable individuals from entering prostitution and support those who are in as they exit.

We suggest that such a plan could be integrated into the national action plan to combat human trafficking.

• (1555)

It's also important to address poverty and affordable housing as underlying social issues that drive individuals to prostitution or make them vulnerable to exploitation, because preventing entry into prostitution is just as important as helping with exit from it once they're in.

Thank you.

The Chair: Thank you very much for your presentation.

Our next presenter is from the Concertation des luttes contre l'exploitation sexuelle.

Madame Matte, are you the speaker? Oui?

[*Translation*]

Ms. Diane Matte (Community organizer, Concertation des luttes contre l'exploitation sexuelle): Thank you, Mr. Chair.

I would like to thank the committee for agreeing to hear the perspective of the women we represent.

Like many individuals, groups and countries that are following this debate and watching what we are doing here in Canada, Concertation des luttes contre l'exploitation sexuelle, or CLES, cannot but salute the decision to criminalize the purchasing of sex in Canada. Even though the bill is imperfect, we regard this as a victory for abolition, not prohibition. This bill calls upon Canadian society to stop considering prostitution and the industry that exploits it as inevitable and a victimless crime. For the first time in Canadian legal history, a government is inviting us to examine prostitution as a crime against the person, a form of violence against women that is incompatible with the quest for social equality, in particular the equality rights of women who are among the most marginalized.

CLES has been in existence for nearly 10 years, and for 6 of those years, we have been in daily contact with women who have been or are in prostitution. We believe in the necessity of building a world without prostitution. We offer support, guidance and an ear to female victims of sexual exploitation. We fight with them for recognition of their rights and to ensure their security, including the security of not being prostituted and of receiving support to leave the business when they want to.

We organize the women so they can act to bring about the change they want in their lives and those of the women around them. We do preventive work to combat the trivialization of prostitution and to publicize its impact on the physical and mental health of those who are dealing with this reality, but also on access to equality for all

women. We consider ourselves part of an international movement that is working tirelessly to denounce the secular and patriarchal tradition of prostitution.

I won't get into the details of the brief, but we invite you to look at Bill C-36 from a perspective that sees government action as part of the struggle against the commodification of human beings, in the interest of equality for all.

We shall focus first of all on the concept of security. In our view, the Bedford ruling relied on a very narrow interpretation of the security of person concept set out in every human rights charter in the world. I urge Canadian society not to adopt that limited view. The Bedford ruling encouraged the privatization of the safety of women in the prostitution industry. It was recommended that women hire a driver or bodyguard, rather than address the lack of safety of those women at the source. We find it unacceptable to reduce the concept of security to its simplest form, in Canadian society today.

Like others have done before us, we urge you to refuse any form of criminalization of prostitutes. My colleague Rose Sullivan can elaborate on that. Women have a voice. But very often, when women who work in the prostitution industry criticize prostitution, or when women who have left prostitution speak about it in a negative light, they manage to snuff that voice out.

We encourage you to listen to what women in prostitution have said. Over the past year, CLES has done a study, which we would be happy to provide to the committee. After speaking with 109 women in 6 cities across Quebec, we learned that 45% of them were still active in the sex industry when they answered the questionnaire or took part in interviews, and that 80% of them wanted to get out of prostitution but did not know of any organizations to help them. That view needs to be taken into account.

Furthermore, of the 109 women who answered the questionnaire, 90% had been or were victims of violence at the hands of men in their immediate circles, be they family members, clients or pimps.

The women we talk to on a daily basis, as well as those who responded to our research call, are demanding more justice, more consistency, more services and more recognition that they are living or have lived one of the forms of violence against women that are most trivialized, and yet still taboo in the year 2014.

• (1600)

While we support Bill C-36, one fundamental change must be made to act upon undertaking to decriminalize the victims of sexual exploitation. The Nordic, or Swedish, model relies on three integral parts, the first being the total decriminalization of prostitutes, female or otherwise. The second is the criminalization of the purchase of sex. And the third is education aimed at changing society's attitudes and perception around prostitution. The success of Bill C-36 inevitably hinges on those three inseparable components.

I will conclude by stressing that we are at a crossroads, and certain choices are necessary. No one, no political party, can skirt the fundamental question. Do we believe that prostitution and the sexual exploitation it represents have their purpose in our society? If not, we have to act and go much further than what Bill C-36 would do. We have to want more for women than prostitution; we have to want more for the women who are in prostitution.

Of course, we support the \$20-million investment made by the government, but it is not enough. We would like to see more funding, to be sure. We want to stress how important it is that the money go to groups that work towards the same objectives set out in the preamble of the bill, in other words, stamping out the view that prostitution is an inevitable reality that cannot be changed.

And I feel compelled to point out, in no uncertain terms, that a number of organizations around the country working to keep women in prostitution currently benefit from government funding as well as endowments. These organizations encourage women in prostitution who are unhappy with their current working conditions to go elsewhere or to become pimps themselves. Let's call a spade a spade. Some groups endeavour to keep women in prostitution. Bill C-36 seeks to block such efforts by the industry to legitimize the sex trade in Canada. Selling sexual services to others is neither a legitimate business nor compatible with the pursuit of gender equality.

• (1605)

[English]

The Chair: Ms. Sullivan.

[Translation]

Ms. Rose Sullivan (Participant , Concertation des luttes contre l'exploitation sexuelle): Good afternoon.

My name is Rose Sullivan. I am a survivor of prostitution and a CLES activist. I am actively involved in building a support network for women who are victims of sexual exploitation and want a way out.

I was a prostitute for three long years. And I tried to conduct my business as safely as possible because I want to live, for my children among other reasons. What I learned from my time as a prostitute is that it's impossible to engage in prostitution safely. When I started out, I was pro-sex work, but over time, I became a staunch abolitionist, in addition to being completely beaten down. Things are better now.

I am an active champion of abolishing prostitution. And that is why I support Bill C-36 wholeheartedly. There is, however, one aspect of the bill that disturbs me: the fact that some provisions continue to criminalize women. As I see it, to ensure the safety of female prostitutes and to genuinely support their exit from prostitution, it is imperative that they not be criminalized. Even though the criminalization of prostitutes represents a small component of the bill, it negates all the other provisions. If there is any possible way to lay the criminal blame on prostitutes, pimps and the various groups that benefit from prostitution will still have the tools they need to scare, manipulate, blackmail and keep these women in prostitution. They must not be criminalized in any way.

To call us victims in some situations and criminals in others makes absolutely no sense. In my view, this part of the bill could lead to

more prostitution in places where children are present, even though the opposite is intended. It enables pimps to keep their control over the women. No matter where these women are—quote unquote—pimped out, they will be breaking the law and that will allow pimps to exploit them. The bill will do absolutely nothing to reduce prostitution in the locations desired, in other words, near children and churches.

As a mother of three, I would say that women who prostitute themselves in their homes, while their children are in the room or the apartment next door, are probably the women with the fewest choices. They are the most vulnerable ones of all. This is utterly the wrong way to help them; criminalizing them even more than women who are fortunate enough to carry out their business in other circumstances is just wrong.

Regardless, children can be anywhere. That part of the bill is extremely arbitrary. Police and municipalities will still be able to freely abuse their power and continue to criminalize far too many women.

When I was a prostitute, apart from being assaulted—something that happened to me quite early on—my biggest fears were losing custody of my children and having a criminal record. And those were the fears that the individuals who pimped me out played upon to control me. That is how they scared me and made me stay in prostitution much longer than I had originally intended.

Once, a client of mine became violent with me, and I wanted to stop seeing him. And my pimp used these scare tactics to force me to keep seeing that client. He said he was going to call children's aid and the police. I was scared so I kept seeing the client. And when the day finally came that I just couldn't take the violence any more and I actually called the police, I got no help because the law was too ambiguous and the police didn't really know how to help me even though they knew I needed assistance.

• (1610)

There can no longer be any grey areas in the law. All prostitution legislation must be clear, specific and easy to enforce in order to adequately protect women and give those who want to exit prostitution the help they need to do so.

[English]

The Chair: Thank you for that presentation.

Our next presenter is from the Sex Trafficking Survivors United, Ms. Falle.

