



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Justice and Human Rights

EVIDENCE

NUMBER 009

Friday, April 1, 2022

Chair: Mr. Randeep Sarai



Standing Committee on Justice and Human Rights

Friday, April 1, 2022

• (1300)

[English]

The Chair (Mr. Randeep Sarai (Surrey Centre, Lib.)): I call this meeting to order.

Welcome to meeting number nine of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to the motion adopted on Tuesday, February 8, the committee is meeting on the review of the Protection of Communities and Exploited Persons Act.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely, using the Zoom application. The proceedings will be made available via the House of Commons website.

Before I begin, we're going to condense the panels slightly to two 45-minute panels. We have some housekeeping at the end of the meeting, so I'll keep 20 to 30 minutes for that at the end. Hopefully, everyone is okay with that.

I would now like to welcome our witnesses. Before I get you to start, I will give each witness group five minutes. When you're at your last 30 seconds, whether you're being asked a question or in your time, I'll show a 30-second card. When you're out of time, it will be an "out of time" card. I'm pretty generous, usually, but I will have to end the conversation. If you need to complete the answer, you can finish off your answer when you are asked another question, but be mindful of the time.

For the first panel, we have Melissa Lukings, juris doctor, author and researcher, as an individual; we have from BC Coalition of Experiential Communities, Susan Davis, director; and from the Centre for Gender and Sexual Health Equity, we have Dr. Shira Goldenberg, assistant professor, and Dr. Andrea Krüsi, assistant professor, department of medicine at UBC.

Each group will have five minutes, beginning with Melissa Lukings.

Ms. Melissa Lukings (Juris Doctor, Author and Researcher, As an Individual): Thanks for having me.

Hi. I'm Melissa Lukings. As was just said, I just finished my law degree as a juris doctor from UNB Law. I have a B.A. from Memorial University in Newfoundland and Labrador. All of my education, so two degrees as well as life expenses, has been paid for entirely by sex work. In total, I have 14 years of lived experience in sex work. That includes experience working in massage parlours,

managing a massage parlour, operating an advertising website, as well as years of independent work. In terms of scope, it spans Ontario, New Brunswick, Nova Scotia, P.E.I. and Newfoundland and Labrador.

While completing my law degree, and prior to that as well, I was actively involved in sex work research and advocacy across Canada, specifically with the Safe Harbour Outreach Project in Newfoundland; SafeSpace in London, Ontario; as well as the Canadian Alliance for Sex Work Law Reform.

With regard to exploitation, I have had experiences in sexual exploitation, which overlapped with but were distinct from my experiences in sex work, so I will speak to that as well. I've completed the sex trafficking and sexual exploitation course offered by the Arizona Trauma Institute, and I also volunteered with the Sexual Assault Crisis and Prevention Centre in Newfoundland.

I want to highlight the timeline. I started out in sex work in 2008. Between 2008 and 2014, when Bill C-36 went into effect, is six years, and from 2014 to 2020, when COVID happened, work slowed. That was also six years. So I have six years before, that year in between, and then six years after...

To put it into context, I was a sex worker before Bedford. I was a sex worker after Bedford, but pre Bill C-36. I was a sex worker after Bill C-36. I have experienced sexual exploitation. I can speak to the legal issues through the lens of advocacy, and lived experience in sex work, as an employee, an employer, an advertiser and an independent—that does make me a third party—as well as lived experience in exploitation, again which is separate from the sex work.

Very quickly, I just want to talk about what an expert witness is. Before meeting everyone today, I did a little bit of a—I'm not going to call it a deep dive—light dive into everyone's backgrounds. The majority of you seem to be law folk, so I want everyone to think back for a moment to those law school days when you were first learning about evidence. It's a required course for us, so I'm assuming it's a required course for everyone. It's a great class. Do you remember evidence?

In evidence, you learned what qualifies someone as an expert witness. We're talking about unbiased perspective, peer-reviewed, published and lists of qualifications. There are some issues with finding qualified expert witnesses for vulnerable communities. We've had that be a thing in the past. I wrote a paper on it. It's included in my brief, which you will get later.

Where does Paul Brandt fit into this? I can't not say it. I don't get it. I don't know who invited him. After my background investigation, I have some suspicions, but whoever it was needs to refresh their memory on relevant evidence and expert witnesses. A country musician involved with an anti-trafficking group has nothing to do with providing meaningful insight into how laws impact sex workers in the country. It doesn't make any sense.

When you have an expert witness, they're someone who is supposed to provide experience and insight which cannot be intuited without their testimony. I think that was a waste of time, and it made me sad that he was invited before I was, because we both applied.

I want to give you a metaphor.

You're tasked with hanging a poster on a vital community bulletin board. To accomplish this, you're given a few thumbtacks—simple enough. However, rather than using your thumb to press the tacks into the board, you decide to bring in your gas-powered, heavy-duty, reverse engine hammer drill from home. Do you get the tacks in the board? Well, yes, sure. However, in the process of doing so, that gas-powered, heavy-duty, reverse engine hammer drill also ended up fracturing the frame of the bulletin board, effectively breaking it. As a happy bonus, you also ended up causing extreme, extensive structural damage to the wall behind it. Will you be getting any gold stars for this assignment? No, you will not. Nobody's going to be handing out any gold stars to you for damaging the community's bulletin board, no matter how far you bashed that tack into the board before it broke and fell off the wall.

Did your method of completing the task end up creating a scope of impact much wider than you intended? It would seem so. I feel certain in saying that if the assignment you're given is to hang a notice on a bulletin board using thumbtacks and you break the board entirely, no one's giving out gold stars.

• (1305)

Let's talk about these laws. Do they target human trafficking and sexual exploitation? Yes, just as we targeted the notice and the tacks on the board—

The Chair: Unfortunately, Ms. Lukings, your five minutes is up. You're going to have to try to bring it up in the questioning. I apologize for that.

Ms. Melissa Lukings: Oh, okay.

The Chair: I will advise the rest of the panellists again that I'll try to wave this. You just have to pay attention to it.

Next we have Susan Davis from BC Coalition of Experiential Communities.

Ms. Susan Davis (Director, BC Coalition of Experiential Communities): Good morning. Thank you for hearing me today.

First, I'd like to acknowledge that I'm on the lands of the three great nations of Squamish, Musqueam and Tsleil-waututh peoples.

For the purpose of this testimony, I represent the BC Coalition of Experiential Communities, which is a sex worker-led advocacy and research group. I myself am a sex worker of 36 years, if you can believe that. I sometimes I have a hard time believing it, but it's true. I will start by assuming that you've read my brief and understand that some of the information you've been receiving as evidence in the committee is false and would not qualify as evidence in a court of law, and would not meet the test of the Tri-Council Policy Statement. I'm happy to answer any questions you have in that regard.

I will focus today instead on recommendations that could ensure that your work is complete and could achieve the best outcomes in supporting health, safety and choices for adult consensual sex workers in Canada.

