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Chair

Mr. Mike Wallace

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• (0930)

[English]

The Chair (Mr. Mike Wallace (Burlington, CPC)): This is the Standing Committee on Justice and Human Rights, meeting number 35. The orders of the day, per the order of reference of Monday, June 16, 2014, is on 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 here today in this first panel this morning. I will introduce them all, and then we will have you each give your 10-minute presentation. We will do it based on the order in the agenda.

From BridgeNorth, we have Ms. Casandra Diamond. From Prostitutes of Ottawa-Gatineau Work Educate and Resist, we have Emily Symons, chair. From the Calgary Police Service, we have the Chief of Police, Rick Hanson. Welcome.

From Stella, l'amie de Maimie, Robyn Maynard is a spokesperson for them. By video conference, all the way from Lisbon, Portugal, we have José Mendes Bota, member of the Portuguese parliament, who is here to talk to us about violence against women in the Council of Europe.

Let's begin with BridgeNorth. You have 10 minutes.

Ms. Casandra Diamond (Program Director, BridgeNorth): Honourable members of Parliament, justice and human rights dignitaries, thank you for the invitation to speak to this extremely important bill that will greatly impact the future of many of my friends, their children, and countless other women and children who are trapped in the prostitution industry.

Sexual exploitation is a human rights crisis for women and girls. The harm of sexual exploitation extends throughout our whole nation. It begins with the individual, extends to the community, and then to the country. Prostitution and trafficking restrict women's freedoms and citizenship rights. If women are treated as commodities, they are consigned to second-class citizenship. A country cannot be a true democracy if its citizens are treated as commodities, nor can a true democracy flourish when women who enter this lifestyle as a result of oppression or force are criminalized.

My name is Casandra Diamond. I am the director of a grassroots organization named BridgeNorth, a program of Grace Church Newmarket, that seeks to help trafficked and prostituted women understand their inherent value and dignity through mentoring and creating opportunities to gain healthy, full, and balanced lives.

I stand before you also as a survivor of the sex trade, echoing the experience of hundreds of women who cannot be here today. This is the perspective I'm speaking to you from.

Bill C-36 shows great promise with the preamble, an excellent framework, and the necessary perspective to replace the laws deemed unconstitutional by the Supreme Court. It was like medicine for my heart to read:

Whereas the Parliament of Canada has grave concerns about the exploitation that is inherent in prostitution and the risks of violence...;

Whereas the Parliament of Canada recognizes the social harm caused by the objectification of the human body and the commodification of sexual activity;

Whereas it is important to protect human dignity and the equality of all Canadians by discouraging prostitution, which has a disproportionate impact on women and children;

Whereas it is important to denounce and prohibit the purchase of sexual services because it creates a demand for prostitution;....

That is real medicine and a prescription for healthy citizenship.

In the preamble, the Canadian government is sending a very clear message to its citizens that it wants safer communities for women and children and that prostitution is inherently violent and dangerous and a direct violation of the human rights of each person.

Speaking from a decade of experience in various capacities within the sex trade, I am intimately aware of the inherent dangers of prostitution, regardless of whether the trade occurs indoors or outdoors. If anything, working indoors offers even less choice to women. Unlike outdoor girls and women who are able to scan, see, and talk to a client before brokering a deal, an indoor woman or girl is lined up and then paraded before being selected by the client. She does not have a choice to say no. Plying the trade indoors often means more pimp control, with no place for the person to turn to for help.

Concealing prostitution behind doors is more socially accepted because it permits society to ignore the brutal reality that people are being destroyed by it. It allows people to romanticize the idea of prostitution, and to be blind to the degrading and dehumanizing treatment of women by the criminals who profit from it. The turning of the head of ordinary citizens helps to reinforce the power of the industry in coercing women. This makes them perfect prey for highly organized and deadly organizations to take over their lives. There is no such thing as a safe place to engage in prostitution.

Prostitution in Canada today is organized by criminals; namely, the mafias and gangs that operate the global underground economy, dealing for profit in drug and human trafficking. In my 10 years of experience, I have never not worked for organized crime and gangs.

Highly organized groups have infiltrated essential social systems, such as licensing and government agencies and police forces, where they have built influential relationships with officials within these systems. These hidden power structures keep prostituted women and girls acutely vulnerable to continued abuse and exploitation.

Decriminalizing prostitution is not the answer and will not wrestle this lucrative globalized industry out of the clutches of organized crime. As a matter of fact, it will only make it easier for worldwide criminal networks—many already well-established in Canada—to increase and expand their hold on trading in women's bodies. By instituting and enforcing Bill C-36 with an amendment to decriminalize women in prostitution, Canada will protect itself from becoming a destination of choice for organized crime and sex tourism.

● (0935)

In attempting to craft laws to end this exploitation, Bill C-36 must address these issues and consider that criminalizing women is a matter of revictimizing the victim.

Some people talk about prostitution as employment, as if it were a job like any other. It isn't. Legitimate employment has laws against sexual harassment and discrimination. It does not allow hiring a woman based solely on her breast size or hair colour or weight. Our labour laws have in place standards that protect us from such practices because they are discriminatory, unhealthy, and misaligned with society's views and values. In a regular job, I am not forced to willingly and knowingly subject myself to numerous sexually transmitted infections, life-threatening diseases, and violence.

There is a lot of talk about harm reduction. Harm reduction suggests that any harm done is minor and can easily be treated or healed. However, harm minimization does not eliminate harm, and that should be our ultimate goal. There is overwhelming evidence to show that PTSD, dissociation, and depression are rampant among women in prostitution. This would not be acceptable in other jobs. We must try to not only reduce harm but to eliminate it.

I am encouraged that Bill C-36 speaks to both of these issues in that it provides funding for exit strategies for women plying the sex trade and safe havens for women who experience violence or need medical care while involved in the sex trade. The funding of \$20 million tells us how important the government believes this issue is, and I'm very thankful for that. However, continued financial backing will be imperative to achieving the desired results that this hard-working bill is seeking.

Bill C-36 gives us a chance to name prostitution for what it is, and it is an extreme manifestation of exploitation and violence against women. By decriminalizing the prostituted, those who are primarily forced into prostitution by desperation or are direct victims of human trafficking and sex slavery, there is public recognition that, by and large, women in the trade are not exercising free will and there is no criminal intent on their part.

By criminalizing those who are exercising control over the prostituted for their own financial gain, the harm to the prostituted is recognized and validated. To be clear, many women in the middle positions of these power hierarchies are themselves victims of coercion and should not be included in this criminalized group. By

criminalizing the johns, the law recognizes that men who solicit women for services are willingly, albeit perhaps unknowingly, engaging with organized crime to coerce and hold women in sex slavery. Clear laws like these, and the social commitment to implement and enforce them, will offer hope to women who are now trapped. This is why I support Bill C-36.

I do dream of living in a Canadian society that believes and practices gender equality. When we reach that pinnacle, women and girls will no longer be bought and sold by men. I want to live in a country that protects all of its citizens, and whose country's value system creates and provides laws that enshrine the safety, equality, and value of its people above all else, simply because they are human beings regardless of sex, class, race, and economic standing. I want to live in a country that prohibits the sale of its citizens as commodities to be bought and sold. This is why I stand before you today.

I think that Bill C-36, amended to remove criminalizing the prostituted themselves, will help us to find our way to that country. Please do all that you can to make this a reality.

Thank you.

● (0940)

The Chair: Thank you very much for that presentation.

Our next presenter is from the Prostitutes of Ottawa-Gatineau Work Educate & Resist.

Ms. Symons, the floor is yours.

Ms. Emily Symons (Chair, Prostitutes of Ottawa-Gatineau Work Educate & Resist): Thank you.

My name is Emily Symons. I'm the chair of POWER, which stands for Prostitutes of Ottawa-Gatineau Work Educate and Resist. We are a sex worker-led organization founded in 2008, and we advocate for sex workers' human rights and labour rights. We envision a world in which people can freely choose to do sex work or to not do sex work and in which those who choose to do sex work are able to do so in safety and in dignity. We are completely unfunded and entirely volunteer-based. Our membership includes people of all genders working as escorts, erotic massage providers, street-based workers, erotic dancers, and webcam performers.

I'm here today to present the expertise of our membership on how Bill C-36 will impact the safety of sex workers. I would like to say that I believe we are all here today with the safety and well-being of sex workers at heart. I will say that sex workers are the experts, and sex workers know better than anyone else how these laws will impact their work and their safety. Sex workers who are currently working are also the ones who will directly experience the impacts of any new laws that are put forward. For this reason, we must privilege their voices and experiences.

The Himel decision and the decision that came down from the Supreme Court of Canada explicitly outlined the dangers of criminalizing street-based sex work as well as third parties. For this reason, I'll focus on the two sections of Bill C-36 that criminalize the purchase of sex and criminalize advertising. I would like to show how these laws will contribute to violence against sex workers.

I will start by discussing the criminalization of purchase of sex on the streets. This law, if it's put forward and becomes law, will replicate the same harms that we see under the communicating provision. We know from sex workers in Ottawa currently working on the streets that criminalizing the purchase of sex puts them at increased risk of violence.

I will say that there is a common misconception that sex workers don't have a voice and therefore other people must speak for them. In fact, sex workers can speak for themselves. Sex workers do speak for themselves. The issue is that we aren't listening.

In March 2014, POWER facilitated the women of the Oasis drop-in in Ottawa to participate in the government's online consultation. This is just one drop-in centre that POWER collaborates with. Twelve women who are currently working on the streets as sex workers participated. Their unedited responses are available on our website at powerottawa.ca. Much of what I speak about will be drawn from their experiences.

Criminalizing clients is not something new. In fact, Ottawa police have been enforcing the communicating law against clients, and not sex workers, for the last few years. We therefore already know the impact it has on sex workers working on the streets.

What we know from street-based sex workers is that criminalizing their clients means rushed negotiations. It's very important for a sex worker working on the streets to take the time to evaluate a client before jumping in his vehicle. This may include smelling his breath to see if there's alcohol, doing a scan of the interior of the vehicle, and checking their bad date list to see if he's on it. When clients fear being criminalized or the police are around, it's very difficult for sex workers to screen their clients. When clients are criminalized on the streets, this means they don't go to well-lit and well-populated areas to pick up sex workers. So in order for sex workers to access their clients, they are pushed into the shadows, into unlit and unpopulated areas. This puts them at increased risk of violence.