Ms. Natasha Falle (Representative, Sex Trafficking Survivors United): Sex Trafficking Survivors United is a survivor-led international organization. Our 177 survivors urge the Canadian Parliament to take a stand against the exploitation of young, poor, and vulnerable by the richer, older, and more powerful. Pass Bill C-36.

As all survivors know, the vast majority of people end up in prostitution because they have no other choice, which only serves to stigmatize and further trap most of the sexually exploited. This empowers their traffickers and abusers while erasing the truth that the exploited are victims of multiple crimes. This is a statement made by our founder, Stella Marr.

According to the Toronto sex crimes unit, the average age is 14. My story, my truth, is a common story. I entered when I was close to 15 years old. I came from a middle class home in the Calgary suburbs. My father was a police officer. My mother managed bridal shops. My seemingly normal life suddenly became unsafe, and I hit the streets. Not knowing where to turn for help, I spent months couch-surfing from place to place, often hungry and scared. I began having sex at an early age, often giving myself away loosely for a place to stay.

I was first introduced to prostitution by underage girls, 14 and 15 years old, and eventually a man who posed as a manager offered me a business opportunity. I introduced my five underage friends into prostitution at that time. We sold sex independently for a number of months. We fought society's stereotypes that we were junkies, criminals, and sexual deviants. We tried hard not to feed those stereotypes by not using hard drugs or having pimps, but one by one each one of us ended up with a pimp and/or on drugs. My best friend was murdered. She was shot in the head by a pimp she only knew for three months who posed as a bodyguard.

While underage we easily gained work in escort agencies, by ads in papers, on street corners, in massage parlours, and while the geographical location in which sex is sold varies, what remains the same is the men who purchase human bodies. The power dynamics do not change. This is a business exchange based on lies and gender inequality and threats of violence. It is often referred to as "the game" because both parties struggle for power and control. For their survival the prostituted people need to feel they have power in the situation, the sex buyers for their own gratification.

Most violence we experienced in prostitution happened after the sex act was finished. Men spent their welfare cheques or their mortgage payments to have sex with me. They used money set aside for their children's birthday gifts or anniversary gifts. When I was no longer a fantasy image to them and the thrill was over, I was just a regular person and in some cases considered disposable to these men.

I met and I was sold with hundreds of underage girls in prostitution. I have counselled over 1,200 prostituted women, trans, and children. Most disclose that they entered into it as children. Child sex abuse occurs when an adult or an older child persuades, tricks, or forces a child into sexual activity. It includes sexual acts, inappropriate touching, showing the child pornography, or involving them in prostitution. It is considered child abuse when an adult has sex with a child or youth. When a child receives money for sex it does not change anything, it is still abuse.

Let's talk about the slippery slope of legalized prostitution and at-risk youth. In 2011 Youth Line website promoted a youth sex worker workshop facilitated by a pro-prostitution group from that you will soon hear from, entitled *Hu\$tle & Dough: Youth Sex Workers Build Power & Safety!* *Hu\$tle* is spelled with a dollar sign. This is a group

for those underaged and those 16 to 24. Topics that were discussed included how to be in control while working. Children have little or no control in situations of abuse from adults.

Another topic was how to support yourself financially, physically, and emotionally. Teaching kids how to be sex workers is abuse. How to avoid arrest is teaching youth how to avoid police. How to avoid HIV. I can't tell you how many times I've had a condom pulled off by a john without my knowing, or a hole poked in it, or been offered \$20 or \$1,000 for a condomless blow job.

●(1615)

This workshop was facilitated by a current sex worker, who herself began as a youth. I have copies of it that I have submitted to the chair.

It is a basic human right for women and children to be free from being sold to men. No child or woman should have to resort to accepting violence for their survival, under any circumstance. It is crucial to note that all but one of the experiential affiants in this Bedford case entered prostitution as children. The other affiant admitted to being coerced.

Considering that most prostituted women and men entered as children, it's fair to assume that many have not had a healthy comparison apart from prostitution. That is why it does not surprise people such as me, with lived experience, that in July of 2012 the Adult Entertainment Association of Canada threatened to recruit high-school students, claiming to help youth pay for university. In reality, they were advocating for an industry that thrives off the male demand for younger flesh for their own personal gain.

Someone who greatly inspired me to be where I am today—a graduate of college and university, a college professor of police foundations for five years, the founder of an organization, and a board member of Sex Trafficking Survivors United—once said to me in my earlier years, when I first transitioned from the sex trade.... I had been out a couple of years, and I really struggled. I blamed myself for a lot of the experiences that I had endured. She said to me, "For something to be a real choice, you need to have another option of equal or greater value".

There's no job description that could accurately portray my experiences in prostitution. I have sold sex independently, and I have been forced by so-called bodyguards. My pimp was shot while protecting me from another pimp. He also stabbed another man seven times, who had harmed me. He hung this over my head, making me believe that I owed him my life for this protection. My pimp burned me with cigarettes, broke my bones, and brutally beat me on a regular basis. I was trained not to call the police. I listened, out of fear of losing work, the only work that I knew.

It was not the laws that hindered me from calling the police. It was the pimps and the owners of bawdy houses, who did not want the police attention of their establishments that would chase the sex buyers away. We were labelled rats and snitches when we went to the police. Therefore, we dealt with violent matters internally.

A prostituted woman was killed in Germany in a brothel this month, and it was the 22nd murder since the complete legalization of prostitution in 2002. Whereas, in Sweden, where the Nordic model passed in 1999, the only murder of a prostituted woman was in 2013, and it is not clear whether it was prostitution related.

Sex Trafficking Survivors United recommends that the government raise the \$20 million allocated to help survivor-led organizations such as ourselves help the people, our sisters, exit from this dangerous, dark, and lucrative underground industry.

We recommend that section 213 be revisited and all criminalization of prostituted people be removed. Women who are unable to adequately protect themselves or their own children are not in a position to protect children in the communities.

I have provided more details in our brief, submitted in partnership with the London Abused Women's Centre. You'll hear from the director there on another day.

I'd like to give thanks on behalf of all survivors around the world who are in support of this bill. We recognize the historic significance of the government in recognizing this form of male violence against prostituted people. It is clear from the evidence I have presented today that the government is on the right track to protecting our most vulnerable in society. For that, survivors around the world are most grateful.

I would like to personally extend my deepest gratitude to MP Joy Smith and Minister Peter MacKay for listening to survivors. There's a reason that so many of us are exposing prostitution.

Thank you.

•(1620)

The Chair: Thank you for that presentation.

Our next and final presenter for this panel is Maggie's: The Toronto Sex Workers Action Project.

The floor is yours for 10 minutes.

Ms. Jean McDonald (Executive Director, Maggie's: The Toronto Sex Workers Action Project): Hi there. My name is Jean McDonald. I'm the executive director of Maggie's: The Toronto Sex Workers Action Project, an organization that's run for and by sex workers, and is the oldest of its kind in Canada.

Our mission is to assist sex workers in their efforts to live and work with safety and dignity. Maggie's is a harm reduction agency primarily funded through the Ontario Ministry of Health and Long-Term Care. We provide safer sex and safer drug use supplies, education and support, and have had several thousand client contacts in the last year. We do front-line work and our service users are predominantly street-based sex workers. Many are lower income, indigenous, of colour and/or transgendered.

Since the legislation was introduced we've held many consultations with our service users, who unanimously reject this bill. They believe it will not ensure their safety or their security. Instead they say it will push them further into harm's way, continuing the epidemic of violence against sex workers in Canada. They are gravely worried about their own safety and worried that more of their friends will go missing, be assaulted, raped or murdered.

Recreating the same harms of the old legislation struck down by the Supreme Court, Bill C-36 will continue to allow violent predators like Robert Pickton to prey on sex workers who have been pushed into less public areas of the city, unable to screen their potential clients and unable to work together. This is why many people have taken to calling Bill C-36 the Pickton model.

The debate here should not be about choice or about whether violence happens to sex workers. We know violence happens to sex workers. We want to address that violence. Instead it should be about the best ways to ensure safety and security and access to services such as police, if necessary, for sex workers.