First, with respect to health, the 2016 report of the Canadian government to UNAIDS clearly identifies the need to remove laws that criminalize sex work. Canada also has international obligations to address the criminalization of people who are vulnerable to HIV and AIDS, and I quote, "Laws, such as laws on sex work...may discriminate by criminalizing conduct or identity." and "States have a moral and legal obligation to remove discriminatory laws and to enact laws that protect people from discrimination."

This committee heard from Justice Canada about arrest numbers and difficulties experienced by police and prosecutors in targeting exploitation. This committee must also hear from the Minister of Health, the Public Health Agency of Canada, Corrections Canada, International Affairs and all those responsible for the federal initiative to address HIV/AIDS in Canada. The impacts of criminalization on the health of sex workers and Canada's international commitments at the UN are critical to your work.

Now I'll talk about the law.

Canadians and witnesses here are all in agreement that sex workers should not be criminalized. Police and prosecutors have expressed confusion with respect to how to fight exploitation. They say that human trafficking laws are insufficient and often put the victim's safety at risk. The use of prostitution laws has become the default in the absence of effective human trafficking legislation. There are many laws that can be used to fight violence against sex workers without defaulting to prostitution laws. Victims of human trafficking exist in many industries, not just in sex work.

You've heard about exploitation of youth and children. The stigma carried by sex work also extends to youth who experience paid sexual exploitation. A child whose exploiter is charged under prostitution laws will be subjected to the stigma of prostitute for the entirety of their lives. People migrating to Canada who are fleeing economic hardship, climate change, discrimination and many other things also face risks if they engage in sex work. They could be deemed inadmissible and subjected to deportation if they are discovered. This makes it impossible for migrant sex workers to report violence when they experience it or to access health services without fear.

In spite of the misrepresentations and false information given to this committee, the most successful examples of protecting sex worker health and safety are in places that have decriminalized sex work. Part of the New Zealand Prostitution Reform Act's purpose is to protect sex workers and children from exploitation. On February 22, just over one month ago, the state of Victoria in Australia also decriminalized sex work for the rights and safety of sex workers and to prevent exploitation.

Canada must meet its international obligations and address these issues by repealing PCEPA in its entirety, repealing IRPR sections 183(1)(b.1) and 196.1(a), and considering additions to section 279.01 of the Criminal Code to better counter the exploitation or human trafficking of a person, ensuring that additions to that law are based in fact and written in consultation with all stakeholders, and by implementing a national policing policy and guidelines highlighting sex worker rights and the changes to the Criminal Code.

The truth is that we are working-class people, citizens and newcomers who are simply trying to feed and house ourselves and our families. Comments made in support of laws against being near churches, schools and parks are hurtful and totally discriminatory. We have families. Our children go to school. We are diverse in our spiritual beliefs. Children are not prostitutes. We should not be subjected to the narrow ideology of a very vocal few.

Sex workers who are migrating should not be deemed inadmissible.

- (1310)

Police are asking for more effective tools to fight exploitation.

Please, work with us to meet Canada's obligations to sex workers.

Thank you.

The Chair: Thank you, Ms. Davis.

I'll go over to the Centre for Gender and Sexual Health Equity next. Dr. Goldenberg and Dr. Krüsi, you have five minutes.

Dr. Andrea Krüsi (Faculty Member and Assistant Professor, Department of Medicine, University of British Columbia, Centre for Gender and Sexual Health Equity): Thank you, Mr. Chair.

Hello, everyone. Thank you for very much for inviting Dr. Goldenberg and me to today's hearings.

We are both assistant professors at the University of British Columbia at the Centre for Gender and Sexual Health Equity in Vancouver.

I'm here to speak to our empirical research on the occupational health and safety impacts of PCEPA, which was summarized in our brief.

Our longitudinal research project was initiated in 2010 and was funded by the Canadian Institutes of Health Research and the U.S. National Institutes of Health. The project includes qualitative research on the lived experiences of sex workers and third parties, and an epidemiologic cohort of over 900 cis and transgender women sex workers across diverse work environments in metro Vancouver.

As a rigorous, prospective, mixed-methods study, our research is uniquely positioned to empirically evaluate the impact of PCEPA on sex workers' occupational health and safety. We drew on longitudinal data, collected with the same participants prior to and after the implementation of PCEPA in December 2014. To our knowledge, this is the largest and most rigorous research available evaluating the health impacts of PCEPA.

This research highlights the ways in which PCEPA reproduces the harms of previous legislation deemed unconstitutional by the Supreme Court of Canada. Of note, findings from our study were submitted as evidence in the Bedford case as well.

I am now going to very briefly summarize the main findings of our research, all of which have been peer-reviewed and published in highly reputable scientific journals.

We found that after the implementation of PCEPA, 72% of participants reported no changes in their working conditions. Thus, they continued to work under unconstitutional and unsafe working conditions. Concerningly, 26% reported experiencing negative changes. The most common negative changes reported included a reduced ability to screen clients and negotiate terms of transactions, which are essential for consensual sexual transactions. Immigrant sex workers were significantly more likely to report negative changes.

Our research indicates that sex workers continue to face significant barriers to reporting violence to police. This is despite the objective of PCEPA to encourage the reporting of violence, as stated in the preamble. In the analysis of access to justice over nine years, rates of reporting violence did not improve post-implementation of PCEPA. Only 26% of sex workers who experienced violence reported it to police. A staggering 87% of racialized immigrant sex workers and 58% of Canadian-born sex workers did not report violence to police.

Our research also highlights the negative effects of the criminalization of clients and the communication provisions. Key mechanisms by which criminalization and targeting of clients impact sex workers' working conditions identified by our research include barriers, again, to screen clients and negotiate terms of transactions, and displacement to isolated areas.

Our research, in line with other important Canadian research by Professor Bruckert, debunks important myths around the role of third parties. While our research demonstrated that third party security and administrative supports are linked to improved access to occupational health and safety, results showed that after the implementation of PCEPA, there was a 31% reduction in the odds of accessing third party supports for sex workers.

Finally, our research indicates that after PCEPA, sex workers experienced a 41% decrease in access to health services and a 23% reduction in the odds of accessing community-based services.

In conclusion, public health evidence from Canada and internationally is unequivocal. The criminalization of sex work undermines sex workers' occupational health, safety and rights. Prohibitionist scholars argue that sex work normalizes violence and gender inequalities. However, the public health literature suggests that it is, in fact, criminalization which achieves this by undermining sex workers' working conditions, restricting access to justice and reinforcing the marginalization of already marginalized sex workers, including those who are indigenous, those who face immigration policy restrictions and those who work in street-based settings.

• (1315)

Thus, our evidence points to the full repeal of all provisions of the PCEPA.

Thank you.

The Chair: Thank you, Dr. Krüsi.

I will now start the panel of questioning beginning with Mr. Brock for six minutes.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Mr. Chair.