Sex workers working on the streets work in groups or in pairs in order to protect themselves. They can watch out for each other and take down licence plates. When sex workers' clients fear being criminalized, they don't approach sex workers working in groups or in pairs. They approach sex workers working alone.

So when we criminalize clients, we're essentially replicating the same harms of the communicating law in which sex workers don't take the time to screen their clients, they can't work in well-lit and well-populated areas, and they must work alone.

We also see that when we criminalize clients, we end up taking away a lot of the sex workers' good clients. They may move to a different part of the city to pick up sex workers where there's less policing. They may move indoors. When there are fewer and fewer clients, it becomes harder and harder for sex workers to say no. It's very important for a sex worker to be able to say no to a client and to know that there will probably be another one coming up soon. When you decrease the pool of clients, it becomes more difficult for sex workers to say no when they have bills to pay.

• (0945)

Sex workers also generally stay out until they have made the money that they need. They will have a certain amount in mind that

they need to pay their rent or to buy their groceries for that week, and when the police are out arresting clients this means that sex workers are out on the streets for much longer in order to make the money they need. This puts them at increased risk of encountering a predator, and it can also increase tension with community members who are offended by the presence of a prostitute.

I will now discuss criminalizing the purchase of sex indoors. This will continue to undermine sex workers' ability to protect themselves. The key way that both independent sex workers and agencies protect sex workers is by requiring personal information from a client generally in the form of a phone number. So, if you were to go online where sex workers advertise, you will frequently see "no pay phones" and "no blocked calls". This is because sex workers require personal information about their clients so that if something would happen, she has information to give the police. Now, she may not feel comfortable calling the police but this serves as a deterrent to the client because the client knows that if he commits a criminal act then she has his phone number to give the police.

What we see when clients fear criminalization is that they don't want to provide this information for screening, which makes it very difficult for sex workers working indoors to be safe.

When clients are criminalized sex workers don't feel comfortable calling the police. Sex workers rely on sex work to provide their income and to support themselves. Sex workers don't want the police to come and arrest their good clients and take away their income. Therefore, sex workers don't feel comfortable calling the police when they've experienced an assault because that could have their location of work targeted as a hot spot.

Clients are often the first to know when exploitation is taking place. In fact, here in Ottawa there was a situation where there were underage girls who were being forced into the sex industry. It was actually a client who facilitated getting her back home to her parents and facilitated the situation being reported to law enforcement.

When clients fear being criminalized, they don't want to report this exploitation to the police because they fear being arrested themselves.

I will now move on to talk about the criminalization of advertising.

What this will mean for sex workers is that sex workers will begin to advertise in code, both because of the ban on advertising and the ban on the criminalization of clients. So what this means is that sex workers will start to say things like, “It’s \$100 for a happy ending” or “It’s 200 roses for my companionship for one hour”, without explicitly mentioning sexual services. This means that sex workers cannot post their restrictions—sexual acts they are not comfortable performing—and their safer sex requirements. If you go online today and look at advertisements of sex workers working indoors, you will see a list of acronyms. These acronyms represent the sexual acts that the sex worker is comfortable performing, the acts she is not comfortable performing, as well as her safer sex requirements.

Now, when sex workers start to advertise in code and can't explicitly discuss safer sex practices or what they are not comfortable performing, then this can lead to misunderstanding where the client can show up expecting something that she is not offering, which can be a very scary experience.

We know that the safest way to work as a sex worker is to work indoors. There is much less violence indoors than on the streets. Criminalizing advertising poses a significant barrier to sex workers being able to work indoors.

Places of advertisement like cerb.ca are about more than just advertising. They provide a “sex worker only” space where sex workers have their own board and can talk to each other. They can provide references about who the good clients are and they can also post “bad date” lists. There is an extensive “bad date” list on cerb.ca, which is probably the primary place sex workers advertise currently in Ottawa. There has been a lot of talk recently among sex workers in Ottawa about what we will have to do when the five years of the “bad date” list is taken down.

There is also a lot of talk about how the advertising isn't going to target sex workers because it's not going to be a criminal law to advertise your own sexual labour, but in fact, this law will criminalize sex workers. It's very common for sex workers to advertise duos, to offer two women with one client. If you go to sex workers' personal websites, you will often see a links page where sex workers post their friends, and these are the people they share references with. So they will call up their friend and say, “Hey, did you see Bob? Was he a good client?”

Sex workers will also frequently perform administrative tasks for each other for a fee, which can include renting an in-call location to see clients, or hiring someone else to do your advertising for you.

● (0950)

My understanding is that this law will criminalize sex workers advertising duos, criminalize sex workers advertising their friends, and it will criminalize sex workers performing administrative tasks for each other. These acts facilitate working collaboratively. Working collaboratively is safer. Performing in duos is safer, being in a group of two sex workers. Sharing a workspace is safer. Sharing bad date information and providing references are safer. This law will chip away at a sex worker's ability to work collaboratively.

I will finish by briefly talking about funding. I'm very disturbed to learn that only exiting services will be funded. What this tells me is that women who choose to exit prostitution are worthy of human

rights, and women who don't wish to exit prostitution are unworthy of human rights.

Some of the services that benefit the safety and health of sex workers include having someone compile bad date lists for street-based sex workers and distributing them to sex workers; health services for sex workers; Grandma's House, which is a location to bring clients where there is supervision, and if a sex worker screams there is someone to intervene; outreach workers; and safer sex supplies. These are services that help to keep sex workers safe and healthy, and it's a shame that they won't be funded.

I'll finish by saying that Bill C-36 is irredeemable, and in all its parts it will put sex workers at increased risk of violence. We need to start from scratch, and we need to take the lead from New Zealand. We need to meaningfully engage with sex workers to develop a legal regime that prioritizes their health, safety, and well-being.

Thank you.

The Chair: Thank you very much for that presentation.

Our next presenter is the chief of police from the Calgary Police Service, Mr. Hanson.

Chief Rick Hanson (Chief of Police, Calgary Police Service): Thank you very much, honourable members and guests. I very much appreciate the opportunity to present from the perspective of a police service. When I speak of police service, I'm talking particularly about the Calgary Police Service.

I want to start by providing a bit of context of what we face. I'll start with a story that relates to a mother who was raising, in her words, a beautiful intelligent daughter, who in elementary school was brilliant. She was a star of elementary school because when you're smart and pretty everybody loves you. Then, as she got into junior high school, being smart wasn't as cool, and by the time she hit high school she was beautiful but being smart got you no points.

In late high school, she went to a party—and this did not happen in Calgary but it ended in Calgary—and somebody offered her a joint. It's harmless, right? You hear about it all the time. She didn't know it was laced with crystal meth. She became addicted to crystal meth. She wound up working for an organized outlaw motorcycle gang in a downtown west coast city, where she was abused and working the streets and addicted. If you would have asked her, she would have said that she chose this life. It's what she wants.

Now, the mother tried to get assistance from other agencies, and she was told that when she hits rock bottom, she will come home; don't worry about it.

I would ask any parent in this room if you'd be prepared to accept that and let her continue to do that until she hits rock bottom. The sad part about this story from this perspective, from the starting point, is being the police service of jurisdiction where that mom, that family, comes to you and says they need help. "We need to extract our daughter from this. We know she's addicted. She knows she's being manipulated. She comes from a good family." The police service of jurisdiction and the agencies involved in that area say you just have to wait until she hits rock bottom. Well, I come from a jurisdiction where I don't believe you have to succumb to that and wait for that.

The mother and some of her friends had to take extraordinary measures to remove her from the situation and deliver her to a place in Calgary where they have addictions treatment. I'll finish the story at the end of my presentation here.

The Calgary Police Service believes that Canada's public policy should be the complete abolition of prostitution, and passing Bill C-36 is required in order for us to reach this goal. It is our firm position that the purchasing of sexual services from an adult should be a criminal offence for the following reasons.

Research shows that many prostitutes were the victims of exploitation as children and youth, are currently the victims of exploitation, or are otherwise vulnerable to exploitation because of drug dependency, FASD, emotional problems or mental illness, or economic disadvantage. Prostitution, therefore, is not simply the delivery of sexual services for money or other consideration, but it is instead sexual exploitation.

There's a need to discourage sex tourism. We need to reduce the number of prostitutes and associated harms, reduce the demand for the sale of sexual services, detect and eliminate the human trafficking of persons, reduce the risk of violence and homicides, and address the overrepresentation of aboriginal women and children in prostitution. We need to eliminate the commodification of persons for sex, reduce and eliminate negative community impacts, reduce gender bias in our society, which is really important, and discourage that it's acceptable or normal to solicit the service of a prostitute.

Research and our working knowledge of the sex trade tells us that regardless of what regime, model, or laws are implemented, those who sell sex are exposed to violence, exploitation, degradation, and unpreventable harm. Sex trade workers are overrepresented by aboriginal people and youth, the mentally ill, and those suffering from addictions. The only safeguard for those trapped in the sex trade is removal and support.

We acknowledge that all efforts must be taken to not further victimize those trapped in the sex trade through criminal charges. Instead, apprehension powers should be used to remove sex trade workers from oppressive situations and connect them to counselling and support services. Canada should develop a national strategy to first reduce and ultimately eliminate prostitution.

● (0955)

Support services should aim to improve the lives of sex trade workers through initiatives that focus on prevention, education, intervention, and exit. To aid in the aim of this national strategy, law enforcement requires legislative authority to interdict and intervene

in attempts to reduce the inherent harms associated with the sex trade, and to address the resultant community harm.

The legal regime in Canada should not discourage any prostitute who has been the victim of human trafficking, assault, sexual assault, robbery or other offences to be able to come forward and report the offence to police, or otherwise seek assistance, intervention, protection, or exit. In fact, in a report commissioned by the Home Office in the U.K. called "Shifting Sands: A Comparison of Prostitution Regimes Across Nine Countries", the authors note, and I quote here:

We also found little strong evidence that different prostitution regimes affect willingness to report assaults. It seems more likely that enhanced reporting is the outcome of local climates of trust built between women who sell sex and state agencies/individuals/services.