Bill C-36 does not do this. It both indirectly and directly punishes sex workers by making prostitution illegal, as Peter MacKay confirmed this morning. Criminalization breeds isolation and isolation, in turn, breeds vulnerability to violence, exploitation, and abuse. Instead of working to de-stigmatize prostitution and to see sex workers as part of Canadian society, Bill C-36 will make it difficult and unsafe for sex workers to reach out to community services, to family and friends, or even to police for assistance. In fact, proposed subsection 213(1.1), which criminalizes communication, will give police considerable powers to continue to target and harass sex workers. Communication is one of the key means by which street-based sex workers are able to screen their clients, to see if a client may be intoxicated or sober, to negotiate rate, services, and safer sex practices.

Criminalizing the purchase of sex, as studies from Sweden have shown, will not protect sex workers nor will it reduce demand. When clients are criminalized they are also less likely to assist sex workers who may be exploited or abused because those clients themselves will fear arrest. As well, criminalizing the purchase of sex in effect results in a de facto criminalization of the sale of sex.

Working indoors has been demonstrated to enhance sex workers' ability to control their work conditions and to negotiate safer sex practices, yet Bill C-36 impedes the ability to work indoors because it bans advertising and criminalizes the purchase of sexual services. Instead of criminalizing prostitution, the Government of Canada should listen to what sex workers have been saying for more than 30 years and what sex worker groups the world over unanimously agree will increase the safety and security of sex workers, and that is decriminalization.

Systems of decriminalization, such as the Prostitution Reform Act 2003 in New Zealand, allow sex workers to have the same labour protections and legal rights as any other person in the country. Studies of decriminalization in New Zealand have shown an improvement in working conditions, a decrease in violence, and an increase in the ability for sex workers to negotiate safer sex practices.

•(1625)

There are already provisions in the Criminal Code pertaining to forced labour, forcible confinement, kidnapping, sexual assault, statutory rape, theft, and physical assault. Should sex work be decriminalized, none of these very important aspects of the Criminal Code will be affected. In fact, sex workers will have a greater ability to access and to charge people who may be doing these things to them.

At Maggie's, we believe that Bill C-36 must be scrapped in its entirety. In its place, a system of decriminalization should be developed to provide sex workers with the same labour, legal, and human rights as any other person in Canada.

We support the move from legislation that is moralist to one that is based on human rights and on health and safety standards. At Maggie's, we see the decriminalization of prostitution as an essential part of our overall harm reduction strategy.

Thank you.

The Chair: Ms. Forrester, are you adding anything?

Ms. Channele Gallant (Outreach and Community Support Worker, Maggie's: The Toronto Sex Workers Action Project): Yes, I am.

My name is Channele Gallant. I'm a former staffer at Maggie's: The Toronto Sex Workers Action Project. I'm here representing one of our staffers, Monica Forrester, who could not be with us.

Monica is an indigenous sex-working woman. She was scheduled to be here, but over this past weekend one of her close friends, who is also an indigenous sex-working woman, was arrested on "communicating for the purposes of prostitution" charges. Monica has to stay in Toronto to offer her friend support and bail.

I believe that Monica was to be the only current indigenous sex worker that this group will be hearing from. I invite you to correct

me if I'm wrong on that. I'm here in her stead to offer her submission because we do not want to allow the policing of prostitution to silence the very women whom we need to be hearing from. So following this is the submission of Monica Forrester.

My name is Monica Forrester. I'm a woman of colour from Curve Lake Reservation in Ontario. I'm a trans woman and a street sex worker of 25 years. I've been stigmatized because of my identity, my race, and my class. I'm here to speak about sex workers who are doing the work due to choice, coercion, or economic circumstance.

For many years I was homeless. I had no other options but to do sex work to survive and to get the basic necessities of life and access community. Sex work was where I found community with people dealing with the same discrimination as I was. I'm now a college graduate and an outreach worker bringing community, empowerment, and safety to marginalized groups.

Many do not understand street sex work or how Bill C-36 will affect us. Some work the street because they are poor and don't have the money to pay for things, like a phone or a computer or renting space. Some are homeless and have no other method of earning money. For some women, such as single mothers, social services are far from sufficient. Ontario Works provides \$718 to a single parent in Ontario, but the average one-bedroom rent in Toronto is about \$1,000 per month. Single parents who are sex working to support their family do not want to work at home where their children live, and so some choose to work on the street.

Aboriginal women in remote areas are working along the highways to get from town to town. Survival sex work is necessary to feed their kids and themselves. They face added stigma within their communities because of ongoing colonization. Colonialism already silenced them about sex, and sex work adds another layer of stigma and more isolation from their community.

Aboriginal women in Vancouver who were killed by Robert Pickton were from all over, but went to the downtown streets to do survival sex work. There are migrants and newcomers to Canada whose first language isn't English. For them, advertising is difficult or even impossible, but they can advertise by being on the street and negotiating a few English words.

Bill C-36 does not help these people, does not help sex workers, including those who have no other choices. A lot of trans women like me, because they don't have basic human rights, can't find jobs. Recently a trans woman asked me about these new laws, wondering how she was going to pay her rent or go to college or transition so she could get another job. This week a 50-year-old woman who's been a sex worker for her entire adult life came into Maggie's for safer sex supplies and asked who was going to hire her. It was all she'd ever done. Was she going to have to go on welfare now?

Bill C-36 will silence sex workers who experience violence. I'm a sex worker and a front-line outreach worker with 20 years' experience. I have seen all these situations first-hand. When there is more policing and surveillance, sex workers get isolated from people providing essential services, and that isolation leads to vulnerability. These services include education about safer sex, safer work areas, the law, policing, and community support. The street-based community is a community of its own. It can be close-knit. We educate each other because we need each other. Bill C-36 will change that because people will be more in fear of sharing information and supporting each other. We will have to take whatever clients we can and not be able to fully screen for safety.

Police will push outdoor workers away from residential areas because of the restriction on being near anyone under 18. This will lead to an increase in residential surveillance and harassment. Marginalized groups, like people of colour, trans women, aboriginal women, and two-spirit women are more likely to be street-based, and they will face extreme criminalization under this bill.

With the Internet, much of the sex industry moved indoors. By criminalizing advertising though, these workers will now be forced back out onto the street. This puts them at risk because indoor workers do not have any knowledge of street safety. Together, all of this will increase violence, murder, and HIV/AIDS against our community.

• (1630)

My recommendations are that \$20 million in exit funds should be used to offer direct support to sex workers that is not dependent on their leaving the industry, which many of us can't or don't want to do. We need laws that allow us to work with safety and dignity, to make our own choices, for example, the right to advertise, to hire security staff, and to work with buddies. We need sex-worker positive agencies, like Maggie's, that empower us about safety, health, and well-being. The Supreme Court decision should be respected because it saw the necessity of decriminalization for all sex workers, whether we are in it by choice, coercion, or because of economic circumstances.

Right now, if we face violence, we can't call the police because it will be recorded in the system. I have never been able to call police for help, even after I was sexually assaulted. At the time I had been through the mandatory diversion program after an arrest for prostitution and knew that I faced incarceration if my sex work was discovered, so even though I was raped, I did not call police. Bill C-36 would not have helped me then, and it won't help me now.

I would ask that you reconsider Bill C-36 and the horrible outcomes it will have on the most marginalized sex workers in Canada. The fate of the sex worker community is in your hands.

Thank you.

The Chair: Thank you for that statement on behalf of Ms. Forrester.

That is the round of presentations.

We go now to a round of questions, and our first questioner, for the New Democratic Party, is Madame Boivin.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Thank you to all the witnesses for being with us today.

The perspectives are wide-ranging. It mustn't be easy for either side to hear what the witnesses have to say. The same is true for us. It's a complex issue. Groups I consider to be feminist have totally different positions. What I find fascinating in all this is the fact that it is virtually all women who want to appear before the committee, and yet, they all have different opinions.

Ms. McDonald, I have a question for you. You heard what Ms. Matte and Ms. Sullivan from CLES had to say.

[*English*]

They said they believe in a world without prostitution. Do you believe in that?

Ms. Jean McDonald: Frankly, no. I don't believe in a world without prostitution.

It's not only that, but if the goal of this committee is to actually end prostitution, this legislation will not succeed in doing so. It definitely would not be my choice to end prostitution. But if that is the committee's intent—

• (1635)

Ms. Françoise Boivin: Why is that?