Thank you to all the witnesses for your participation and attendance today.

I'd like to start with you, Ms. Lukings. I know that you had much to say and, unfortunately, your five minutes ran out pretty quickly. That's usually what happens in this format.

I have six minutes. Would you be able to complete your summary in a minute or less?

• (1320)

Ms. Melissa Lukings: Yes, thank you.

I wanted to talk about how exploitation is about the relationship between parties but not the relationship between a sex worker and client; it's the relationship between the sex worker and a third party. Often this overlaps with domestic violence cases, so the solution, if we want actionable solutions to this, which we do, is to repeal all of the PCEPA, all of it, and then implement the offence for coercive control, which I believe was tabled either last night or today, and

that's to criminalize coercive control of another person, which targets exploitative behaviour.

We already have the trafficking laws and sexual assault laws, so decriminalization plus coercive control allows us to hit the nail on the head, and we're not harming other people, so we're fixing the issue by helping those who need the help without harming others.

Mr. Larry Brock: Thank you.

I want to start off by asking you some questions, Ms. Lukings. First I want to congratulate you on your recent graduation, as you've indicated.

Ms. Melissa Lukings: Thank you.

Mr. Larry Brock: You have done a bit of a dive with respect to our backgrounds. You'll probably note that I come from an experience of 30 years in lawyering, the last 15 of which I've been a Crown prosecutor. I've taken some great pride in dealing with numerous human trafficking cases involving children and adults and dealing with other child exploitation offences, not so much on prostitution, but there is an intersection between the trafficking component and prostitution under the current legislation.

You spent some time talking about experts in general. I'm going to use these words, and these are my words. Whether you agree with them or not, you're very critical of Mr. Brandt's testimony.

As you know, we have heard from numerous, numerous witnesses, and I can assure you that none of them have been qualified in the traditional sense of being an expert witness. This is not a court of competent jurisdiction. It has not met the legal definition of what an expert should bring to this particular committee, but everyone we have heard from in cases such as yours has brought not only an academic perspective to things but a lived experience.

In Mr. Brandt's case, in his defence—he can speak well on his own behalf—his evidence was helpful to us in the sense that it enabled us to get a full picture of the pros and the cons of this particular legislation.

I know that, ultimately, you see no path forward other than a full repeal of PCEPA, and you also referenced some other aspect to something that's being introduced into the House either today or soon thereafter to offer some protection to workers.

Ultimately, as a committee, we have to decide whether we are going to recommend that the act be given a further chance of seeing its strengths and its weaknesses or to recommend changes, tweaks, amendments or things of that nature.

On that particular point, should this committee ultimately conclude that we are not going to repeal PCEPA, I'd like to get your perspective on what amendments or what sorts of adjustments you think we should be looking at to try to find a nice balance between reducing the overall demand and protecting the exploited.

Ms. Melissa Lukings: If we're not open to repealing all of it, you have the easy way out, which is to take away the most obvious harm. That would be getting rid of the advertising provision, as well as communicating, purchasing, procuring and third party material benefits. Those are the most obvious ones.

There are some other issues with the PCEPA as well, but I think we can all agree that the basic sex work laws are the ones that are causing the most trouble. Material benefits, advertising, purchasing, communicating and procuring would need to be repealed for sure. I think that would be the most obvious answer.

I had six years before and six years after. Prior to PCEPA, I hadn't known any of my peers to die. After PCEPA, I think we're at seven or eight now. That's ridiculous. If it's supposed to help and not harm people, then how come there are actually people dying for fear of reporting to police? These are huge issues. We're talking about people's lives.

To me, the bare minimum is to repeal those main provisions. The ideal situation, if you want the A+, is to decriminalize. Absolutely.

• (1325)

Mr. Larry Brock: My next area is, from your own personal experience—

The Chair: Unfortunately, Mr. Brock, your six minutes are up.

Mr. Larry Brock: Thank you, Mr. Chair.

The Chair: The next round of questioning will be with Ms. Dhillon for six minutes.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Mr. Chair.

My first question is for Ms. Davis.

Can you please elaborate on the New Zealand model, particularly with respect to the improvement of health conditions of sex workers under the model? I understand there have been several parliamentary reports done, including in 2009.

Would you be able to share your comments with the committee? Also, could you table the executive summary for the committee, please?

Thank you.

Ms. Susan Davis: Sure.

I am a layperson—as we all sort of are—working on these issues by default because I am a sex worker and it applies to me. My friends have also died. I'm with Melissa. This is not a joke for us. This is not about ideology. This is supposed to be about the safety of my community. This is why I struggle with some of this.

From what I have read of it, the New Zealand prostitutes' collective worked really hard with all stakeholders, including police. They came up with a legal framework that would work to protect people from exploitation and try to ensure that business operators had the tools they needed to ensure they were being fair in the way they were treating their employees. They came up with the Prostitution Reform Act.

Shortly thereafter, there was a bit of a surge in numbers of registered massage parlours/brothels or whatever you want to call them. That has sort of trailed off over time. Many people think it's easy to open up a sex industry business. It is not. It is gruelling, horrible work with late hours. By horrible, I just mean late hours, no time to cook for yourself, being tired all the time and those kinds of things.

There was an initial sort of surge in numbers of registered places, but that has trailed off a bit. As well, estimates of the number of sex workers in New Zealand have become more clear and were actually lower than what they thought.

The same thing applies with youth who are at risk of being engaged in sex work. They've had a lot of success in being open with business operators and sex workers generally to find youth who are at risk and intervene before youth in those positions are exploited. They've also been able to redirect resources towards better support for youth.

In this country, we should know better than anyone else that we need to do better for youth and provide them with choices, so they don't land in a situation where they feel like this is their only option. There's been no discussion of that in relation to these laws. It's only about once they've been exploited. Well, can we do a little prevention?

I think one thing that is the most important and key about New Zealand is that they're talking to one another. They're identifying issues as they arise and trying to deal with them as they go forward. Some municipalities, for example, have been really reticent to adopt the law in its entirety and have created no-go zones and things like that. That works counter to the intention and the purpose of the law, which is, in part, to prevent exploitation of sex workers and children in New Zealand.

I hope that is a bit of an answer. It is quite a comprehensive report, so I will definitely table the executive summary for the committee to consider.

Ms. Anju Dhillon: If you could deposit the whole report, that would be better—

Ms. Susan Davis: Sure. That's no problem.

Ms. Anju Dhillon: We could get more information.

I'd like to ask you a follow-up question. What do you think will happen if we remove all criminal penalties related to sex work? Do you think criminalizing sex buyers helps sex workers?

• (1330)

Ms. Susan Davis: It certainly does not.

In screening my clients.... I'm very lucky. After 36 years, I have a large, regular clientele base. For the most part, I know my clients. That's the thing. If you can't screen clients and you're having a hard time finding clients, every client you see is a new person and you don't know what to expect from that client. Screening is almost impossible under this legal regime. They don't want to give their full names. They don't want to risk their families, jobs or lives in a screening process, because they're afraid of being captured by this law.