I would also like to address the issue of community impact. Communities are negatively impacted by prostitution. These harms include a reduced perception of safety within communities; an increased perception of social disorder; public nuisances such as condoms and needles in public parks, parking lots, and sidewalks; increased noise and vehicle traffic; public sex; the unwanted sexual proposition of citizens; and public health concerns. Criminal law prohibitions will continue to be needed to control and reduce these harms. This is the experience of almost 40 years in policing, where we are, unfortunately, the ones who have to deal with the issue of strolls when they're in places that are frequented by the public.

Economically benefiting from prostitution, other than for those reasons mentioned in Bill C-36, should be a criminal offence. In order to meet the concerns expressed by the Supreme Court and others respecting the need to eliminate or reduce the exploitation of persons and to enhance the safety of prostitutes, Canada should work with provinces, municipalities, and social agencies to develop a national strategy to reduce and abolish prostitution and improve the lives of those affected through initiatives that focus on prevention, education, intervention, and exit.

Here I have to say that the \$20 million, over five years, is woefully inadequate. If you were to bring that down to a provincial level, Alberta has roughly 10% of the population, or a little more, in Canada. This would mean that for a province like Alberta that would be \$40,000 a year for the five years. If you divide that into Edmonton in the north and Calgary in the south, and the other jurisdictions, a place like Calgary, with a population of 1.25 million people, would be dealing with the social aspect of it with the addition of about \$125,000 a year. It's woefully inadequate. If there's a commitment to deal with this in an effective way, then I think we have to look at the exit strategies and adequately resource them.

I want to say that over 40 years of policing for a number of years there was nothing I enjoyed better—as I still do today—than walking into schools and talking to kids. In those 40 years I've never had a young kid come up to me and say, when I grow up I want to be a drug addict, a criminal, or a hooker. It never happens.

I want to also talk a little bit about human trafficking, and the fact that it's a \$3-billion-a-year industry worldwide. Let us not pretend or ignore the fact that if Canada changes its course in this regard we will be a place where this becomes more and more prevalent. We can all beat our chests and wail about what happened in Nigeria with the kidnapping of almost 300 young school girls, but the reality is those girls are going to wind up sexually trafficked and could very well come to this country, like they go to other countries. We've visited Scandinavian countries to study the Nordic model. East European girls and those from Africa are disproportionately represented.

There are two other points I want to make. There's been the belief that somehow you can pick out serial killers. I can tell you from 40 years of policing and studying jurisdictions across North America where killers have done their thing, people like Jeffrey Dahmer or the Green River killer in Washington, you can't pick out a serial killer. You can't interview him and say, "That person is a serial killer". They come across, they present like you or me until they get captured.

• (1000)

I just want to conclude with the story that I started with. This young girl was brought back to Calgary. She was put into a program for addictions, and it was a battle, but this woman today is a second-year medical school student. She is in medical school, second year. Yet had her parents not taken steps that technically they shouldn't have had to take, this young girl would be a woman on the streets and if interviewed today, she would say, "Of course, it's my choice. Of course, I'm here because I selected it."

I'm not saying that in each and every case there aren't those who voluntarily choose it without being abused or having backgrounds of abuse. I'm not saying that, but our experience is that the vast majority of them have. All we're asking for is the legal authority to intervene in a way that allows us to target organized crime and johns, while using the law as an opportunity to extract and provide services for those who are the victims of prostitution, the service providers.

Thank you very much.

The Chair: Thank you, Chief, and I want to thank you for being here. I know there's a significant issue going on in Calgary that your police force is involved in, and I want to thank you for still taking the time to come to see us here today.

We now have a presentation from Stella, l'amie de Maimie.

Ms. Maynard, the floor is yours.

• (1005)

Ms. Robyn Maynard (Spokesperson and Outreach Worker, Stella, l'amie de Maimie): Thank you.

My name is Robyn Maynard and I'm an outreach worker at Stella. Stella is sex-worker led, a "by and for" sex worker organization. We offer service and advocacy to Montreal-based sex workers. Stella has been around since 1995.

Because there were a few comments levelled yesterday really talking about how sex workers' organizations push people to stay in the industry, I did want to address that. I think that is something that is not accurate at all about the way we work. We have a listening line. We have a drop-in centre. We do daily street-based outreach.

Some of that—at least two shifts a week—are with nurses from different community organizations because sex workers are often isolated in the way that they work from the legal system and they face a lot of stigma. We work specifically with street nurses doing outreach.

We also do regular workplace visits to escort agencies, to massage parlours, to dance clubs. We have a medical clinic, and we also have an anti-violence program in which we support sex workers who are in violent situations whether that be with a boyfriend, an abusive working situation, or anything like that, and based on their own defined needs, we'll really help to support them in that violent situation. Sometimes that could mean coming forward against someone who committed an aggression against them. It can mean a variety of different things, but it's a really important project to us as well.

In 2012-13, we had 500 visits to our drop-in, answered 5,000 calls on our listening line, met thousands of sex workers in their workplaces, and accompanied almost 250 sex workers to health, legal, and social services.

The opinions that we have around the effects of the laws are really based on what we see on a day-to-day basis. I'm a street outreach worker. I'm often working until midnight on the main strolls where sex workers are working. We can really see the effects of the laws as they play out on sex workers. We talk to them on a daily basis.

The work that we do is important in the context of criminalization especially because sex workers face so much isolation and stigma and fear of outing themselves because of their fear of losing their children, losing their apartments. A lot of the accompaniments that we do are legal accompaniments because of that, because of criminalization and also because of the situations that people are facing because of their work being criminalized. A lot of the calls we get are around people who are afraid of being arrested.

We operate on principles of harm reduction, which is extremely important for us. There is a lot of talk about money going toward just exiting programs. Often there are sex workers who want to leave the sex industry, who should be supported. We often help people to write their resumés and things like that, but often also people just need basic legal information and help with youth protective services, just to understand the laws better, to have education around, say, hepatitis C or HIV prevention. There are many different needs that sex workers have beyond just the idea of exiting, and it's very important for us to be able to provide all of those.

Many sex workers will eventually go on to do other things, but Bill C-36 really does seem to be saying, "Get out of the sex industry or you'll make your work more dangerous, or potentially be arrested." It does not actually provide other viable options at the same time. Our communities have diverse backgrounds and lives and working conditions, and there are many different needs that sex workers face. None of these are addressed by Bill C-36.

The Supreme Court of Canada struck down many provisions that criminalized the sex trade because the laws had the unintended consequence of endangering the lives of sex workers. That is why these laws were struck down. The decision was seen by many sex workers as a human rights victory because it was found that sex workers should not have to be unduly exposed to danger because of the criminal laws surrounding their work. Originally these laws took place in the name of combatting public nuisance. Now we are really seeing a re-creation, with many similar laws and going even further. Now it's under the name of protecting vulnerable communities, but these same laws that were used to combat public nuisance are really being brought back in to apply to sex workers again.

Living in a legal vacuum is dangerous and the danger is quantifiable. We know that for people living in a legal vacuum who are criminalized, the rates of murder and violence toward sex workers is abhorrent in Canada. The Supreme Court did find this directly related to the laws, so the laws are very important to sex workers' lives.

It's fine for any member of Parliament, any person living in Canada, to have the right to their own personal opinion on the sex industry and the morality of the sex industry, and whether or not we think it should exist and what we think it means, but imposing morality at the cost of human lives is not something that is acceptable.

What is the cost of passing laws trying to abolish the sex industry? The cost is extremely dangerous. Even if we look at trying to abolish what we see as a social harm, there are actual physical harms to people's physical safety and their actual lives are endangered by these same laws that try to abolish the sex industry.

●(1010)

We can look to Sweden and Norway, countries that have brought in what people often call the Nordic model, where the purchase of sexual services has been criminalized. The National Council for Crime Prevention, the Swedish National Board of Health and Social Welfare, and the Swedish National Police Board have reported that sex industry activity has not dwindled but has actually shifted venues in order to evade police detection, and has actually increased the dangers faced by sex workers.

There is more in the brief, so I won't focus too much on this. You can actually see that in Norway, violence towards sex workers has actually increased. Evidence shows that sex workers who are homeless or substance-dependent are actually more dependent now on individual clients. Here in Canada, though, we actually already have a lot of evidence that shows us what happens when we criminalize sex workers working on the street and also when we criminalize the purchase of sex.

Emily mentioned that the police in Ottawa for a while now have actually not been criminalizing sex workers on the streets. That same thing has been true in Vancouver, as was just documented. It's also been true, from what I've been seeing, in Montreal. We've seen a lot fewer arrests of sex workers working on the streets, but the client sweeps haven't stopped and police posing undercover hasn't stopped. We also see that violence has not stopped in this way. This model has already been imposed and applied. The police have already had this power and have been using it. It hasn't been working.

First, I just want to talk specifically about the law recriminalizing sex workers who work on the street in a public place where there could be minors, which is anywhere. This one is very scary. As I was saying, sex workers who have been working on the street this entire time have lately actually had a break from the fear of arrest, the fear of prison, and the fear of losing their children. For many women I've been talking to, they are terrified of this coming back and of having to all of a sudden face this threat again.

I really think that many people know very well what the dangers are of criminalizing sex workers on the street, but I think less attention has been paid to just the ability of criminalizing client-worker interactions. These have unambiguously been shown to endanger sex workers' lives and safety. Two different reports commissioned by the Canadian justice ministry, in 1989 and in 1994, really showed the direct link between the criminalization of sex workers' negotiations and ability to screen clients. They showed that this caused displacement and increased violence towards sex workers.

Even when I go out on a street work shift on, say, a Thursday night, when the police are extremely present, that keeps clients away. Sex workers just end up moving to alleys and to other parts of the city where there are fewer peers and other people around. They're still trying to seek clients, but this is becoming more and more difficult. We know that this kind of isolation is really putting people in danger.