Ms. Jean McDonald: That is because studies by the Swedish government have shown that the criminalization of clients did not in fact make a considerable difference in the amount of people doing sex work. What it did, though, because of the harassment and targeting of sex workers on the street and the difficulty in accessing clientele, was to move a lot of them indoors, with a lot of them starting to work in massage parlours and more out of sight.

Ms. Françoise Boivin: So there are no statistics because we don't see them.

Are you a merchandise?

Ms. Jean McDonald: Sorry?

Ms. Françoise Boivin: I heard that prostitution equates as if women are merchandise.

Sorry, maybe that was a bad translation.

Ms. Jean McDonald: That's okay.

The answer is no. I guess the question you're asking is about people saying that “women are bought and sold”, or referring to “buying women's bodies”. Frankly, that language is victimizing. That language is dehumanizing. It's also extremely sexist and problematic to talk about people in that manner, as if we are objects. We're not.

[*Translation*]

Ms. Françoise Boivin: Thank you.

Ms. Matte, you said the Supreme Court adopted a very narrow view of the concept of security in the Bedford ruling. Right afterwards, you said that Bill C-36 rectified that to some extent. In other words, Bill C-36 does what Bedford does not. Did I understand you correctly?

Ms. Diane Matte: Indeed. The bill does what Bedford did not and could not do on its own, and that is change the objectives of the law, the Supreme Court justices, themselves, acknowledging that fact. A review of the evidence before them could not have produced the same outcome.

I didn't have time to discuss the concept of security in detail. But in our view, it would be beneficial to have Bill C-36 go much further and set out definitions of what constitutes a sexual service and the advertising of that service, as you were asking about this morning.

Ms. Françoise Boivin: Absolutely. A sexual service in the sense of—

Ms. Diane Matte: But security should also be defined. As feminists, we can't be satisfied with giving women a few more seconds to select their clients as an adequate way to ensure their security.

If it were possible to know which men were violent, we wouldn't have any abuse shelters in Canada or sexual assault centres. Having a few additional seconds, and sometimes even living with a man for years, doesn't allow women to know when a man is going to turn violent.

As far as the commodification aspect is concerned, I'm a bit shocked at how you're minimizing our arguments.

Ms. Françoise Boivin: No, I wasn't minimizing them. I was asking you how they felt.

Ms. Diane Matte: When you're talking about prostitution, supporters of the Bedford ruling or the total decriminalization of prostitution maintain that it's an industry with commercial transactions like any other. It's up to the women to decide whether they feel they are being objectified or not. It is clear, however, that the weight of their argument rests on the commercial transaction element, period.

We are saying it's not a commercial transaction. It is first and foremost an unequal practice.

Ms. Françoise Boivin: Thank you. I think I understand your point.

[*English*]

Where you all pretty much agree, I find—thank God there's something on which everybody pretty much agrees—is that \$20 million is ridiculous.

I would like you, Minister, to maybe first tell me this. After you sent your letter in February, did the federal minister contact you or anybody to view how the law should be drafted, other than just your position that the Nordic model is it? Is there some consultation between ministers of justice throughout this great country of ours, since you are pretty much the ones who will have to apply this new law, with your police services and so on?

You talked about \$20 million being divided over the period of five years, which gives a pretty much ridiculous amount for Manitoba. But what is needed? What types of services are needed to do what everybody who believes in the Nordic model...who always put it with an equation that “We need exit support”? And exit support means what, exactly?

• (1640)

Hon. Andrew Swan: There are some big questions here.

Back in the fall, at the ministers meeting in Whitehorse, I advanced on behalf of Manitoba our view that the Nordic model was the way to go. I wrote to Minister MacKay early in February. I know that MP Joy Smith and I had discussed it. I made sure every Manitoba MP got a copy of the letter. I haven't heard from Mr. MacKay since the letter was sent early in February.

In terms of the kinds of services needed to help sexually exploited victims leave behind their life, it is difficult because of the trauma they've sustained. Attached to the submission is Tracia's Trust, which is a summary of the various things Manitoba is doing. There is no one simple answer. In many cases it may be people who have physical trauma, very much like that of returning soldiers. In some cases it's addictions problems or mental health issues.

One of the things we found very helpful, which I think maybe we've understood a bit more about this afternoon, is how helpful it is to have experiential people, who have the credibility of talking about what their life was about, who maybe have the best ability to work with people to try to effect that change.

We have the prostitution diversion program. This is only a three-day program, run by the Salvation Army. We intend to continue that program. Whatever Bill C-36 looks like, that, in and of itself, does not work miracles. We are not going to get somebody who's been sexually exploited to magically, in the course of those three days, change their life. But if they can get into that camp, get cleaned up, eat properly, sleep, which oftentimes is not possible, and then at least have an opportunity to be lined up with various agencies that can help them to make that choice, then we'll be further ahead. But it is not easy.

I don't want to be flippant, but the amount of money Manitoba will get every year, if it goes per capita, may allow us to help one person, or two people, and we know there's a greater demand than that. These are people who have suffered tremendously.

The Chair: Thank you for those questions and answers.

Our next questioner, from the Conservative Party, is Mrs. Smith.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Thank you, Mr. Chair.

Thank you to all the witnesses for coming here today to give us your opinions.

Mr. Swan, I applaud you for all the work you do in Manitoba. I really applaud your support of Bill C-36, and your advice on some amendments. For the first time in Canada, the purchase of sex will be illegal, and that will help a lot of things. First-time advertising by third parties will be addressed, and for the first time we have compassion in the bill.

Having said that, could you expand a bit on what a victim actually needs? With living in the part of Winnipeg you live in and being on some of the streets that both of us have been on, perhaps you could give the committee insight as to what really happens.

I applaud Natasha and Rose for speaking today. It was fantastic. But could you give an overview as an elected person?

Hon. Andrew Swan: It's true. I represent the inner west end of Winnipeg where there is street prostitution that takes place. I know there is other exploitation that takes place behind closed doors.

Obviously, the challenges are huge, and we've tried to get at some of the issues. If somebody comes forward who says they've been on the streets and they need help, if the first thing we do is to take away their children, we're not actually getting anywhere. So family services can certainly use more assistance to help people come up with a plan to battle their addiction issue or their mental health issue while knowing that they're not going to have to leave their children.

One of the things that traditionally happened in Manitoba and elsewhere is that if you were out on the street and you were on social assistance, your social assistance worker would say they would cut off your social assistance. What do we think is going to happen when we take away the person's social assistance?

In many cases, it's housing. People don't have safe and affordable housing. In many cases it is mental health services and addiction services. In many cases it's moving people away from the situation they're in, which many times people want. It's not easy to do because you might be leaving behind the—

• (1645)

Mrs. Joy Smith: Our time is going, so I have another point to make. I have a couple of more questions with the others.

Thank you.

What stands out, and what I've heard, is the symbiotic relationship between provincial jurisdiction and federal jurisdiction—a partnership. For the first time, the federal law, Bill C-36, is working in partnership with what you're doing in the province of Manitoba. I dare say it's one child at a time or one victim at a time, isn't it?

I also want to ask Jean McDonald a question. You were saying you are helping to lessen the risk to the prostitutes on the street. Can you tell me whether you get paid for this position, or do you do it voluntarily?

Ms. Jean McDonald: Pardon me? What does my job have to do with the legislation that we are discussing today?

Mrs. Joy Smith: I'm just wondering if, in helping the—

Ms. Jean McDonald: It's not—

Mrs. Joy Smith: You don't want to answer that question? That's fine.

Ms. Jean McDonald: I don't think it's pertinent to this discussion whatsoever.

Mrs. Joy Smith: Okay, that's fine.

Ms. Jean McDonald: I am the executive director.

The Chair: Right.

I think you're taking offence. You mentioned that you were getting funding from the provincial government in Ontario.

Ms. Jean McDonald: Yes, that's because we—

The Chair: I don't think she was asking you how much you get paid. She wanted to know if the organization, as we might ask, is based on volunteers or employees.

Ms. Jean McDonald: How does whether I am employed or a volunteer... I'm still not sure how...

Maybe Joy could explain how my employment impacts this bill.

Mrs. Joy Smith: Well, it's just as the chair said.

The Chair: It's okay.

You don't want to answer the question. I was just explaining the question. If you don't want to answer the question—

Mrs. Joy Smith: Thanks. Obviously we'll leave that. We can find that out.