For the workers on the street, it means you have to jump in the car and drive away before you can negotiate the terms of your employment. We used to be able to lean into the window of the car and see if they have a rape kit and if they're sober. Now, you're already in the car and you're left to negotiate your way out.

In terms of having clients come into my home, I want to know who they are before they come into my home. My home is the safest place—or massage parlours when I worked there—because it's on my turf. Going to a hotel or a client's home remains extremely risky, as it was before the Bedford decision. I gave evidence in that case. I've been in this battle for 20 years this year, which is really sad in a way.

The criminalization of sex buyers is not helping the situation at all. They are a critical ally in the fight against exploitation. The Vancouver police will tell you that, during their operation that netted 47 men who were attempting to buy from a youth, they had phone calls from clients saying, "There's a youth advertising sexual services on LeoList". They were trying to refer that youth, who was actually a police officer, to the counter exploitation unit. The clients are not these boogeymen.

The Chair: Thank you, Ms. Davis.

Thank you, Ms. Dhillon.

Next, for six minutes, is Mr. Fortin.

[*Translation*]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Thank you, Mr. Chair.

I have a few questions for Ms. Davis because I'm not sure I understand her position. I understand from her testimony that she deplores the fact that the clients, or the buyers, are penalized, because that poses a problem for the prostitute.

I would like to digress for a moment. I've been warned a number of times that the concept of sex worker encompasses many people and many realities. That includes the prostitute, but also the pimp, the person who manages the prostitute's business, as well as the bodyguard, the driver, and so on. However, we may not want the same rules to apply to all these people. So I want to make it clear to Ms. Davis and the other witnesses that I'm going to use the words "prostitute" without any ill intent, without trying to be hard on anyone. I want to make that clear.

Ms. Davis, as I understand it, the prostitute does not commit a criminal offence, but the client does. You say that this prohibition should probably be removed, since it would allow the prostitute to talk to her client before being alone with him.

If we decriminalize the purchase of sexual services, what prohibitions will remain? What do you think should continue to be considered criminal offences?

[*English*]

Ms. Susan Davis: I'm not sure we really need to keep a ban on anything in this regard. Unfortunately, there is this hundred-year-long stigma about sex work. There are a lot of myths and rhetoric that have been perpetuated, not unlike by some of the witnesses who have given false information here.

The clients are not the boogeymen that they are made out to be. Honestly, by criminalizing them, you are not motivating them to report exploitation should they witness it. These guys are on the front line—

[*Translation*]

Mr. Rhéal Fortin: Ms. Davis, I'm sorry to interrupt, but my time is limited. You have already said what you are saying, and I understood. Do you think we should simply decriminalize prostitution, and that all the provisions concerning prohibitions related to prostitution should be removed from the Criminal Code? Is that correct?

[*English*]

Ms. Susan Davis: Yes, it is. However, I think we should listen to police and ensure that they have the tools they need under other legislation where they seem to be struggling. For example—

[*Translation*]

Mr. Rhéal Fortin: Ms. Davis, I have to interrupt you again, and I'm sorry. My time was only six minutes, and I guess I only have about three minutes left. Thank you for your answer.

Ms. Lukings, earlier you mentioned that people are afraid to turn to the police. You also said that some of the people you worked with or were friends with had passed away. All of this is very sad, and no one is happy about it, obviously.

In your opinion, how can the situation be addressed? Do you also think that everything about prostitution should be legalized? Or do you think that only the purchase of sexual services should be legalized, or that nothing should be legalized at all? How do you see this?

I would like you to tell me concretely, in one minute, what should be legalized and what should be prohibited.

• (1335)

[*English*]

Ms. Melissa Lukings: In the simplest way possible, we need to repeal all of the PCEPA laws—all of them. Then, as I mentioned, there is a tabling of the coercive control offence, which would allow us to refocus on the relationship rather than the work, because it's not about the relationship. You can work at McDonald's and be exploited when you go home, either way; it's a domestic relationship issue, in that case.

[*Translation*]

Mr. Rhéal Fortin: I understand your point about human trafficking and abuse. But what about prostitution? You listed some sections of the Criminal Code.

Actually, can we have this document?

Do we have this document, Mr. Chair? I personally haven't seen it.

[*English*]

Ms. Melissa Lukings: Absolutely. You might already have it. It will be in my brief.

[Translation]

Mr. Rhéal Fortin: Okay. Could you send us your brief? I didn't get it. I don't know if other committee members did. In fact, could you have your brief translated so that it is in both official languages and sent to us?

[English]

Ms. Melissa Lukings: Okay.

[Translation]

Mr. Rhéal Fortin: Thank you, Ms. Lukings.

So I come back to what I was saying. Earlier, you listed a number of sections of the Criminal Code that establish prohibitions and that you think should be abolished. Can you send us a list of those sections?

[English]

Ms. Melissa Lukings: Absolutely I can do that.

[Translation]

Mr. Rhéal Fortin: I have one last question for you, Ms. Lukings.

You have a number of years of experience in sex work. I just want to get some clarification. Again, I don't want to be rude, but I would like to know if you were in this business as a prostitute or if you kept a brothel. What exactly was your role in the sex industry?

[English]

Ms. Melissa Lukings: I've had many roles. I worked for a while in massage parlours. That would be as an employee of a massage parlour. I also was the general manager—

[Translation]

Mr. Rhéal Fortin: Were you the person giving the massage or receiving it?

[English]

Ms. Melissa Lukings: I was giving the massage. I was the sex worker.

[Translation]

Mr. Rhéal Fortin: Okay.

[English]

Ms. Melissa Lukings: Also, for a while there was a whole... Anyway, it was in St. John's. Then I was the manager of a massage parlour while simultaneously working there.

I did hire people. We advertised. I created an advertising website when we were no longer able to use Backpage and Craigslist. I created a site. I think it matters that I didn't charge anyone to advertise on it. It was free and community run, with volunteer moderators who were also within the community. We had a safe advertising place, and it was—

[Translation]

Mr. Rhéal Fortin: Ms. Lukings, my time is almost up.

In short, you have been working in the management of the sex industry for the past few years. Is that right?

[English]

Ms. Melissa Lukings: Yes.

[Translation]

Mr. Rhéal Fortin: Thank you.

Thank you, Mr. Chair.

[English]

The Chair: Thank you, Mr. Fortin.

Mr. Garrison, go ahead for six minutes, please.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Mr. Chair.

I want to thank all the witnesses for being here today.

On the point of who is an expert witness, I think we have people with both lived and academic research experience today who would qualify as experts under anybody's definition of who would be experts on this topic.