In Montreal our bad clients and aggressors list receives more reports of violent incidents directly after the police do large-scale client sweeps. Over a three-month period during the massive client sweeps in 2001, Stella documented a threefold rise in violent incidents and a fivefold rise in incidents with a deadly weapon.

In Vancouver, where there is one of the most mediatized amounts of violence towards sex workers, the Vancouver Police Department had actually already only focused on arresting clients. A report that came out from the *British Medical Journal Open* and the Pivot Legal Society also found that sex workers were still exposed to danger, again because of this reduced screening time when they had to move to darker areas.

It's just that the displacement that comes from criminalizing client and sex worker negotiations, even if it's just on the side of the client, does put sex workers in danger. We really need to look at that more than the idea of what it means to criminalize the johns. If criminalizing the johns means that people are having to place themselves in danger, then we need to re-evaluate the point of that law. Justice Wally Oppal also reaffirms the harms caused by this criminalization in the report from the Missing Women Commission of Inquiry .

As well, because women of colour, indigenous women, and those who are substance-dependent are overrepresented at the street level, that does mean that these harms would be levelled at these groups at a larger rate than for other groups in society. That's something that we also need to think of—the most marginalized people and how they'll be affected by the laws.

Emily already discussed really well the harmful effects of Bill C-36 on sex workers who work indoors, but I do just want to mention, on this idea that still places where sex workers work indoors, like massage parlours and escort agencies, the ability for sex workers to be able to negotiate with their clients and the ability for sex workers to have condoms on site in these places. If these indoor locations are still criminalized, and are still trying to purposely avoid law enforcement because condoms can be used as evidence and things like this, we are really still putting sex workers at risk with this part of the law.

Again, the way that sex workers share their bad date list often is online. The safe practice of escorts to actually get the personal information from their client would be extremely difficult.

• (1015)

I have a quote by a sex worker we interviewed for a project called Stella Deboutte, which we haven't released yet, who says, "Because clients are scared and nervous, I think I lose business. One reason I work alone is that clients are often more afraid of arrest when we work in pairs, which essentially would make us more safe. But because the client has fears, I feel as though I have to kind of accommodate those fears and that those win out over my safety, essentially."

What would a more positive law reform look like? I think we can see that these criminal laws are not the way to address the sex trade. They're really re-endangering sex workers, who have already been placed in undue danger for decades now and who really deserve something better. We already have laws against exploitation, robbery, extortion, bodily harm. Importantly, there are also specific criminal laws and laws in the Immigration and Refugee Protection Act on trafficking. UN Women has put out a statement specifically saying that if you treat sex work and trafficking as the same thing, instead of treating them as separate kinds of abuses, then you're putting sex workers at danger of human rights risks and trafficking victims are not being helped.

Can I have one more minute?

The Chair: Yes, one more minute.

Ms. Robyn Maynard: Okay, thank you.

As an alternative, we really recommend the New Zealand model, in which sex workers have an entrenched right to say no to clients, even if the client has paid, with recourse if they're being abused in the workplace. Really, the "workplaces" that Casandra had outlined are protected under the Prostitution Reform Act of sex workers. We think that giving sex workers labour and occupational rights—including the right to say no, including access to police protection, and including the decision not to work as a sex worker, with entitlements to unemployment insurance—are very important changes that would benefit sex workers' rights.

As a final statement, I'll say that laws criminalizing the sex trade are a matter of life and death for sex workers.

The Chair: Thank you very much for that presentation from Stella.

Our final presenter this morning on this panel is Mr. Bota, a member of the Portuguese Parliament, but who is also with the

Parliamentary Assembly of the Council of Europe working on violence against women.

The floor is yours, if you can hear me, Mr. Bota.

Mr. José Mendes Bota (Member of the Portuguese Parliament, General Rapporteur on Violence Against Women, Parliamentary Assembly of the Council of Europe, As an Individual): Thank you, Mr. Chair. I would like to compliment my colleagues from the Canadian Parliament, and all the witnesses and persons present.

I am a member of the Parliamentary Assembly of the Council of Europe. The Council of Europe, for the ones who might not know, is much larger than the European Union. It comprises 47 member states. It is the big Europe, from Russia to Portugal.

One of our main concerns is the elevated number of people who are trafficked every year. It is estimated in Europe that between 70,000 and 140,000 people every year are put on the circuit of trafficking human beings. The problem is that 84% of the victims of trafficking is for the purpose of sexual exploitation and forced prostitution.

Although we understand that prostitution and trafficking are separate phenomena, there is a strong link between prostitution and trafficking. This concern lead the Parliamentary Assembly of the Council of Europe to nominate me as rapporteur for the report that is called "Prostitution, trafficking and modern slavery in Europe". We are talking about modern slavery in Europe when all these people are forced to do something against their will.

I would like to show you a map of Europe. If it's possible that you can see, there are many different situations approaching the prostitution phenomenon in Europe. You see, in red, the countries in Europe where there is a total prohibition on prostitution. Then you see, in blue, the countries where prostitution is accepted but some aspects are criminalized. The ones in green are the ones where prostitution is legal. The ones in pink are the ones that have approached the Swedish model, where the purchase of sexual services is criminalized, as is the case in Sweden, Norway, and Iceland, for the moment.

In this report, there was no intention of making any kind of moral judgment, and there is also no philosophy or ideology in the report. I tried to go to certain member states to conduct fact-finding visits and missions, and to have dozens and dozens of meetings with members of government; members of Parliament; NGOs, including sex worker organizations; police forces; and all the types of institutions that deal in one way or another with the phenomenon of prostitution. We were convinced that the policies on prostitution could have an impact on reducing or increasing the level of trafficking of human beings. That's why I went, first of all, to Sweden. That was the basis of the motion for this report, to study the Swedish model and see the weaknesses and strengths of that model.

There are no models that are 100% perfect. They are all subject to criticism, of course, but we have to check the results. I went to Germany, Switzerland, and the Netherlands, which are three examples of legalized systems of prostitution. I wanted to check the results of these policies on legalizing prostitution.

Let me start by saying that the Swedish model—after 1999, with the sex purchase act, prohibiting and sanctioning the purchase of sexual services but not their sale—really had an intention. They wanted to curb the demand because they wanted to attack the root cause. The root cause is that without man's demand, there would be no demand for trafficking of human beings. The prostitution industry would not be able to flourish so much.

They are taking the basis that prostitution is harmful to women and is also affecting the boundaries of equality between men and women. It's a barrier to gender equality. Also, they think that this distinction between voluntary and forced prostitution is not relevant.

• (1020)

I must tell you in the beginning, in 1999, when this purchase act was approved, there was a big division in Swedish society. Some political parties were against, some others were in favour, and the society was divided.

One of the conclusions after all these years, since 1999 until now, is that now there is a large consensus, or at least the majority of public opinion supports this policy. All of the political forces—I spoke with all of them in the Parliament—stand together. There is no division on the political forces, so the results are being appreciated.

Of course, there is the criticism that when you attack prostitution on the street probably you are making it behind the scenes, and this would put more danger on the women. But the fact is that there are other ways of checking if this is true or not, if the Internet is replacing the street.

The other ways...for instance, Interpol intercepted a lot of calls and intercepts every day, and the calls between the criminal organizations that are connected with the trafficking on human beings don't consider Sweden anymore as an attractive country for their business. This is also some kind of reality.

The aim in Sweden was really to eliminate rather than regulate the prostitution. They have sanctions. They have administrative sanctions just like fines, and they have prison as criminal sanctions. But it's also important to say that practically no one was sent to prison because usually it remains on the fines. What they want is to send a strong message to the public that prostitution is not acceptable on their standards.

May I also tell you that the number of people who have been trafficked in Sweden, according to the data available—I will mention the problem with the data—has decreased substantially.

Let me just tell you that I went to Germany. Germany introduced in 2002 the legalization of prostitution. What I heard from many organizations is the following. The main proposals of the legalization system all failed because one of the main proposals was to attack the criminal organizations that were behind the scenes of trafficking and prostitution, and the result was totally the contrary.

Another one was to improve the status of prostitutes, and it's absolutely the contrary. The prostitutes are no longer checked either on health or on safety. Even the police have no access to the brothels. The industry has totally and tremendously expanded.

Now some things happen in Germany that I think, from the perspective of human rights, we should not accept that human beings, and women especially, are treated like that. What is called gang bangs and what is called the flat rate, and that is described by the press and the media.... I have a lot of articles about it.

It's really unacceptable that one man can pay 70 euros or 100 euros and can have sex with as many women as he wants to. At the end there are some who make the comment that the women are not in good condition to have sex. Of course. There are no timetables. There are no limits. They don't have a home. They live in the brothels. So this is the situation, and that was confirmed by many people on both the political side and the NGO side.

We have the sex workers' organizations, and they all claim they have the right, and this is some kind of right to choose prostitution as a way of being. But the problem, and my conviction after these meetings, either in Sweden, or in the Netherlands, or in Germany, or in Switzerland, is that those associations of sex workers really do not represent what is the reality in Europe, and I mean it. It's in Europe. I'm talking about the European experience.

• (1025)

What happens is that, in reality, the great majority of prostitutes nowadays in Europe are trafficked. They are there against their own will. Many of them are illegal and are not represented by these sex worker organizations. That is the problem; they don't have a voice.

If you look at the advertisements, it's very easy to understand. They are circulating between town to town, between member state to member state. When we read that there is a new stock of new flesh in town coming from this place or that place, we easily understand that they are controlled by mafias. They are controlled by criminal organizations. That was exactly what these countries that have adhered to the legalization wanted to avoid. Look at the Netherlands, for instance. In the Netherlands, you see that the mayors in Amsterdam, Rotterdam, and The Hague are reducing the number of licences for what is called the red light district, those windows where the women present their product.

When the police in the Netherlands made a report saying that 90% of the famous red light district in Amsterdam was controlled by criminal organizations, this is totally the opposite of the intention when they legalized prostitution in that country.

Of course, I'm doing a report—

Yes?

The Chair: Can you summarize?

Mr. José Mendes Bota: Yes, I will summarize.

Just to say at the end that prostitution policies have a big impact on the possibility of reducing trafficking.