Madam Matte, I really liked what you were saying about the issue being the dignity of women, and, Rose, you underlined that.

Could either one of you voice what you think is so beneficial in Bill C-36? You've given some suggestions for amendments as well.

Rose, you came today and you said that you fully support Bill C-36. What is it about Bill C-36 that would help, in a practical way, those who need that help on the streets?

[*Translation*]

Ms. Rose Sullivan: Criminalizing the men instead of the women, who, at the end of the day, are victims, initiates a shift in attitudes.

And as far as the various components addressing violence against women go, they were long overdue. This legislation is absolutely needed not just because it endeavours to create equality between men and women, but also because it shows that prostitution isn't innocuous, isn't an option that should be considered when someone is going through a hard time.

A country that offers women opportunities to exit prostitution should not be sending them the message that prostitution is an acceptable solution when they need money, are destitute and don't have an education. It would be more appropriate to let them know the solutions that are available to them.

Ms. Diane Matte: The other point where we agree with groups like Maggie's is the decriminalization of women in prostitution. Bill C-36 can't produce the desired outcome if women in prostitution continue to be criminalized in one form or another, regardless of whether they work on the streets or indoors. The exact opposite will happen. I have the feeling that continuing to criminalize them at all sends the message that they should go indoors because they'll be safer there.

It depends on where you stand in the debate. The NDP seems to think women will be safer indoors, but the reality is that, no matter where they are, they can fall victim to violence at the hands of clients or pimps.

The bill is endeavouring to change society's views on prostitution. It gives women an opportunity to exit prostitution voluntarily. And that needs to be pointed out.

• (1650)

[English]

Mrs. Joy Smith: Thank you very much for your answer.

The Chair: You have one minute.

Mrs. Joy Smith: I know, and I'm trying to rush through this.

Natasha, could you please give us your opinion about targeting johns for the first time—arresting them. Do you think that's going to be beneficial to help keep the women safe?

Ms. Natasha Falle: Certainly. In fact, I believe that Bill C-36 will actually give people who are being prostituted more leverage when dealing with violent johns, in enabling them to call the police and not fear being blamed for the abuse they are experiencing. I also believe it will give them an opportunity to screen because they can do so without having to answer to pimps and johns, because now men are going to be targeted. I also believe that by teaching society that this is an issue of male violence against women and children mostly, we are going to teach future generations of boys to grow up and understand that this is something they shouldn't contribute to.

I also believe that focusing on women and looking at them as victims in this industry will actually provide more opportunities for them to exit it, which we're not seeing right now. I think by pumping in money to organizations such as Maggie's it actually enables people to stay there. They did mention that there are some women whom they believe can't get out, and I don't believe that is true at all. I think that anyone who wants something is able to make that a possibility. I am a living testimony of that. In my last two years I had drug-induced schizophrenia and today I am in this position that I am today.

The Chair: Thank you very much for those questions and answers.

Our next questioner is Mr. Casey from the Liberal Party.

Mr. Sean Casey (Charlottetown, Lib.): Thank you, Mr. Chairman.

First off, as a matter of courtesy to my colleagues on the committee and to the witnesses, I apologize for coming late to the meeting. Mr. Dechert, Mr. Scott, and I were on *Power & Politics* in-between sessions. That the reason we were a bit late.

Mr. Minister, I came in the middle of your statement so I didn't hear it all, but I did read it in advance.

We're now on the second panel of the day, and although there's been a great divergence of views through the day, there is one thing on which every single witness, except for Peter MacKay and the Justice officials, agree on. Walk With Me Canada Victim Services, the Canadian Alliance for Sex Work Law Reform, the Criminal Lawyers' Association, Professor Janine Benedet, and Professor John Lowman all agree, as did each of you in your testimony today, that the criminalization of sex workers under the communication provisions is problematic and should either be amended or completely wiped out. That is one point of consensus from all of the witnesses, except for the minister and his officials today.

I want to come first to Ms. Beazley and Madam Matte, because I know that both of your organizations have done an extensive survey of models in other countries. Around here we constantly hear about the Nordic model. We know that it is an approach that criminalizes the purchasers, but what we have before us is something that not only criminalizes the purchasers but, in many instances, also criminalizes the providers and criminalizes advertising.

A witness we are going to be hearing from later in the week is a fellow by the name of José Mendes Bota. He was the rapporteur at the Parliamentary Assembly of the Council of Europe. He also did an extensive survey of the different models around the world, and in his report he describes a prohibitionist system, which bans prostitution by criminalizing all aspects of it, including the sale of sex and all the people involved. He said a number of European countries have chosen this approach, including Albania, Croatia, Romania, the Russian Federation, Serbia, and Ukraine.

My question for you, Ms. Beazley, and for you, Ms. Matte, is given all of the things that have been piled on top of the basic Nordic model in Bill C-36, are we not in fact much closer to a prohibitionist model with what we have before us?

• (1655)

Ms. Julia Beazley: We are a hybrid, I would say. We are not fully prohibitionist. I don't think it's fair to say that, because there is an awful lot in the bill that recognizes the status of most persons in prostitution. As I said, the overall spirit and intent of the legislation is that those who are prostituted not be criminalized.

There is, however, this nod to a prohibitionist approach that still allows.... The first two sections of the original communications provision weren't challenged, so they stand. Then there is this new section dealing with public places where minors might be present, and you've heard each of us on that and how we would like to see it narrowed, removed, amended, those sorts of things. We all share that concern, but I don't think it's fair to say that this approach has gone fully prohibitionist. It's kind of a hybrid. I would say it is a nod to the prohibitionist approach.

Mr. Sean Casey: The Canadian law is somewhere between Sweden and Russia.

Ms. Julia Beazley: I wouldn't say Russia. No, I don't think that's

Mr. Sean Casey: Madame Matte.

Ms. Diane Matte: I would say that it's not a prohibitionist approach at all, and that we surely count on every political party around the table to get rid of what we want to get rid of.

Perhaps I can give you this image. For us, it's like we have the right map to go where we want to go. We know where we want to go. We have the right map. But we have a little rock in our shoe, and that little rock in the shoe is the criminalization of women, particularly in the streets. So we have to make sure that we keep on the track we're on but get rid of what is not working.

I think it is unfair to use the prohibitionist jargon when we talk about what we have in front of us. We can say that the prohibitionist approach has not been successful at all, and there's not only Russia that we can think about. There are many countries around the world who actually criminalize only women in prostitution, and not men. I don't know what you would call that, but for me this is like the sum of what patriarchy can do: criminalize women for being actually sexually exploited.

For me, we have to be careful about how we use words. The prohibitionist legal model, because that's mostly what we're talking about, would be a model that says in its objectives and in practice that all parties involved in prostitution should be criminalized, and this is not what this bill is saying.

So we just have to get rid of the rock that we have in our sock, in our shoe—but don't lose the map.

Mr. Sean Casey: Merci.

Ms. Falle and Ms. Sullivan, both of you have described being in the sex trade and successfully exiting,

[*Translation*]

if I've understood you correctly.

[*English*]

Have either of you been saddled with either a youth criminal justice record or a criminal record as a result of your time in the sex trade?

Ms. Natasha Falle: Yes. The first time I ever stood on a street corner, at 17 years old, I was arrested by a police officer.

Mr. Sean Casey: So that was a youth record.

Ms. Natasha Falle: Yes.

Mr. Sean Casey: Describe the difficulty that the youth record caused you in your exit.

Ms. Natasha Falle: Yes, certainly. It wasn't just the youth record. It was also my adult record with soliciting that hindered me from being able to do what other people are able to do, from reintegrating into society.

When I was arrested, I basically just gave up. I thought, "This is it. I have a criminal record for prostitution. There's nothing else out there for me. I might as well just accept this environment." What I

did was I made the best of that environment; albeit abusive, I needed to embrace it for my own survival.

Mr. Sean Casey: Madame Sullivan.

[*Translation*]

Ms. Rose Sullivan: I don't have a criminal record. I was very lucky.

[*English*]

Mr. Sean Casey: Okay.

Mr. Minister, you indicated that the money that's been put on the table, if a per capita formula is used, won't make a whole lot of difference in Manitoba. We don't much care for per capita funding in my part of the world, believe me.