I'd like to turn to you, Dr. Krüsi and Dr. Goldenberg, on what we've have many people saying. Is the problem just certain provisions of PCEPA, or is it the overall framework? From your academic research, what is it that causes the harm? Could we fix this by just changing a few things, or is it the overall scheme of PCEPA that causes the harms?

Dr. Shira Goldenberg (Director of Research Education and Assistant Professor, Division of Epidemiology and Biostatistics, Simon Fraser University, Centre for Gender and Sexual Health Equity): Maybe I'll jump in here.

Yes, we very much agree with our colleagues. We think the overall framework is actually the problem. We do feel that this legislation, like many other similar pieces internationally and that have preceded it in Canada, is really based on this conflation of sex work with the idea of trafficking or exploitation that is very much based on stigmatizing beliefs and often inaccurate knowledge.

From what we see in our evidence, really highlighting that the various provisions of the current law as it stands all create health inequity and barriers to safety and health access for sex workers, we very much agree with our colleagues that the full repeal of the law is really what we would advocate for.

I'll see if Dr. Krüsi has anything they'd like to add to that.

• (1340)

Dr. Andrea Krüsi: Yes, absolutely, and I think it is really imperative to repeal all the provisions of the PCEPA. That will give way to implementing occupational health and safety standards that can actually regulate the industry. That is something that was possible in the New Zealand context post decriminalization.

I have noticed that in your next hearings around the PCEPA you have some really outstanding experts speaking from New Zealand: Professor Abel and Professor Lynzi Armstrong. I think it will be really important to hear them speak about what was possible in terms of occupational health and safety guidance for the sex industry in the context of decriminalization.

I think that is a really important piece to think about. What can the reality of sex work look like post decriminalization, and what avenues of implementing occupational health and safety standards will that open up for different sectors of the industry? These need to be, as in New Zealand, developed with sex workers in the driver's seat at the table and based on empirical evidence.

Mr. Randall Garrison: Thank you very much.

I want to turn to you, Ms. Davis. We've often heard during these hearings from witnesses who say that if you define all sex work as exploitation, you miss the real exploitation, and if you define all sex work as violent, you miss the real violence.

Ms. Davis, from your experience, how would you react to that statement?

Ms. Susan Davis: I think the Vancouver experience is very critical in this regard, and while our policing policy is not perfect by any stretch of the imagination, what it has done is free up police resources to actually fight exploitation and to not blanket-target the entire industry in sort of throwing mud at the wall to see if they can find any human trafficking victims, as they did before the Olympics.

Before the Olympics, there was a big push to fight human trafficking. They raided 68 health enhancement centres where all the sex workers were Asian. They found zero human trafficking victims and detained and deported hundreds of women. Three people from the Asian sex worker community in Vancouver were murdered the following year. The direct correlation is there.

I think we need to take a step back from this and understand that exploitation does happen, and there has to be a way to work on it without throwing the rights of sex workers under the bus, which is illegal under the charter: You cannot undermine the rights of one group to save another. As well, with youth, they're not "sex workers". They're "exploited". I think this label plays into our obligations at UNAIDS, where we're supposed to be removing those kinds of discriminatory laws and the language and all of those things.

For me, again, I think we need to take a step back and, as all of my cohorts are saying, we need to work with sex workers towards a strategy that is going to ensure our health and safety as well as free up all these resources that are currently being used in horrible operations like Operation Northern Spotlight, which is a blanket action and is a waste of resources. If we really want to fight exploitation, we need to put our money where it counts and work on strategies that have been proven to actually have an impact in places.

Mr. Randall Garrison: Thank you.

I want to thank Ms. Lukings for making the connection between criminalizing coercive and controlling behaviour and combatting exploitation. It's something that we actually hadn't done at this committee before, so I think it's a valuable contribution to our debate on that legislation.

I want to put the same question to you, Ms. Lukings. By blanket enforcement against the entire sex work industry, do we really miss real instances of trafficking and real instances of exploitation?

Ms. Melissa Lukings: Yes, absolutely. By criminalizing the whole sex work community, you're essentially eliminating all of your allies. I think someone already mentioned that. Where you would have sex workers report suspicious things in a decriminalized context, you're not getting that right now. Where you would have clients recognize red flags and be able to report things, you're not having that now.

These blanket enforcement laws are really just a waste of resources, which is really unfortunate, because you're not actually targeting the issue. That is being hidden. You're targeting what you can see, but it's what you can't see that's the problem.

• (1345)

The Chair: Thank you, Ms. Lukings.

Thank you, Mr. Garrison.

In the interests of time, and if it's okay, I'll condense the next two rounds to two three-minute rounds and two two-minute rounds.

We'll go over to you, Mr. Cooper, for three minutes.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you, Mr. Chair.

I want to thank all of the witnesses for their testimony. It's been very helpful and interesting.

Ms. Davis, I'd like to address a question to you.

At the end of your testimony, you said that Canada, in order to live up to its international obligations, should repeal PCEPA. I would be interested in having you elaborate a little bit on that, having regard for the fact that Canada signed the Palermo protocol, which provides among other things that Canada "adopt...legislative...measures...to discourage the demand" and "adopt such legislative and other measures as may be necessary to establish as criminal offences."

How does that square from the standpoint of repealing PCEPA? It would seem to me that PCEPA does precisely that, namely discouraging and targeting the issue of demand, in accordance with the Palermo protocol.

Ms. Susan Davis: I would say that whether or not the Palermo protocol is legitimate under the UN is under question, and that the WHO, the World Bank, UNHCR, UNICEF, UNESCO, the ILO, and all of these parts of the UN have signed on to decriminalize and remove laws that criminalize people who are vulnerable to HIV/AIDS.

We as a country have spent over \$2 billion at UNAIDS. We have signed on to fight AIDS across the planet. Frankly, I think the Palermo protocol, which is based out of the U.S., really has no place in this, and if it were looked at reasonably, it would not be adopted again. I think that protocol needs to be revisited and that it is not helpful on any level.

Mr. Michael Cooper: Thank you for that.

Looking at some of the statistics that are available before and after PCEPA, we see, for example, that according to Statistics Canada, in 2021 there was a decrease in reported injuries and homicides of sex workers. Moreover, before PCEPA, 43% of those accused of sex-trade-related offences were women. Today it is 93% men. What do you say to that?

It seems to me that this is evidence that PCEPA is working in large measure.

Ms. Susan Davis: I would say that this is a reflection of, first of all, some bias on the part of police, in that they're looking for sex work only as it relates to human trafficking. It's not as sexy and fun to go to a farm and see if the farmhands are being human trafficked.

I would also say that we have not heard from Health Canada or the Public Health Agency of Canada in terms of what the numbers are related to risk of HIV or syphilis or other blood-borne infections.

The Chair: Thank you, Ms. Davis.

Thank you, Mr. Cooper.

Next for three minutes we have Ms. Diab.

Ms. Lena Metlege Diab (Halifax West, Lib.): Thank you very much, Mr. Chair.