In my report I also mentioned academic research, and the academic research came also to that conclusion. It's not possible in Europe to make a general rule, but many other countries are now studying this. France's Parliament and Senate are also approving something similar to the Swedish model. There are several countries—in the United Kingdom, in Scotland, in Malta, in Ireland—where they are also making steps to change the legislation in order to criminalize the purchase of sexual services.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Bota.

I gave all the presenters today a little flexibility on the time, around 12 minutes, but now we'll do an hour of questions and answers.

Our first questioner, from the New Democratic Party, is Madam Boivin.

• (1030)

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Thank you, Mr. Chair.

I want to thank all the witnesses for being with us today. Your briefs are all very informative.

Mr. Chair, you will no doubt get another tweet about the extra time you've given us. Be that as it may, it's much appreciated.

[*English*]

My first question is for you, Mr. Bota. I really appreciate the time you took to address us on the situation in Europe.

Are you familiar with our Bedford decision that prompted the hearings that we're having this week?

The Chair: He's not on. Hold on.

Mr. José Mendes Bota: [*Technical difficulty—Editor*]...make again another bill, but I'm not familiar. I had no time to study it in detail.

Ms. Françoise Boivin: The only reason I'm asking is that the government had to produce a bill—or not, it was their choice—because the Supreme Court said, and I'm sorry I'm going to read it in French:

[*Translation*]

Concluding that each of the challenged provisions violates the charter. . . .

[*English*]

—because we have a Charter of Rights in Canada—

[*Translation*]

. . . does not mean that Parliament is precluded from imposing limits on where and how prostitution may be conducted, as long as it does so in a way that does not infringe the constitutional rights of prostitutes.

You said something in your presentation that struck me.

[*English*]

You talked about curbing the demand. My question is this, and I think it is the \$20-million question. How do we curb the demand while at the same time making sure that the sex workers are safe?

Have you studied that aspect in any shape or form? Because we are confronting that situation here.

Mr. José Mendes Bota: I prefer to have the French translation because I understand French perfectly—

Ms. Françoise Boivin: That is awesome.

Mr. José Mendes Bota: —but I also understand English.

[*Translation*]

I can speak French.

Ms. Françoise Boivin: Even better, we can talk in French.

Mr. José Mendes Bota: French or English, I'm fine with either.

[*English*]

But as we started in English, let me continue in English. Is that possible?

Ms. Françoise Boivin: That's perfect.

Mr. José Mendes Bota: In my conclusions I am not criminalizing the prostitutes. On the contrary, I say that the prostitutes should be helped. They should be safe. There should be programs of rehabilitation, I mean, giving other opportunities. It's not only a matter of rehabilitation. The prostitutes are also my concern. I treat them as human beings. They must be treated as human beings.

I believe that the success in Sweden was more of a social success. The men were feeling.... First, they were convinced that they should not do it. Secondly, when they get the fines by mail, it's some kind of social penalization, because the whole family knows or their colleagues at work know. They don't want to be connected with that kind of activity.

I believe that after I have studied.... Look, I'm not saying the Swedish model is the most perfect. I'm also not saying that the models in the countries of legalization are all bad. No. In the Netherlands they are treating the prostitutes well in certain areas.

The problem is that there is not a national policy. It's the same problem in Switzerland. They don't have national data, because it belongs to the municipalities. It belongs to the cantons. They don't have statistics. That is one of the main problems. We need to better know the phenomenon, nationwide statistics that might be comparable. But in Sweden it is—

Ms. Françoise Boivin: I get your point. Thank you. Time is of the essence.

You've opened the door for me, in a sense, and for the other members of the panel, in terms of one of the key successes of the Swedish model being the fact that it was in parallel, at the same time, to very strong social democratic measures.

[*Translation*]

My question is for Ms. Diamond.

[*English*]

I agree with you. A preamble is very important. It gives you the story that you're going to read.

I found there were things missing. It might be a start, but there are things missing. For me, that's where it gave me the impression of what the law from the government was all about. What was missing, and I don't know if you agree, is that we should also in the preamble address the questions of poverty, of housing conditions, health care needs, and other social measures. That would have given me the impression that we wanted to address everything.

At the same time, there's the fact that everybody on every side of the equation believes that at no time should the prostitute be criminalized in any consideration. The fact that it is.... With the fact that the Minister of Justice yesterday said to us that it's an intrinsic part of the bill to protect communities, I didn't sense, and I'm not quite sure and convinced, that we'll be able to amend it.

I had long discussions with members from the audience at the end of the day yesterday. They were saying, we're counting on you to amend it. We'll try very hard, but honestly, if it's part of the essence of the bill, I do not have much hope.

For you, is your support of Bill C-36 still there, even if we cannot amend it and we still criminalize prostitutes, sex workers, at the end of the day?

• (1035)

Ms. Casandra Diamond: Yes. I still have hope in Bill C-36.

This is a hard-working bill, in fact. We can't throw out 95% of its benefits for the 5%, but what we can do right now, what you guys can do, is really look at it, take it and turn it inside out and flip it around to figure it out. That's why I'm talking about equality, and I think we are talking about the same thing.

When we're talking about equality, we are addressing poverty. We are addressing the systematic issues and abuses or scenarios of life that keep women involved in sex for hire.

When we look at Bill C-36, for example—

Ms. Françoise Boivin: But isn't the \$20 million telling you that it is...? You seem to think it's a lot of money. But I listened to Chief Hanson, and I totally agree. We had Minister Swan yesterday telling us that when you consider what it represents...and it's way less. I think the Conservatives spent more on the commercial. They'll probably spend more on the commercial than on helping out. It's not only exit programs but also education, like—

Ms. Casandra Diamond: Twenty million dollars is better than no dollars.

Ms. Françoise Boivin: We all agree with that, but it's also sending a signal. If you are serious that you want...because I take the word of the minister, he wants to eradicate prostitution. It may be a very commendable objective, but with \$20 million I tend to not take him too seriously.

Ms. Casandra Diamond: I hear you saying you'd like to put more money down, and I really appreciate that. That's exactly what we should be doing. You definitely should be putting more money towards it. But we need to change perceptions of society, huge public education campaigns.

Ms. Françoise Boivin: Totally.

Ms. Casandra Diamond: We need equal police training. We need to have the laws of the land applied equally instead of having pockets of policing services that are already advocating a Nordic-model style of law in that they are not criminalizing the prostituted person or the trafficked person. They are, in effect, criminalizing the johns, which is very refreshing to me. In my 10 years I have never seen a man arrested for the purchase of sex—

Ms. Françoise Boivin: I agree with you. I think we would like more money for the cops also to be able to—

The Chair: Thank you both. Your time is way past. 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.

My first question is going to be directed to Casandra. Casandra, yesterday we heard from Maggie's and some others that they never really met underage prostitutes. I know that, Casandra, you've worked very directly on the street with trafficked and prostituted people. Could you comment on that?

Ms. Casandra Diamond: Thank you, gratefully.

I've just finished a one-year contract with an agency that specifically handles trafficked persons versus prostituted. So it's just a strict trafficked-persons issue.

I can't walk into a group home in Canada where children—and these are 14-, 15-, 16-year-old children—are not being recruited out of there by low-level, small, organized gangs, and things like this. In fact, these girls are now using friending tactics to go in and get their friends to help them, to let them know they can make a little bit of extra money. "You can do this, do that. It's not so bad."

So I'm seeing younger and younger persons entering the sex trade.

• (1040)

Mrs. Joy Smith: Also, could you comment on the amount of money? It seems that everybody we turn around to see is making money off the victims. What do you know about that?

Ms. Casandra Diamond: I certainly know that victims aren't making money. A lot of the women I'm working with are exiting the sex trade as broke as they entered it, except for, of course, the addictions they are coming out with, and the other issues they are facing socially.

In fact, they are not coming out with money. So the people who are making money are certainly organized groups of people who are facilitating large-scale brothels in the Toronto area. I'm from Toronto, so this is the area I'm speaking about. They are certainly making the money. Other than that, it's not the women.

Mrs. Joy Smith: Thank you so much.

I would like to ask some questions now of Chief Hanson. I have to congratulate you and the Calgary Police Service. They are doing amazing work in terms of human trafficking and this whole issue. Your coming here today and your thoughtful comments mean a great deal on this committee.

I have a couple of questions. You were talking about the exit strategies and the need for more money, and that has come out very comprehensively. You've also talked about the overrepresentation of aboriginal women and the need to reduce the gender bias in our society. I thought that very compelling because 10 years ago we would not have heard that from police forces. Can you expand a little bit more clearly on what you've seen on the streets in terms of underage girls on the streets and also about the idea of how women are expected to be treated and accepted and this kind of involvement in the sex trade? Could you expand on what you were saying a little earlier more fully?

Chief Rick Hanson: Thank you.

A study done by one of the NFPs, not-for-profit agencies, in town deals with this issue. They found the average age for young girls entering prostitution is 13 years of age.

I want to talk a little bit.... It's ironic. I've been around, as I said, and I'm not bragging about it; trust me. I have almost 40 years in policing.

Up until about 15 years ago, we didn't do a very good job in regard to family violence and domestic violence, because we had this attitude, which goes back many years, that if a woman is in a situation where there's family violence, she chooses to be there. It's her choice. You know what? That wasn't the case then with family violence and domestic violence. It took us going a long way on the spectrum to acknowledge that it's a complicated issue that requires the application of the law on the abuser, where appropriate, but more importantly, it requires support systems to support the victim, where appropriate, and the victim and the family.

The discussion around this is very similar. From observing not only our own experiences in Calgary but also from reading studies, I believe strongly that, when you are out there and see the disproportionate representation of aboriginal women, when you see that there are addiction issues and issues of mental illness, for too long policing has focused on the symptoms, put them in jail, instead of focusing on the people there.

Mrs. Joy Smith: For the first time in Canadian history, we are seeing the arrest of the perpetrators who buy sex. Do you think that is helpful in getting some control on this?

Chief Rick Hanson: That's a really good question.