Voices: Oh, oh!

Mr. Sean Casey: I'll ask a couple of questions in that regard. First, given that you put \$8 million a year into these programs now, what is the right number to make a meaningful difference?

As well, if I may, because I know I'm just about done here, all too often we see criminal justice measures introduced in this place that have significant impacts on the budgets of those who have to administer the justice—your departments, the provinces. Do you have any concerns in that regard with respect to this legislation?

● (1700)

Hon. Andrew Swan: With respect to the legislation, no, since we called for the Nordic model to come to Canada; we accept that there could be some additional costs. To some extent we think we can manage that. It will be our intention to continue running what we call john school, which is operated by the Salvation Army. We think with some minimum fines that will allow us to raise the amount that people will pay for john school so that they don't have to go down to court and maybe have a reporter or their neighbour hanging around the corner. It would be my hope that with that money from john school we'll be able to expand the prostitution diversion camp and provide, again, that first window into changing people's lives.

Overall, the \$8 million a year, I can tell you right now, is not enough. There is not enough support that we can provide to assist people. Of course, many times it's co-occurring mental health and addictions issues. It's dealing with trauma. It's dealing with many complex issues. At \$8 million a year, we're struggling to provide a modicum of services. Certainly we look forward to something more than a temporary small investment from the federal government. We'd like it to be more substantial. We'll continue to shoulder the majority of the burden, and we accept that's the case. We think this is important to Manitoba.

The Chair: Thank you very much for those questions and answers.

Our next questioner, from the Conservative Party, is Mr. Dechert.

Mr. Bob Dechert (Mississauga—Erindale, CPC): Thank you, Mr. Chair.

Thank you to all our witnesses.

I just want to say to Ms. Sullivan, Ms. Falle, and through you, Ms. Gallant, to Monica Forrester, that I think you're very brave for coming here and telling us your stories, and I want to thank you for doing that. It's very difficult for us as legislators to really understand what takes place in an industry like this without hearing your stories, so thank you for that.

I just want to respond quickly to Ms. Sullivan. You were concerned that Bill C-36 would criminalize a sex worker who was carrying on the practice in her home where her children would be present. The answer is simple: that is not a public place so it wouldn't be caught under that provision. I just want to reassure you on that.

For Ms. Forrester through Ms. Gallant, she said that she asked to be corrected. She was wrong that we weren't hearing from any other indigenous people in the sex business—

Ms. Channele Gallant: Current indigenous sex workers.

Mr. Bob Dechert: We did hear from one previously, as you know, and we will be hearing from the Native Women's Association of Canada later in the week. I understand that they, for example, believe in the criminalization of the purchase of sex in the Nordic model.

Ms. Channele Gallant: I understand they do, and I do not believe that any of their witnesses will be current indigenous sex workers.

Mr. Bob Dechert: Okay, but there are former sex workers.

Ms. Channele Gallant: That's right, and that's why I'm making the point to talk about people who will currently be impacted by the legislation. Former workers will not be.

Mr. Bob Dechert: Okay, we'll hear what they have to say about what they think the impact will be.

The other thing that was mentioned by Ms. McDonald was that this bans all forms of advertising. That's just not true. There is provision for advertising done in a way that's by the individual himself or herself that would allow them to do it in a way without exploitation.

You mentioned something I thought was curious. You said that you believed that sex worker groups the world over unanimously favour decriminalization.

Ms. Jean McDonald: That's right.

• (1705)

Mr. Bob Dechert: But we hear from the organization that Ms. Sullivan and Ms. Matte represent, from Ms. Falle, and from a number of other organizations, and will hear from other organizations that are both women's groups and groups that represent sex workers, who do favour the criminalization of the purchase of sex, the so-called Nordic model. So I don't understand why you say—

Ms. Jean McDonald: I would go back to what Channele was just saying that the sex workers groups I'm talking about are predominantly if not fully made up of people who are currently in the sex industry. There's a big difference, a huge difference, between someone who will actually be impacted themselves by this legislation and—

Mr. Bob Dechert: You will agree with me that there are organizations that represent sex workers that—

Ms. Jean McDonald: No.

Mr. Bob Dechert: You're saying that nowhere in the world, Canada or any other place in the world, are there organizations that represent current sex workers that believe in this model.

Ms. Jean McDonald: Yes, current.... There are no—

Mr. Bob Dechert: Can I hear from Ms. Matte?

Ms. Jean McDonald: Are you current sex workers?

Ms. Natasha Falle: Some of our advocates are. You just have to go onto our website to look at that.

Ms. Jean McDonald: I find that hard to believe.

Mr. Bob Dechert: There seems to be some disagreement on that point.

The Chair: Mr. Dechert, could you focus your questions so we have questions and one person answers?

Mr. Bob Dechert: Sure, I'll focus. I just have one more thing for Ms. McDonald.

In answer to a question from Madam Boivin about the elimination of prostitution, you said, first of all, that you didn't think that was possible. It was kind of curious, and maybe I got it wrong, but I thought you said that you wouldn't support the elimination of prostitution if that were an option. That wouldn't be something that you supported. Is that what you said?

Ms. Jean McDonald: Yes, absolutely. For me, it is not something that I would like to see happen. I would prefer that prostitution be decriminalized, because as—

Mr. Bob Dechert: You don't want to see it eliminated is my point. Is that correct? I just want to understand that point. You wouldn't want to see prostitution ended.

Ms. Jean McDonald: The Prostitution Reform Act 2003 of New Zealand recognized the harm done to sex workers, and that is why they decided to decriminalize. In fact, the intent of that legislation was to create a framework to safeguard the human rights of sex workers and to protect them from exploitation, to promote the welfare and occupational health and safety of sex workers.

Mr. Bob Dechert: Okay, the point I just want to understand—

Ms. Jean McDonald: These are things that sex workers need.

Mr. Bob Dechert: Excuse me, Ms. McDonald, if I might. I'm trying to ask you a question. Do you see merit in the continuation of prostitution in Canada. Just answer yes or no.

Ms. Jean McDonald: No. I can answer how I want to do that, sir.

Actually, yes. When prostitution is between two or more consenting adults, I feel those consenting adults should have the ability to decide for themselves what they want to be doing.

Mr. Bob Dechert: Okay. I take your point.

Minister Swan, I want to thank you for being here. I think it's important you're here. As a provincial attorney general you're one of the individuals that is going to have to make this new legislation work if and when it's passed and becomes law.

You mentioned in your opening statement that you believe that most sex workers are exploited, and you feel that criminalizing the purchase of sex will reduce the exploitation. Did I get that correct?

Hon. Andrew Swan: That's right.

Mr. Bob Dechert: My friends in the federal NDP will correct me if I'm wrong, but they seem to be saying—I heard Mr. Scott say this to the CBC earlier today—that they do not believe in the criminalization of the purchase of sex, that they oppose it because they believe it will make the—

Mr. Craig Scott (Toronto—Danforth, NDP): I have a point of order, Mr. Chair. Sitting right beside me there is a witness who said I didn't say that.

Mr. Bob Dechert: So maybe they do. Perhaps they will clarify. If I got it wrong, I apologize. I believe I heard them say they oppose Bill C-36 because they believe that criminalizing the purchase of sex will make the practice of the sex industry more dangerous.

Do you believe that? Do you agree with that statement?

Hon. Andrew Swan: Let me talk a little about our current practice in Manitoba. If you're a buyer of sex and you get picked up by the police and you're charged under the current provisions of the Criminal Code, you have two options. You can follow the criminal option. You can show up in court, in which case you may get a very small fine. You may get an absolute discharge, but you're going to court in front of...well, it's an open court. Or you can go to the john school run by the Salvation Army, where men can learn about the real dynamics of what this is all about and hear not just from the police and just health workers, but also from those with experience in the industry who will tell them what their lives have been like.

We also had a little additional feature whereby if you're a john in Manitoba who gets caught, you get to clean up back lanes in my neighbourhood and see what it's like when condoms and syringes are lying around.

I would like to continue having john school. We may have a wider pool of people taking that program. That is a restorative justice practice. That is a way to educate people, and I hope we never see somebody again in the justice system. We think that if men understand the dynamics of prostitution, the great majority of them will change their attitudes, and I believe we can change behaviour. And that's....