I just want to say thank you to all our witnesses on the panel today. You've made excellent presentations.

Quite frankly, we've been listening to this now for many weeks. I would have to say I've heard in your testimony today a bit of a different and a better light on this question, so I really want to thank you all for that.

You're all, quite frankly, recommending decriminalizing, and you all know that we have issues in our society. We all know exploitation happens and will continue to happen. There's trafficking, and there's whatever.

I want to get your feedback perhaps, Dr. Goldenberg or Dr. Krüsi, on how we can combat these other issues, and what they have to do with PCEPA, if anything.

I would like to hear that from you.

• (1350)

Dr. Shira Goldenberg: Thank you so much.

I think you raise a really important question. From what we've seen in the public health literature and our own experience working with sex workers in the context of our research, it's really clear that the stigmas and the values that we hold as a society are very much shaped by public policy and public discourse. A law like this, as we've seen and as other scholars have shown, can actually fuel those sorts of issues that you mentioned and the ways in which sex work can be singled out and conflated with trafficking. When something is criminalized, it is seen as immoral, as something going on that we need to be concerned about in a different way.

Trafficking exists across many sectors. Exploitation occurs across all sectors of work. When a type of work is pushed under-

ground, that's when getting reports around these things become impossible.

Ms. Lena Metlege Diab: We know sex workers, from your testimony and that of others, have challenges with doctors, the police and the law. Because of all of that, what would be a next step, other than totally decriminalizing the PCEPA?

Dr. Shira Goldenberg: What would be consistent in our advocacy for the repeal of the laws because of the framework that we feel underpins them and the challenges that they pose as a whole.... However, if the committee is debating particular provisions, I would agree with our colleagues around the provisions around communication, advertising, the things that pose barriers to working with supportive third parties.

At the same time, the provisions around clients are extremely complicated. In work led by Dr. Krüsi, for example, participants' quotes literally said, when you criminalize the client, it's exactly the same thing as criminalizing the sex worker. By failing to repeal that provision, we're sort of stating that we're wishing to perpetuate the previous laws that were struck down, because that's essentially what the research showed that particular provision has resulted in.

I think it's a challenging question, but those are my perspectives based on the scientific evidence.

Ms. Lena Metlege Diab: Thank you very much.

The Chair: Thank you, Madam Diab and Ms. Goldenberg.

Next, for two minutes, we have Mr. Fortin.

[Translation]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

My question is for Ms. Lukings.

I was listening to your testimony earlier. You think prostitution should be decriminalized.

In your opinion, if we were to do this, if we were to remove the offences that are already in the Criminal Code, should we also introduce a certain number of standards that sex workers would have to respect?

[English]

Ms. Melissa Lukings: That could be a good idea, but I think it's beyond the scope of what we're looking at here. I know that the Canadian Alliance for Sex Work Law Reform has already made suggestions about how decriminalization could work with occupational health and safety standards. I think that would be something to look at.

For me specifically, being able to have the normal human standards and laws apply would be really helpful, because it's just a job. It would be really great if—

[Translation]

Mr. Rhéal Fortin: If so, that would be a matter for the provinces. I understand that, in your opinion, it might be appropriate to provide a framework in which the profession would be practised. You could put it that way.

[English]

Ms. Melissa Lukings: The framework would have to be developed with the people who are impacted, so that would be with the Canadian Alliance for Sex Work Law Reform, with the sex workers themselves. Again, it would be because we would be talking about an area that would be decriminalized. We would not be looking at exploitation or trafficking, so you would have to work with the—

[Translation]

Mr. Rhéal Fortin: I have one last question for you, if I may. I'm sorry for interrupting you. I know I'm being rude, but I have no choice.

Would you distinguish between the different types of prostitution?

For example, I've often heard about end-of-month prostitution, which means that some people will prostitute themselves at the end of the month to buy food or take care of their children, for example. Others, who have addiction problems, engage in what is called drug-related prostitution.

Do you think there are different types of prostitution and should we take them into account in our analysis? If so, should treatment be different for different types of prostitution?

[English]

The Chair: Very briefly.

Ms. Melissa Lukings: I think you're running into the same thing, where it's just a job. Someone might take more shifts working at a bar to buy drugs or to pay for their kids, or to buy bread or whatever. It's just a job. What they're doing doesn't actually apply to whether or not there's exploitation happening. These other things that you're bringing up, the drugs, the economic instability, are pervasive in our society regardless of where someone works. Is it related to sex work? Not really. It's about the relationships and the social conditions that we're already facing.

• (1355)

The Chair: Thank you, Ms. Lukings. Thank you, Mr. Fortin.

The last two minutes are for Mr. Garrison, please.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

Mr. Cooper often asks questions that I think are good questions, even though we are often looking for different answers.

I want to go back to his question about the official stats, and I want to go to our actual experts who have appeared as expert witnesses in court cases, Dr. Krüsi and Dr. Goldenberg.

What is your comment on the argument that the stats showed reductions after PCEPA?

Dr. Shira Goldenberg: I would agree with the statement that was made around concern around the bias and the folks who are represented in those numbers. As was previously mentioned, our study involved 10 years of evidence and is a community-based study. We have sex workers on our team, sex workers collecting data, sex workers informing all aspects of the project and community advisory activities. We worked really hard with the community to make sure that the research was representative of the experiences of

the diversity of sex workers who operate across different types of venues in metro Vancouver.

Our statistics show a very different trend from what was presented by Statistics Canada. I would urge the committee to look at both, and in particular consider the rigour of our evidence, that it is peer-reviewed and the Statistics Canada research is not, to the best of my knowledge. These are studies that have been published in some of the most prestigious medical journals. Expert reviewers from all around the world look at the evidence and ensure it is rigorous. We feel very confident in the quality of our data and who it represents.

Dr. Andrea Krüsi: I just want to add that Statistics Canada does not capture people who do not report violence. Our data does capture that, and I think that is very important.

We found that only 26% of sex workers who experienced violence reported it under PCEPA. From qualitative research, we know the reasons for that. It is because of the continued criminalization. Sex workers are worried, even mentally, with their safety in mind. They're worried to report violence to police because they're worried that their reports will be used later on against them in enforcement efforts. In the context of continued structural stigma, sex workers feel that their violence reporting is not being taken seriously and that, because of the assumption that sex work is inherently dangerous, it's getting minimized.

In the context of immigration concerns, it's a huge barrier for people who have unstable immigration status to go forward and report violence.

Thank you.

The Chair: Thank you, Ms. Krüsi.

I want to thank all the panellists for an excellent panel. You were very clear and precise. I think the questions brought out a lot of great answers.

You can probably disconnect, or the clerk will have you disconnect, and the next panel will come on.

Ms. Melissa Lukings: Can we stay to watch?

The Chair: Yes, you can stay to watch, absolutely.

Ms. Melissa Lukings: I'll just mute myself and watch. Thank you.