Absolutely, because unfortunately it's a wink-wink, nudge-nudge situation. Young men are growing up to think that it's a right of passage to solicit a prostitute and do whatever you want to her because you're paying for it. It's wink-wink, nudge-nudge; it's really okay. If you get caught, well, you know what the consequences are.... None of them expect to get caught.

So it's changing attitudes.

•(1045)

Mrs. Joy Smith: We heard one group yesterday say that they basically deal with people aged 18 years and over. I've worked personally with victims for a very long time, and I would question that. I just don't know how you feel about that, though.

Chief Rick Hanson: About which part?

Mrs. Joy Smith: About how old these people are that you see on the streets. Are they all adults? Are there some youth? What happens?

Chief Rick Hanson: Fortunately, we have some really good provincial statutes that allow us to intervene if they're under 18. But the reality is that if they're 18 years and one day, our hands are tied. So you recognize that you need some additional—

Just as in drug court today, a charge for drugs means you're starting on a road to recovery because you use the charge to leverage that for treatment. Then you can give people their lives back. We are saying that having the Criminal Code to support you as a tool to extract and then put into treatment programs is something that's going to benefit the individuals themselves, the victims.

The Chair: Your last question, please....

Mrs. Joy Smith: My last question, very quickly, to both you and Casandra. Maybe I'll start with Casandra.

Casandra, did the johns ever ask you—do they ever ask the people they're having sex with how old they are?

Ms. Casandra Diamond: Certainly not. As a matter of fact, their needs are what is important. That's what the purchase of sex is about. The johns are purchasing one hundred per cent of what they want and purchasing zero per cent of what the other participant wants.

Mrs. Joy Smith: Chief Hanson, can you make a comment?

Chief Rick Hanson: Our experience is that they will occasionally ask because they know the significant consequences of having sex with an underage woman.

Mrs. Joy Smith: Thank you.

The Chair: Thank you for those questions and answers.

Our next question is from the Liberal Party, Mr. Casey.

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

Welcome and thank you, witnesses.

Good afternoon, Mr. Mendes Bota. I'd like to start with you, sir.

In the law we are presently examining, there is a provision that allows for a criminal sanction against those communicating, in most public places, for the purposes of selling sex. Based on the work you've done in Europe, what's your view of criminal sanction against people communicating for the purpose of selling sex in most public places?

Mr. José Mendes Bota: Hello, Mr. Sean Casey. It's also nice to see you on the other side of the Atlantic.

Well, as you know, in my report I have to attend to the different situations in different countries. I have to assume that the sovereignty of a state decides which kind of prostitution policy it wants, and I have to respect that. But if you ask my opinion and my feeling and my conviction, after all I have seen and heard, I think that all types of advertisement should be criminalized—all types, direct or indirect. On the communication of offering sexual services, of course, if we go with the sense to criminalize all aspects of prostitution, that has to be criminalized. If we go with the sense that we only criminalize the purchase of sexual services, then we are criminalizing only the clients. So that depends on the situation.

Is that what you wanted to...?

Mr. Sean Casey: Not really.

Voices: Oh, oh!

Mr. Sean Casey: One of the things that you said in your report was that you:

...do not think that criminalising the sale of sex is a valid approach: it risks sanctioning those who are forced into prostitution by others or their personal circumstances, and dissuades victims of trafficking and exploitation from reporting it to the authorities.

That's in paragraph 28 of your report.

The recommendation in your report sets forth best practices not just for member states of the Council of Europe but also for observer states, of which Canada is one. There is nowhere in your recommendations where you suggest that a best practice is to criminalize those who are selling, and that's what we're being asked to approve.

Could you comment on that, please?

• (1050)

Mr. José Mendes Bota: Yes.

In my recommendations I take the position very clearly in favour of the Swedish model, which criminalizes the purchase of sex. That means an option. I'm not criminalizing the offering of the sexual service. At the beginning of my statement I showed the map of Europe. I showed the countries where it's criminalized. Those are the countries that have more prostitution, that have more trafficking. So it's some kind of *hipocrisia*. If you go to many of the eastern countries in Europe, you see it's criminalized prostitution, but in every corner, in every hotel, you have sexual services being offered freely, so nobody controls. When you criminalize the women who is a prostitute, you are also putting her in danger.

I believe the best approach is to criminalize the purchase of sex. That was an option, it was a political option, for my part, and that is translated in the resolution. I am suggesting that every member state from the Council of Europe, if they want, and if they decide by their own will and by their own political bodies, should follow the Swedish model.

In case they are not following the Swedish model, of course I have other suggestions. For instance, it was spoken a few minutes ago, and I think it's a very important issue. The minimum age for a prostitute in a legalized system, I think, should not be less than 21 years old. If you legalize prostitutes at a very early age, you are destroying the future of a girl who, some years later, may regret making that choice. The more time they have before entering that activity, the better. I believe that is also important if a country decides to go for legalization, which is not my opinion, but if they decide...later is better.

Mr. Sean Casey: One of the things that you talk about in your report, and that you mentioned earlier, was the importance of data collection. What would be your view of a country that is reviewing its legislative regime for the social problem of prostitution that makes no mention, no reference, to data collection in order to be able to measure the effectiveness of the measures in the statute? What would be your view of that?

Mr. José Mendes Bota: My view is that in either prostitution or trafficking we need more research and we need more data collection. The data collection requires a coherent system of data collection. It's not like a country where every municipality is entitled or not to have data collection so you cannot compare and it's not reliable. So I believe it's important that this research is done and also that the official bodies have the same standards of data collection regarding these types of figures.

But let me tell you, and I think it's important and I profit from your question, that some very important academic research was done recently by the London School of Economics and Political Science, the University of Heidelberg, and the German Institute for Economic Research of Berlin. They studied the available data in 150 countries regarding prostitution and the trafficking of human beings. They came to the conclusion that you have the scale effect. This means that if you legalize prostitution then you have an expansion of the sexual business and then you need more people to be trafficked to supply that scale effect.

But the substitution effect is also true. If you legalize prostitution then you don't need any more of the illegal and trafficked ones. So this would be apparently in contradiction. They came to the conclusion that the scale effect prevails. This means that if you legalize prostitution you will have more trafficked people to supply that industry.

• (1055)

Mr. Sean Casey: Thank you, Mr. Mendes Bota.

Chief Hanson, do I understand you correctly to say that one of the best ways we can help people involved in prostitution is to give them a criminal record so that will help them out?

Chief Rick Hanson: I don't think you're necessarily giving them a criminal record. If it's a summary conviction offence there is no criminal record. Now there is no criminal record. If you're convicted of a summary conviction offence, they do not have the authority under Canadian law to fingerprint or photograph. Without the ability to fingerprint or photograph you don't have any identification of criminals. So in other words, it is a very low level and you still have the criminal conviction but no record.

So what you have is this ability to use criminal contravention to leverage that into assistance for that individual. It's used for all kinds of criminal court processes now, alternative measures, which allows the laying of a criminal charge in such a way that when it gets to court there are many options available that will preclude any kind of a criminal record. That's why we're saying to take the supply side and use this law to assist in extracting those who we know need additional help or assistance or are looking for an opportunity to get out, who we know that if you provide support services to them you are giving them an option to extract themselves from something that's inherently dangerous and unhealthy.

Mr. Sean Casey: Chief, I'm shocked that you would say a summary conviction offence does not result in a criminal record. It takes five years to get a pardon.

The Chair: That's the question and answer period.

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

Chief Rick Hanson: A summary conviction doesn't.

Mrs. Stella Ambler (Mississauga South, CPC): Thank you, Mr. Chair.

Thank you to all of our witnesses for coming to see us today.

Let me begin, Mr. Bota, by welcoming you and saying that it's nice to see you again. I attended the presentation of your report in Strasbourg, at the Council of Europe. I appreciated that and it's great to see you again and hear about your work and what's going on in Europe, and the comparison. We really appreciate that and it's very informative for our study.

I do want to point out—just to continue with something that Mr. Casey was asking about, just to let this committee know, and those who are watching—that data collection on the numbers with regard to human trafficking are a strong part of the national action plan on human trafficking that was recently passed in this Parliament. Absolutely, we agree that's something very important. In order to be able to understand the issue and to properly legislate, we have to know what the numbers are.

I'd like to ask you, Mr. Bota, about Germany, and the German example, in particular. I wonder if you believe that less regulation in prostitution leads to more or less underground.... I do hear from proponents of legalization. They believe that if it's legalized the government can then tax it and regulate it, and that having it all above board and visible is a result of legalization, and that's what happens when we legalize it.

Do you agree, or have you found, in the German example, that it's the other way? Is it more visible and better for prostitutes? Or is it driven underground and there is more organized crime? Which one is it?

Mr. José Mendes Bota: Hello, Mrs. Ambler. It's also very much a pleasure for me to see you there. I hope we will see you in the next session in Strasbourg.

About your question on the German case, let me tell you the following. In Germany it's estimated that they have about 400,000 prostitutes working and one million clients a day. These are the estimations. Of course, there is no data that we can be assured that those are the right figures, but one figure is correct. It is that only 44 sex workers are covered by social insurance. That means that they are registered on the official social insurance.

So you see the difference is that according to the law, they should be covered with a lot of health assistance, with social security assistance, to be treated as a business as any others. But the reality is totally different.

The problem in Germany, or one of the problems, is that the regulations should depend on each Länder, so every Länder in every municipality deals with the problem of prostitution with only one concern, which is where they put that activity to make no social effects on the community. Let's say they are choosing the best place where they cannot see, where they cannot hear what's going on there. This is one of the problems, and that also affects the collection of data.

But in reality—and this is also from that study and the research I mentioned some moments ago—it's also proven there that the situation of sex workers decreased in quality, in assistance, in all

ways after the legalization. So it was totally the opposite, and the result is that there are 44 female sex workers who are registered on the official social security in Germany.

• (1100)

Mrs. Stella Ambler: Thank you very much.

I have what I think will be a quick question for you, Emily. I want to ask you how many sex workers you represent, and if they represent all ages. We've heard the Calgary chief of police tell us that the average age that girls get into prostitution is 13. We've heard Casandra, from BridgeNorth, tell us that there is no safe place to be a prostitute.