• (1710)

Mr. Bob Dechert: So you think it can be reduced.

Hon. Andrew Swan: Yes.

Mr. Bob Dechert: Thank you.

The Chair: Thank you for those questions and answers.

Now we go to Mr. Scott of the New Democratic Party.

Mr. Craig Scott: Thank you, Mr. Chair.

I have a couple of questions for Ms. McDonald and Ms. Gallant from Maggie's. These are prompted by similar questions from Mr.

Dechert who doesn't seem to be able to get his mind around the perspective of at least a substantial percentage of current sex workers. You said in your presentation that the users of Maggie's services unanimously reject this bill. You talked about consultations.

I'm wondering if you could elaborate a bit more on that, because I think we are seeing a fair degree of ships passing in the night, people not fully understanding how it could ever be that the sex workers you work with and for would have that point of view.

Ms. Jean McDonald: Absolutely. As I said, we work with many street-involved sex workers. We have a drop-in centre where people can come in and get some food, and pick up safer sex and safer drug-use supplies.

People were wondering what was going on with this legislation, and we thought a great idea would be to have an education workshop explaining what the legislation is about. We told them we were going to be coming here as witnesses, and we said, "We want to hear from you about what you think. How do you think this will impact you in your everyday life as current street-based sex workers?"

They were very worried. They did not see this as protecting them whatsoever, because, when you're criminalized, it's very difficult to access police services. As Monica said in her testimony, because she was criminalized she felt unable to contact police when she was quite brutally sexually assaulted.

When I'm suggesting decriminalization as an alternative, what I want to say is that I'm looking at prostitution pragmatically. I'm saying that it exists in our world today. It's been in existence for many thousands of years, if not more. It's not going to end immediately, and that's certainly the case we see in Sweden, where this so-called Nordic model comes from.

The approach I take to prostitution is pragmatic, not based on moral kinds of grounds where it's "Oh, icky, I don't like that". No, this happens, and yes, for some people it sucks. But what are the best ways to reach out to those people to help them?

I was saying what the purpose of the Prostitution Reform Act of New Zealand was. That legislation has a provision for review after three to five years built into it. After five years, a study conducted by the public health department of New Zealand found that on the whole, the PRA had been effective in achieving its purpose. They found that the sex industry had not increased in size, and many of the social evils predicted by some who opposed decriminalization had not actually come to be.

Ms. Chanelle Gallant: Could I just add to that a little bit, too, Craig?

Because we're hearing a lot about this \$20 million going into various kinds of john schools and diversion programs, etc., I want to put on the record—just to reiterate the testimony of Monica Forrester, who was raped while she was on a diversion program and could not access police support—that what we're talking about here is a system that still continues to criminalize sex workers. You cannot criminalize the purchase of sex without criminalizing the sale of sex.

We've had a number of comments that advertising would be protected. That's not what we're hearing from the Pivot Legal Society and the Canadian HIV/AIDS Legal Network, who have pointed out that the legislation criminalizes any third party that advertises sex worker services. So I fail to see how you can advertise without a third party. So, that's for indoor workers.

But outdoor workers are still telling us, "I could not call the police in this situation. The police will not be a support service to me, as someone who faces...". We're talking about sex workers like Monica and others who are the most vulnerable. They're telling us that these programs will not protect them from violence and sexual harm and HIV and AIDS and, in fact, they will have the opposite impact.

I would like to say that this bill will cause harm. This bill will lead to beaten, raped, and murdered sex workers, and an increase in HIV and AIDS, and we'll be back when that happens because we will consider this Parliament partially responsible for those outcomes for the sex worker community.

• (1715)

Mr. Craig Scott: Thank you.

I just wanted to make one last point. I have only 30 seconds, and perhaps Minister Swan could comment.

One of the central things about the Nordic model is, let's call it, the "social democratic policy environment" within which it's situated. Equal life chances are much more emphasized in a country like Sweden, so the supply end is handled more at that stage, and access to services help at the exit end. And I would add—although it's not so clear in Sweden—that if you're looking at New Zealand, you're looking at the middle ground where the safety, health, and labour protections are put in.

I wonder if you could just reiterate for everybody that \$20 million is going to come nowhere close to dealing with, let's call it, the "social democratic policy environment" that's needed.

Hon. Andrew Swan: Agreed.

Mr. Craig Scott: Thank you.

The Chair: Thank you for that.

Our next questioner is Ms. Ambler from the Conservative Party.

Mrs. Stella Ambler (Mississauga South, CPC): Thank you, Mr. Chair. And thank you, to all of our witnesses, for being here today. We very much appreciate your time and testimony.

When I told friends, family, and constituents that I was coming here this week to sit on this committee about this new legislation, a couple of people, not very many but a handful, commented, you're not going to change this. You're not going to stop prostitution. It's

been around forever. It's oldest or second oldest profession, whatever the saying is.

Mr. Craig Scott: The oldest. Lawyers are the second.

Mrs. Stella Ambler: Oh, you're the second. All right, the oldest profession.

I'm heartened by the testimony and the beliefs of organizations and people in this world who work with prostitutes and who believe it is possible to build a world without prostitution. That should be our goal.

I want to ask the women who have lived this, Natasha and Rose, do think this should be the goal of legislation, to eradicate prostitution, and if not fully eradicate, at least substantially reduce, the amount of prostitution in this country?

Ms. Natasha Falle: Yes, certainly. We should aim to end all forms of violence in this country, and prostitution is just another form of violence.

We have child abuse. We have domestic violence. We have all these various forms of violence. We don't just succumb. We don't just accept these forms of violence and find legislation that can help make it easier for them to be less abused. We aim to, and our laws are designed to, end these forms of abuse and reduce these forms of violence.

Do I believe that abuse is ever going to go away? Maybe not, but we don't give up. We don't give up for the people who are being harmed by it.

Mrs. Stella Ambler: Thank you.

Ms. McDonald, I can see you shaking your head. I have a feeling that it's because you don't see prostitution as abuse. I want to thank you for what you do. I understand that you want to reduce the harm and want to help. I know you consider this pragmatically and look at it in this way, and I appreciate that.

I'd like to ask you, though, in addition to counselling women in the sex trade on how to do it more safely and on how to protect themselves, do you also counsel them to eventually get out? Is that your end goal, as well?

• (1720)

Ms. Jean McDonald: It is not my end goal. Exit is not my end goal. I do actually support people who come to me and say, I want to start looking for another job. We are actually planning to have a workshop about how to write a resumé and how to do a cover letter. We offer our clients a space where they can use our computers and do print outs, those kinds of things.

But the thing is this. People know that when they come to Maggie's they're not going to be judged. They're not going to be told that they're bad or that they should want to leave. They're not going to be told, such as the woman from Walk With Me said earlier, that they can build their healing journey in jail. What was that even?

Mrs. Stella Ambler: No one is suggesting that, and there are no provisions in this bill to put prostitutes in jail.

Ms. Jean McDonald: Yes, there are. I absolutely—

Mrs. Stella Ambler: No, there aren't.

Ms. Jean McDonald: There are.

Mrs. Stella Ambler: No, there aren't. We're talking about summary convictions, which do not lead to criminal records of any kind.

Ms. Jean McDonald: What if they're working with—

Mrs. Stella Ambler: This is my time, Mr. Chair.

Ms. Jean McDonald: What if they're working in an area where there are youth 18 or younger?

Mrs. Stella Ambler: Ms. Falle, may I ask you how you got out?

Ms. Natasha Falle: Yes. It's been my experience that most of us have had to hit rock bottom in order to get out, which means near death experiences, mental health issues, or being institutionalized. Sometimes jail actually gives us the opportunity to have that time to be able to think about our life circumstances. Obviously jail is not an exit program, as might have been implied by others.

I managed to get out because I...

I was in the sex trade industry for 12 years. I was forced, and I also sold independently. I have sold sex in illegal establishments and legal establishments. I went for 10 of those 12 years never using hard drugs. In fact, I discriminated against people who did use drugs.

The trauma caught up with me. I've been sexually assaulted by a driver for escorts. The escort drivers who were driving me from A to B were coke dealers; it was easily accessible. A trauma incident happened. I didn't know how to cope and I did turn to cocaine. I spent two years on cocaine and developed a drug-induced schizophrenia. That was a pretty scary experience for me.