The Chair: On the next panel, we have Naomi Sayers, a lawyer, as an individual. We also have Kelsey Smith, a neuroscience and mental health student at Carleton University. We have Cherry Smiley from Women's Studies Online.

Each of you will have five minutes. As you'll notice, I will give you a cue card when you have 30 seconds left, and then questions will occur after.

We will try to end this at about 2:35 eastern standard time for some housekeeping.

We'll go over to you, Ms. Naomi Sayers, please.

Ms. Naomi Sayers (Lawyer, As an Individual): Thank you, Mr. Chair and committee, for inviting me here today.

I'll keep it to five minutes. I have condensed speaking notes. I did send my brief Wednesday evening. I'll be highlighting some key points for everyone today.

When I refer to some terms here today, I simply mean them in their legal sense as opposed to in a stigmatizing way.

The Chair: Excuse me.

Mr. Moore, go ahead.

Hon. Rob Moore (Fundy Royal, CPC): Mr. Chair, I have a concern. We have a panel here, a full panel, and we have one-hour sessions. I heard you mention 35 minutes, which would cut short what we're able to hear from these panellists.

People are taking the time to be on this panel. The expectation we had, when the notice went out, was that we would have one hour with this panel. Thirty-five minutes aren't going to cut it when you look at the discussion we just had on the last panel. I would like to hear from these witnesses in a fulsome way.

I don't mean to cut into anyone's time, but I just heard you say 35 minutes when we're scheduled for an hour.

• (1400)

The Chair: Mr. Moore, I brought this up at the beginning of the session. There's some housekeeping afterward.

I can push it and stretch it. If our colleagues are willing to stay on a few minutes longer, maybe I can take this to 2:45 p.m., and then we could do the housekeeping in the last 15-20 minutes. I don't expect it to be long. I brought it up at the beginning. You may not have been on the—

Hon. Rob Moore: Mr. Chair, we don't have any committee business scheduled, and housekeeping usually takes maybe five minutes.

We're here today to hear from witnesses. We didn't have any housekeeping scheduled. I'd like to hear from witnesses. If you can minimize, hopefully, whatever housekeeping there is so it wouldn't take more than three or four minutes, we can maximize our witness time.

The Chair: I will do my best, thank you.

Ms. Sayers, you may resume.

Ms. Naomi Sayers: Thank you.

I had 41 seconds on my clock.

I think it's important to acknowledge we're all here today because we all agree that protecting victims and survivors of violence is important. It is very clear, however, that we disagree on the best route to take in terms of ending violence against women and girls, particularly indigenous women and girls.

I think it is also important to recognize, whether we are talking about the New Zealand model or the Nordic model, that we are talking about the regulation of prostitution. PCEPA also assumes to target prostitution or full-service sex work. While the DOJ attempts

to target other kinds of sex work, we have heard very little about the impact of PCEPA on other kinds of sex work, like stripping.

I speak today from lived experience, having worked in various parts of Canada and in some states. I have experience as an escort in an agency, as an independent and as a stripper.

I think a personal story is helpful to understand my experiences as a sex worker.

When I first started speaking out about my experiences as a sex worker, I took a lot of risk in doing so. The first risk is that now I'm out forever as someone who has done sex work. There is no taking that back.

The second risk is that oftentimes people have used my sex work experiences to silence me. I have had semi-nude and nude photos and my sex-working identity linked to my real identity by those who do not agree with me. This is often called being outed or the outing of the sex worker. The risks are very real. They are a loss of privacy, safety and security. I live in fear today that these images can and will be used against me to further target my privacy, safety and security.

When this outing happened, I called the police. I had little to no recourse and no charges were laid. The police did not know how to handle this complaint, nor did they have any knowledge about the harms it had caused me. I felt very alone and isolated.

Today, I am a lawyer. I contrast that with a recent experience I had as a lawyer.

I was in the middle of a bail hearing. In that bail hearing I received an email from an individual who had been saving my selfies—there was nothing sexual about them—over the course of about two years. They sent them to me, along with a very sexually explicit email. I felt violated. I continued to do my job as a defence lawyer, but by the end of the hearing I sat around near the end of court waiting for a guard to appear. I asked if I could speak to him. We went to the room to discuss privately and I immediately broke down crying. I showed him the email and he took it very seriously. He took detailed notes and let me know that the police would follow up with me. They did. I had to hire my own investigator. I hired one who works with sex workers because I had a sense this might be a former client. We couldn't find any other identifying information other than that the person likely lived in the States.

The only difference between those two events is that I was a lawyer. Suddenly resources were whipped up and I was believed, with all the harms affirmed and acknowledged.

I share this story to contrast how, for those who may identify as a current or former sex worker, the idea of justice is very much out of reach. PCEPA also contributes to this.

With this being said, I'd like to draw your attention to the part of my brief under the heading of "Quantitative and Qualitative Analysis". I think similar discussions are happening here today about data and who benefits and who doesn't benefit, but Bedford was clear that the analysis into charter infringement does not consider how many people are saved by a likely charter non-compliant bill or law. How much a population benefits is of no concern to the charter analysis, nor how well a law achieves its objectives.

It seems from the comments from the government branch tasked with proposing and drafting this legislative response to Bedford...at all material times knew or ought to have known that the legislation was or is not compliant with the spirit and intent of Bedford. It also appears that this committee is imputing that this data and ancillary benefits matter to how well PCEPA achieves its objectives and how much a population benefits. Bedford made it clear that this does not matter in a section 7 charter analysis.

Thank you.

• (1405)

The Chair: Thank you, Ms. Sayers.

Next, we have Ms. Kelsey Smith from Carleton University.

Ms. Kelsey Smith (Neuroscience and Mental Health Student, Carleton University, As an Individual): Thank you for having me today. I'm here to talk to you about my lived experience with human trafficking.

I was born to teenage parents, and growing up with parents who are still growing up themselves comes with its own form of challenges. Up until my parents divorced, I was a good student who, for the most part, kept out of trouble. Once my parents split, the tides changed. I went into grade 4 at a new school with a teacher who made a point to pick on me. I was also now competing for my parents' attention with their dating lives.

I ended up living with my mother and stepfather, and it didn't seem to matter what I did; I was always labelled as wrong and a liar. The more I acted out, the less anyone seemed to care. After some time, I got what I wanted and I moved in with my father, but he had already moved on to have more children and a new marriage. My rebellious pattern of behaviour was not welcome in his home.

After some time, I moved in with my grandmother and went to a new high school in the city. In that first week of high school, I met a group of girls. At the beginning, I was mocked for being the least experienced in the group. I started experimenting with drugs, and about a week into school, I was already skipping all of my classes. My new-found friends would brag about their initiation into gangs. They introduced me to drugs, smoking and alcohol abuse. We weren't just partying on weekends; it was every day.