I wonder how many you represent and what age range they cover.

Ms. Emily Symons: I'll start with the first one, how many. It is really difficult to say because a lot of people transition in and out of sex work. We have sex workers who will do sex work when their oven breaks down and they need a new oven, or they might do sex work just at the end of the month when they have bills to pay. So it's very difficult to say.

I will say that we are extremely involved in the sex industry in Ottawa. We have numerous members who are working indoors and they're active on the boards and in “sex worker only” spaces. We have street-based workers, people who do outreach at different drop-in centres in the Ottawa area, so we are very knowledgeable about the sex industry in Ottawa.

I'm not sure what research you were referring to, but when I looked at the research in the factums filed in the Bedford case that showed the average age of entry into prostitution was 13, I actually looked it up in a little bit more detail, and that was research on underage sex workers, so the sex workers who are underage entered at age 13.

Underage prostitution absolutely happens, and I think it happens because of social issues, lack of support for underage workers, poverty, and drug use. These are all social issues that need to be addressed in addition to sex work. As I mentioned at the beginning, we don't want anyone to do sex work when they don't want to do that, and this is where sex work intersects with other issues.

I think often the number of people working in sex work underage is grossly overrepresented.

Mrs. Stella Ambler: If there were 10 in Ottawa, would you want them to be represented, or would you just want that number to be zero?

Ms. Emily Symons: I'm sorry, I'm not understanding the question.

Mrs. Stella Ambler: I would say that I'm not worried that underage sex workers are not represented by an organization. I'm worried that there are any, that they exist. So while I appreciate that you want to help sex workers do their work safely, I guess I would represent the line of thinking that believes I wish it didn't, that it weren't there. I do understand, and we've heard that this problem will never go away. I think we should work to eradicate it.

I'll ask you the same question I asked another organization yesterday. Is your end goal eradication of prostitution? Or is it more just believing that it will never go away, so let's make it better?

Ms. Emily Symons: Sure, I would say that our ideals are neither.

I'm sorry, can you just repeat the last part? The question was ideally would it be eradicated or....

• (1105)

Mrs. Stella Ambler: I'll try to phrase it differently. Is it more a case of stopping the activity? Or is it just about reducing the stigma?

Ms. Emily Symons: I think that you never, ever help someone by taking away an option, and I would never want to take away the option of sex work from someone. But I would want to create more options so that everyone can make the decision whether they want to do sex work or they don't want to do sex work, and so that people who do sex work can do it safely. I have no desire to see the sex industry flourish, and I have no desire to see it eradicated. I wish for people to be able to make their own choices.

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

Our next questioner, from the New Democrat Party, is Madam Péclet.

[*Translation*]

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

I would also like to thank the witnesses for their exceptional presentations. They were quite enlightening.

My first question is for the POWER and Stella, l'amie de Maimie representatives.

You said that local police had already adopted an approach whereby the client was considered to be committing the criminal activity and that the police had been operating that way for several years. Robyn said the approach had not necessarily led to less violence or less prostitution.

I'd like you to tell us what the relationship between sex workers and the police has been like since that approach was adopted.

[*English*]

Ms. Robyn Maynard: Thanks for asking that question.

To begin, I'll just point to the research I had pointed out that just was done with the sex workers in the Downtown Eastside, regarding the Vancouver police's decision to focus more on the clients.

They did note there was a slightly improved relationship between the sex workers and the police, which is something that was a positive, but the major problem that continued was that sex workers still didn't have enough trust in police. When police were running by, they would be trying to evade them because this was moving their business, because they would end up in much more isolated areas, and would still end up....

If a sex worker gets into a car with a client and is negotiating with him, the police will still intercept at that moment. So at the same time, again, when the client-sex worker interaction is criminalized, it still creates an adversarial relationship. It is a step that we can see is actually being taken away now by this new law project, for sex workers to not be arrested, and now it seems as if they will be again,

with full impunity and with all the effects of harm and danger that will result from that.

That's just it. Because of the effects of criminalizing sex workers' clients on the street, it still causes a displacement, and displacement has been found time and time again to be, really, one of the major causes of violence that we see enacted on sex workers in the street.

Ms. Emily Symons: Unfortunately, the relationship between the police and street-based sex workers is still extremely negative since they started arresting clients rather than sex workers. What has been told to us by sex workers is that even though the police aren't laying charges, they are still harassing them. They are approaching them on the street. "What are you doing here? Get off the street." They're wanting to search them, wanting to lay drug charges, or going after them for loitering, so it's actually still extremely negative.

There are a small number of officers in Ottawa who do have positive relationships with street-based sex workers, but it's a smaller number.

Ms. Robyn Maynard: If I could just add to that, we see the same. As much as people are glad to not have to fear going to prison, the police are still pushing people away and giving them tickets, and all this other kind of thing, the harassment, because they are really trying to close the red light district in Montreal that exists. They are still using a variety of other means including other drug charges and things like that, which affect sex workers' lives negatively.

[*Translation*]

Ms. Ève Péclet: Since the police began using that approach, have you seen clients being arrested? Have they been convicted? How has the police implemented the new approach? How has it been enforced at the street level? Has it resulted in arrests and convictions?

[*English*]

Ms. Robyn Maynard: This isn't clear. The criminalization of clients isn't something that's new. The criminalization of clients came in with the communication law in 1985, so this criminalization of clients isn't something that was a new policy. It was just to focus less on the sex workers for communication.

There has always been an imbalance. There are many fewer clients who are arrested than sex workers, and it has always been that way. But you do see the police patrolling the streets, which is still displacing people because clients are afraid to go there when the police are patrolling. It's things like this. So as much as the convictions...because it has always been unbalanced and more focused towards sex workers, even if it's not for sex work charges....

• (1110)

Ms. Emily Symons: From what we know in Ottawa, overall the number of clients approaching sex workers on the streets has not gone down. I know this anecdotally. I don't have any research to back it up. But clients are displaced for periods of time while they are conducting what they call the street sweep. For that period of time they may move to another location, but it certainly doesn't change it long term.

The Chair: You still have three minutes.

Ms. Ève Pécelet: My second question would be for Mr. Hanson, because at the end of your testimony you clearly said prostitutes will not have a criminal record under this new law. But according to the Canadian law, for criminal records, it clearly states to get a suspension of your criminal record, it takes five years. I'm going to cite it in French, sorry:

[*Translation*]

It clearly says everyone is guilty of an offence punishable on summary conviction.

[*English*]

I was wondering. I clearly know in Quebec when you get arrested you have to go to the police station and give your prints. I'm sorry, I'm not from Alberta so I don't know how it works.

So you have never arrested a prostitute? Can you say no prostitutes have ever had a criminal record and had to give their prints? Because I know for a fact that it is not true that they won't. If they get arrested and get recognized as guilty of an offence, they will end up with a criminal record.

Chief Rick Hanson: This is an excellent opportunity to clarify this whole issue.

The Identification of Criminals Act under the Criminal Code is very specific. If you're charged with an indictable offence, you will be fingerprinted and you will be photographed, full stop. If it's a dual procedure, dual procedure says that you may be convicted of an indictable offence for up to two years, five years, 10 years, or summary conviction. For dual procedure offences, you are fingerprinted and photographed. When it goes to court, a determination is made by the crown whether they want to proceed by indictment or summary conviction. Regardless, your fingerprints and photographs have already been taken.

There's a reason for this. If we arrest somebody today in Calgary and they're in Montreal, and somebody by the name of Rick Hanson gets arrested in Calgary, and then somebody by the name of Rick Hanson gets arrested in Montreal, how do you know it's the same Rick Hanson? Because I can tell you there are lots of them.

The third option is pure summary conviction offences. In other words, an offence punishable by six months or less, or a fine, does not fall under the Identification of Criminals Act. You do not fingerprint. You do not photograph. So you may have a conviction registered, but you have no record, because how do you identify that person without fingerprints and photographs? How do you know you're charging the same person? Well, you don't.

What you're talking about is frequently dual procedure offences, where the crown chooses to proceed by summary conviction, but it's still fingerprints and—

Ms. Ève Pécelet: But the decision is the judge's, so at the end—

Chief Rick Hanson: No, the decision to proceed is by the—

Ms. Ève Pécelet: —if they're recognized as guilty of an offence, then they will be.

Chief Rick Hanson: —crown prosecutor. The law is the same right across Canada.

The Chair: That's your time, Madam. Thank you for those questions.

Thank you for those answers.

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

Mr. David Wilks (Kootenay—Columbia, CPC): Thank you very much, Mr. Chair.

Thanks to the witnesses for being here today.

I am going to continue along that same line because there seems to be some confusion. So, under the summary convictions act, it states that a conviction of six months or less, and a fine of up to a certain amount, does not require fingerprints or photographs. Correct? That also follows suit with the Identification of Criminals Act, under section 4 of that act. Correct?

Chief Rick Hanson: Correct.

Mr. David Wilks: So under the new act that we are proposing, it will be a strict summary conviction offence for those who are caught communicating in a public place.

I'm curious to ask you, from the perspective of that new offence under this Bill C-36, a question that is twofold. One is that as the police are normally the first point of contact in a lot of instances under this type of investigation, I want you to take me through the discretionary powers of a police officer when it comes to this type of an offence. What they try to do at all costs, in my opinion, is rather than sending the sex worker to jail, they truly want to give this person help. So I want to hear from you about what the discretionary powers of the police officer are.

The second part of that is, because it's summary conviction and there are no fingerprints and no photograph, does that give power to the police to use that discretionary power?

•(1115)

Chief Rick Hanson: It totally does. Let's talk about issues that relate to so-called police harassment. Let's talk about when strolls are established in your neighbourhood, on your street, in front of where you live, your apartment building, in front of where you work, and what authorities the police have to deal with that.

If it's a pure legalization and there is no Criminal Code or no offence there, then the issues around enhanced vehicle traffic, johns approaching regular women on the street trying to use the sidewalks, and needles, condoms, and those types of things, are a source of grave community concern. Frankly, the community does not accept the police throwing their hands up in the air saying, "Geez, we can't do anything about it," when it's your 16-year-old daughter who perhaps has been solicited, or things like that are happening.