The Chair: Thank you.

Our next group of questioners is from the New Democratic Party.

Madam Péclet, go ahead.

[*Translation*]

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Thank you, Mr. Chair.

This is a fascinating discussion.

I'd like to preface my questions with the same comments I made at our last meeting. It's important to know that we aren't trying to figure out which lawyer or which research is right. What we are actually trying to do is comply with the essence of the Supreme Court's decision and arrive at the best legislation to protect the life, liberty and security of men and women in the prostitution industry.

After hearing what a number of witnesses had to say, I think we can all agree that there's a problem when it comes to the advertising piece. The government has attempted to criminalize clients rather than prostitutes. But I would say that a consensus exists around the fact that the ban on advertising in public places poses a problem.

I'd like to hear Ms. McDonald's comments on the subject. If the idea is to criminalize only clients, what impact will the advertising ban and the de facto criminalization of sex workers have on the ground?

[*English*]

Ms. Jean McDonald: Well, what I can do is tell you about the sex workers who do advertise online and in newspapers. Their concern

with this legislation is that first, it will be difficult for them to reach clients because many of them use third-party websites. I won't mention their names—I was going to but...they are very concerned about that.

The other thing they are concerned about is that many workers will work with buddies, or do "duos" basically is the name for it. They are worried that if they list their friends on their website, they could be criminalized for it.

There is another issue. It is my understanding—and maybe you can correct me if it's a wrong reading—that even if your advertisements are put up by yourself, you aren't criminally responsible, but those can actually be forcefully taken down by the courts. That also basically bans advertising.

● (1725)

[*Translation*]

Ms. Ève Péclet: I'd like the other witnesses to answer that quickly, if they would.

Ms. Falle, do you agree that the ban on advertising does, after all, result in the criminalization of sex workers?

[*English*]

Ms. Natasha Falle: No, of course I don't agree. The bill clearly highlights that the people who sell sex are victims of this industry. I don't see their point.

Ms. Ève Péclet: No. I mean they have an interdiction—I'm sorry, I'm not very good in English—of publicity in a public....

Ms. Natasha Falle: Yes.

Ms. Ève Péclet: So, they are criminalized if they do advertise for themselves in a public area.

Ms. Natasha Falle: I thought Mrs. Smith already addressed that.

Ms. Ève Péclet: Then you don't agree. Thank you.

Sorry, I don't have a lot of time and I would like to talk to Mr. Swan about the \$20 million. I think it's very important that instead of implementing a bill that would target the consequences of a situation, why not try to target the problematic at its source? Why not say that social factors unfortunately make some people more vulnerable than others, so why not try to implement something, such as financial programs or whatever, to target the problematic at its source? We're talking about reducing poverty.

If we're talking about achieving equality between men and women, then why not target poverty? We know that unfortunately, women usually live in a greater state of poverty than do men. Can you elaborate on that?

Hon. Andrew Swan: Sure. I mean, one of the reasons I'm here as a Manitoban is that, of course, we have the tragedy of missing and murdered aboriginal women. Now, just so it's clear, not every aboriginal woman who goes missing or is murdered has been sexually exploited. But if you are an aboriginal woman who is being sexually exploited, your odds are not good.

We know from the work that's been done....and I know that Joy Smith and Irene Mathysen and others were on a committee that looked at human trafficking several years ago. Many of the recommendations include ways to deal with poverty, to deal with education for first nations, where many of the young people are being trafficked from. You're absolutely right that there is much to be done on poverty, on housing, on educational opportunities. That doesn't change the fact that I believe, with the amendments I've asked for, that Bill C-36 goes a great way further downstream to try to prevent loss and damage and more tragedies.

But you're right, there are many big questions to be answered.

The Chair: Thank you for those questions and answers.

Our final questioner this afternoon is Monsieur Goguen. We'll go a couple of minutes past, because we started a couple of minutes late.

Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC): Thank you, Mr. Chair. I'll be brief.

My question will be directed to you, Minister Swan. Obviously Manitoba appears in its enforcement to have adopted the Nordic model. In the Nordic model, of course, the prostitutes are not charged, correct?

You had concerns with clause 15, of course, that prostitutes would be charged if they were selling their goods in a public place. Of course, the intent in that provision is to not expose children to what prostitution can be.

Now, we all know that when a prosecution is undertaken, it's done in a couple of steps. Basically, the police have enforced their discretion. The crown has enforced its discretion. We know from discussions with other police forces that prior to Bedford, what the police forces would do is they would actually arrest the prostitutes, because they'd have a legal authority to do so; would question them; and would inquire as to whether or not they were victimized or whether there was some way that they could get information about the pimps, those who were victimizing them. They would not charge them, but would then direct them to services that might extract them from the industry. So if you're not charging the prostitutes, you're sort of taking away that possibility—although ultimately they're not charged.

If this bill were amended to require the Attorney General to consent to the charges going forward, would that change your point of view?

• (1730)

Hon. Andrew Swan: Look, if you've been picked up for communicating or for whatever the new section will be called, then you do have the sword of Damocles hanging over your head. Are the police going to lay a charge if you don't give up information on somebody or on something else? I don't think that's a helpful way to deal with the issue.

Again, in Manitoba, not just our crown attorneys but also the Winnipeg Police Service and our other police services are very reluctant to lay charges in any circumstances, because they recognize the difference between sellers of sex and buyers of sex.

Looking at the Bedford decision, in my letter to Minister MacKay I quoted from the chief justice's comments, as follows:

As the application judge found, street prostitutes, with some exceptions, are a particularly marginalized population. Whether because of financial desperation, drug addictions, mental illness, or compulsion from pimps, they often have little choice but to sell their bodies for money. Realistically, while they may retain some minimal power of choice—that the Attorney General of Canada called “constrained choice”—these are not people who can be said to be truly “choosing” a risky line of business.

With those comments of the Chief Justice of the Supreme Court, if we don't amend this bill to remove those provisions, this will be a red flag for a challenge to this bill. I don't know if it will be successful or not. I think the chief justice, speaking for the court, has been pretty blunt about that. We think there are better ways to assist victims of sexual exploitation than to have the threat of criminal prosecution hanging over their heads.

Again, I do represent an area where unfortunately people do see street prostitution. I can tell you, from speaking with my constituents, taking off my Attorney General hat and putting on my hat as the member of the legislature for Minto, that the great majority of people in my area, I'm quite satisfied in saying, understand the need for a differential response and that the old law did not make sense. The provisions that were struck down in the Bedford case have some challenges. This is our chance to get it right. I don't think we do that by continuing to criminalize people who are the most vulnerable.

Mr. Robert Goguen: But there's more than anecdotal evidence that the prostitutes who do exercise their profession in public places are the most vulnerable, the most inclined to be victimized. Letting alone the extraction of information, as you might have said, what about the possibility of taking them into your confidence, of finding out a little bit more about them, of introducing them to a social worker, of introducing them to a victims group and somehow opening the door of getting help from them?

You know, you can't help those who don't want to help themselves, and if there's no legal authority to apprehend them and to somehow incite them to get the help, where do you go?

Hon. Andrew Swan: The prostitution diversion program continues to run in Manitoba, even though very few charges are being laid and very few threats of charges are being made. It is our intention that even if Bill C-36 passes as amended, we will continue to run that program, and we will be able to find victims of sexual exploitation who want to take that program. Again, the program is three days' long right now, which is barely enough time for somebody who has been working the streets in the north end or the west end of Winnipeg to get themselves to that window of being able to see that maybe there is something more.

I would love to expand that program: the number of days, how often we offer it, and perhaps to provide more meaningful assistance up front to assist people in making that change.

I wouldn't quite phrase it that you can't help people who don't want to help themselves, but what I've learned from organizations like Sage House, the Salvation Army, and TERF in Winnipeg is that the best we can do is to provide a platform and a safe place for people to start to make that decision to change their lives.

The Chair: Thank you very much for those questions and answers.

I want to thank the panellists for being here today. It was a very interesting panel, and I appreciate all your responses.

• (1735)

We will be continuing to study this for the next three days, until Thursday, so stay tuned. We are televised, and we are always open for visitors.

Thank you very much.

With that we will call it until tomorrow morning.

The meeting is adjourned.

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