I was at a police commission meeting a few years ago where this was indeed happening in the community, and the community collected a jar full of condoms and needles and such, brought it up, put it on the desk of the chairman of the police commission, and said, "You tell us it's not a social problem. Tell us what you're going to do about it."

By having some provisions under the Criminal Code that allow us to take some steps, and by making it minimal provisions under the Criminal Code, i.e., summary conviction offences, it allows us to take some actions to remove the social disorder issues associated with that, and allows us to take some steps to address the victimization issue of those women, or men, because there is male prostitution, just to put this on the table. There's very little in the way of recognition or treatment of that.

Mr. David Wilks: Thank you.

There has been some line of questioning that would suggest that the police target prostitutes from time to time. We've heard that from some of the groups. Could you explain to us the perspective of policing with regard to targeting as opposed to what the police may or may not be trying to do when they do a targeted area?

Chief Rick Hanson: There are a couple of things. One that I think I alluded to is that there are very few communities and very few locations where the community believes that a stroll is acceptable, where they believe that the issues associated with that cause other social issues....

Sorry.

Mr. David Wilks: I just want to interject, because this one might take a little longer.

Under the new provisions in the bill, proposed subsection 213 (1.1) states:

Everyone is guilty of an offence punishable on summary conviction who communicates with any person—for the purpose of offering or providing sexual services for consideration—in a public place, or in any place open to public view, that is or is next to a place where persons under the age of 18 can reasonably be expected to be present.

That's similar to when a person who's arrested, for argument's sake, for a sex assault being put on a recognizance that says they cannot go near schools, playgrounds, etc.

Can I get your perspective on that section, if you have reviewed it, Chief Hanson, and hear what you think?

Chief Rick Hanson: Again, I think it allows us the opportunity to address issues where there are serious risks to kids associated with the provision of a particular service like this.

I mean, we do get a lot of concerns related to issues and circumstances around schools, playgrounds, day care centres, and you can go on and on. We need the authority to be able to do something.

The Chair: Thank you for the questions and answers.

Our next questioner, from the New Democratic Party, is Mr. Jacob. Welcome.

• (1120)

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Thank you, Mr. Chair.

I want to thank the witnesses for being here today.

My first question is for Emily Symons.

How helpful are affordable housing and poverty reduction measures in terms of supporting sex workers who want to leave prostitution?

[*English*]

Ms. Emily Symons: Sorry, could someone repeat that in English? I didn't quite hear it.

The Chair: Could we repeat the translation, please?

Ms. Emily Symons: Thank you.

The question is with regard to how addressing poverty and addressing social housing can impact the sex industry. I think what it will do, not just for the sex industry but for work in general, is to give people more options. Giving people more options to make the choice of what form of labour they wish to engage in is a positive thing.

I'm sorry, I can normally understand French. It was just a little bit quiet, so....

The Chair: Okay.

Mr. Jacob.

[*Translation*]

Mr. Pierre Jacob: My second question is for Rick Hanson.

You talked about mental health and drug dependency in your presentation. In your view, are the mental health and substance abuse services available to prostitutes and vulnerable women adequate right now?

[*English*]

Chief Rick Hanson: I would have to say no. There hasn't been a comprehensive, integrated approach to address this issue like we have with so many other issues that used to be deemed to be criminal issues. Now with the focus on prostitution, I think it's the time to start to coordinate those services in a way that they act in the best interest of the sex worker. Because I can tell you that in my personal experience, from our officers dealing with young girls, young ladies, who become addicted to drugs for the sole purpose of then being manipulated into prostitution, issues of mental illness that are undiagnosed, and again there's an issue around self-medication, it will take a far more coordinated, collaborative approach to address the issue. The fact that we finally have this on the national agenda is going to be able to provide an opportunity to effectively address this, just as Mr. Bota said. I was fascinated by Mr. Bota's comments.

That's what it takes. As with anything else, it requires a made-in-Canada solution, and I think what Bill C-36 does is provide a made-in-Canada solution that may be different from elsewhere, but provides those collaborative approaches that have proven so successful in many jurisdictions in combatting homelessness, which is drug addiction and mental illness.... There is even the fact that there are criminals in our prisons and jails who are undiagnosed as mentally ill and addicted. We're punishing them because they support themselves through crime, but we're ignoring the real, foundational issues.

I look at this as being finally an opportunity to put what is a serious issue on the national agenda and to actually put the resources and efforts into addressing this instead of little band-aids, which is all I've seen in 39 and a half years of policing.

[Translation]

Mr. Pierre Jacob: Thank you, Mr. Hansen.

My third question is for Ms. Diamond.

In your view, what types of programs and services are needed to help sex workers who want to leave the profession?

[English]

Ms. Casandra Diamond: Thank you.

Some things that would be most beneficial would be the creation of other actual viable options like furthering their education, job skills, and job opportunities, as well as better housing options and opportunities, just learning a life other than normalized abuse, having cultural opportunities, experiencing their communities in different ways where they get to be active as healthy, contributing members who can reap the benefits of being within the community. That has economic options as well. Welfare just doesn't pay the bills. There's nothing, at the end of the day, for anybody who does need to be on OW, or Ontario Works, programs. There's just not enough there, and they need something more than to resort to selling their bodies for paying the rent at the end of the month.

As Ms. Emily Symons mentioned, these are last-minute choices here. I have to pay my rent or I'll be out at the end of the month; my kids need \$100 for a school program, so I'll just go out and pull one trick. That one trick, they might not come home from, sir. That might be the last trick they pull, so we need to have options other than being born with a body that can be purchased by somebody who's willing to purchase it.

• (1125)

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

Our final questioner of this panel is Mr. Dechert.

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

Thanks to our witnesses.

Chief Hanson, I want to start with you. Chief Jennifer Evans of the Peel Regional Police, which polices in the City of Mississauga, where I'm from, and her officers have told me that there is associated crime that goes with prostitution in the places where it's carried on. Whether it's indoors or outdoors there is often general assault both on the prostitutes, obviously, and sometimes on their clients and other third parties who might happen to be in the vicinity. When other criminal elements know there are men walking around with large amounts of cash in their pockets, they'll be drawn to that area. They may get assaulted and robbed, and other innocent bystanders who just happen to be there at the same time may also get mugged. There is also drug trafficking that goes hand in hand with this because sometimes the people who are looking for the sexual services are also looking for drugs, and the providers of drugs know there is a market there.

Have you seen the same thing in your jurisdiction in Calgary? Can you talk about that?

Chief Rick Hanson: Just as there's unreported crime when it's associated with the supplier of the product, which we have to work more diligently to address, many of the offenders that target prostitutes are vicious, violent men. At the time they are victimizing prostitutes; at another time, it could be some other equally innocent person. Not having access to the reports of those people and who they are is something, if we don't know, we can't investigate. We have to fix that.

As far as the supply side goes, for those who are soliciting the service, yes, absolutely, there are multiple cases where they are set up, robbed, beaten, extorted, and they are reluctant to report for the same reasons, for the embarrassment that is associated with it. They think the police aren't going to react to it. Frequently these issues are associated with organized crime groups because this is a lucrative market—hugely lucrative. Secondly, sometimes they are just local thugs who recognize that it's an opportunity to take advantage of a particular situation.

Mr. Bob Dechert: So you would agree there are other harms to our communities where these activities are carried on?

Chief Rick Hanson: Absolutely.

Mr. Bob Dechert: Okay.

I want to ask a question to Ms. Symons. In your ideal world, as I understand it, you have total decriminalization so there is no stigma attached to the provision of sexual services, the people can choose willingly to do it or not to do it. In that ideal world, if we create that ideal world in Canada, do you think the number of people involved in the sex trade and the demand for sexual services will go up, down, or remain the same?

Ms. Emily Symons: I believe it will remain the same. There are a couple of reasons I believe that. One is talking with my colleagues in New Zealand and learning that both the purchase and the sale of sexual services are roughly the same. I know there is this understanding that if we decriminalize it, the sex industry is going to flourish. But I want to point out that strip clubs are currently legal in Canada, and we don't see women rushing out all the time to work as erotic dancers, and we don't see men rushing out all the time to purchase lap dances. So my expectation is that it will remain the same.

•(1130)

Mr. Bob Dechert: Somehow the market forces are generating the exact demand and the exact supply? I studied economics many years ago, and it's very uncommon that you'll have a situation where there is some criminal sanction or prohibition on a business, yet the demand exactly equals the supply. But that seems to be your view of what would happen here in Canada.

Mr. Bota says, if I understand correctly, that in Germany when they went to a decriminalized situation, the number of sex workers actually went up and the number of sex transactions went up, and the amount of human trafficking went up. Why do you think that wouldn't happen in Canada?

Ms. Emily Symons: I think that wouldn't happen because I believe that exploitation is taking place precisely because it is criminalized. When you push the industry underground and when sex workers aren't able to call the police, when sex workers don't have access to labour standards, and when they face the stigma when they come out to report exploitation, I believe that is why the exploitation is taking place.

Mr. Bob Dechert: Casandra, do you have a comment?

Ms. Casandra Diamond: We can't actually push the prostitution industry underground. We can push it out of the way so we can't see it; that's more so the case.

The prostitution reform bill's purpose was not intended to equate with the promotion of prostitution as an acceptable career option, and it's not. That's why I think we see more and more trafficked persons when we allow or legalize prostitution. We in Canada have licensed body-rub houses. We have a small scale example of what that would look like. These licensed body-rub houses are operated, again, by organized crime groups, where their rules apply, not the laws of Canada.

The other thing that New Zealand has is the brothel operation certificate system. We have the same thing in place. We apply to the licensing commission to get these licences. We have to qualify for them, and clearly, it's a "not working" system, where women are not protected and where they are pushed outside the view of society and cannot go for help in an indoor situation. It is certainly not the solution for any future.

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

I want to thank our panellists for being here today as witnesses. It was an excellent discussion on this particular bill and its effects.

Just so you know, we will be continuing to review this today and tomorrow and on Thursday, and all meetings will be televised so that you can tune in to see how we're doing.

With that, we will adjourn until the next meeting after lunch.

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