One fall day, it all came to a screeching halt. I'll never forget the first time I was trafficked. Some of my friends picked me up at my house on a Saturday morning. Immediately after, I threw up and I was met with mockery. As time went on, I accepted my new fate

and one day, when I was sitting with a few girls, there were a bunch of drugs and a gun on the table in front of me. One of the girls picked up the gun and pointed it at my head and asked if I thought anybody would care if I died, because now I was just a prostitute.

That Christmas, I woke up in a drug house to people banging on the door looking for their fix. The next few months were a blur. I was addicted to drugs and constantly on the move. The last weekend I was trafficked, I was beaten pretty badly, but I was put back to work. Not one person cared that I had two black eyes and a broken nose, or that my lips were so swollen and bruised that I couldn't close my mouth. I was no longer seen as a person. I was just a shell.

The next time I went home to get cleaned up, there were police officers and a social worker waiting to take me to a group home. At that moment, I didn't feel like I was being saved. I was terrified. I was going out of the city and only the staff knew my history. I got a fresh start, with rules, stability and people who cared about me, and then I thrived.

Years later, I learned that not only the group home, but my family was told that I was involved in prostitution. I was groomed to believe that I was making a choice at 14 years old. There was no justice. I didn't get to take action with the people who sold me or the people who bought me. I wasn't really given an option and I didn't feel protected.

I am one of the lucky ones who can stand before you now and tell you that my life couldn't be more different. I survived. It took me years to reconcile the fact that I was trafficked. Those years of self-discovery were wrapped in trauma, but I found my worth and I am now a mother of two beautiful daughters. As much as it is my job to fiercely protect them, I wonder whose job it is to protect the girls like me, who were lost without anyone to advocate for them.

Our lives our valuable. I very strongly feel like none of us would put our money in the bank without a security system, so why would you allow our lives to be stolen from us without repercussions?

I guess I didn't fill my five minutes.

The Chair: Thank you, Ms. Smith.

Next is Ms. Smiley from Women's Studies Online, for five minutes.

• (1410)

Ms. Cherry Smiley (Founder, Women's Studies Online): I'm going to make three points. The first point is about the construction of knowledge. The second is about the source of harm in prostitution. The third is what I learned from doing research for three months in New Zealand.

Our default way of thinking about the world is patriarchal. Unless we've sought out feminist theories and are constantly working to unlearn the lies we've been taught, this is the frame we use to understand the world. This means that the majority of you use a patriarchal framework to understand prostitution.

Prior to 1983, men in Canada could rape their wives without penalty, because Canada had decided that men—husbands—were entitled to sex acts and that women—wives—were obligated to provide those sex acts. Rape in marriage was criminalized because feminists fought for it to be. Feminists knew that men weren't entitled to sex acts and that women weren't obligated to provide those sex acts.

I'm going to show you a little thing here. Here's one way to think about social issues. At the base, we have foundational values and beliefs. These foundational values influence our vision and what strategies we use to make change. If we look at an example of prostitution versus sex work, we can see the very different—

[*Translation*]

Mr. Rhéal Fortin: A point of order, Mr. Chair.

I want to hear from the witness, and I'm quite happy with her presentation, but I would like it to be noted that the document she's referring to is not translated into French. According to our rules of procedure, we should have a version in both official languages, but I understand that we do not.

[*English*]

The Chair: Correct. We do not, Mr. Fortin. You are right. But she is going along with it, and I think translation is coming—

[*Translation*]

Mr. Rhéal Fortin: Will we have it soon?

[*English*]

The Chair: If you could submit that slide, Ms. Smiley, we could have that translated.

Ms. Cherry Smiley: Yes. I can send these in?

The Chair: Absolutely.

[*Translation*]

Mr. Rhéal Fortin: It would be important for witnesses to understand that written documents are not to be used if they are not produced in both official languages. There are people in Quebec who are listening to the testimony and who cannot read or understand English. So it's essential to have documents in both official languages for parliamentary activities. I just wanted to remind the witnesses, with all due respect.

Exceptionally, I will not object to our guest testifying by referring to her document. I understand that we will have it in French on Monday or Tuesday.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you, Mr. Fortin.

To the witness, please make a copy of that afterwards and send it to the clerk. It will be translated and shared with the rest of the committee.

I appreciate your tolerance of this, Mr. Fortin. Thank you.

You may resume. I paused the clock. You haven't lost any time.

Ms. Cherry Smiley: Okay. Thank you. I'll skip ahead a bit.

If you believe that sex is work, then you believe that men are entitled to sex acts from women and that women are obligated to provide sex acts to men. Instead of in marriage, however, now the context is prostitution. This is how the idea of sex work is inherently patriarchal.

My second point is about the source of harm in prostitution. The source of harm in prostitution is the men and the sex acts that they demand from women. Additional harms include being stabbed, shot, beaten and so on. I'm sure there are days when many of you don't feel like coming to work and performing your job duties, but you do, because you don't want to get fired and because you need to get paid. When we decide that sex is work, this means that there are women coming in to their workplaces not wanting to perform their job duties, but doing so anyways, because they don't want to get fired and because they need to get paid—only these job duties are unwanted sex acts, such as blow jobs and anal penetration, instead of filing reports or attending meetings.

Women who engage in sex acts with men they do not sexually desire are harmed mentally, emotionally and physically. We call this rape or sexual assault. The exchange of money or goods doesn't change this. Women in prostitution are not a special kind of human who can handle things that other humans can't.

Lastly, I want to speak about the research I did in New Zealand. I learned that sex work works—only it works to uphold male domination and female subordination. The New Zealand model is the model for you if you want to shamelessly encourage and facilitate men to exploit and profit from women's inequality.

I also learned that prostitution is so embedded in the culture and landscape of Aotearoa that it's a non-issue. This has happened for many reasons, one being that when prostitution was being debated prior to the adoption of the Prostitution Reform Act in 2003, the feminist argument that prostitution is a form of male violence against women was dismissed as being useless, when actually a feminist understanding of male violence against women is essential to understanding prostitution.

Knowing that feminists were not heard in the debates leading up to New Zealand's celebrated Prostitution Reform Act gives more context to the present-day silence surrounding prostitution in the country. This should be cause for great concern, as women's sex-based equality concerns were and are dismissed as irrelevant when it comes to prostitution in New Zealand. The current regime there reflects this. For example, there are no exiting services in New Zealand. Why would there be?

In New Zealand and elsewhere, sex work advocates do not understand male violence against women and how it functions. We can see this clearly when sex work advocates regurgitate the lie that women can tell which man will be violent and which man won't through the use of unspecified screening tools. Whether women screen for two minutes on the street, a week on a dating app, or for 10 years in a relationship, women cannot tell which man will be violent and which man won't. To say that she can ultimately blames her if male violence is committed against her: She failed to screen properly.

To get rid of PCEPA is short-sighted and anti-woman. Gillian Abel, a sex work researcher, has stated that sex work policies "tend to focus on the outcomes of social inequality, rather like the ambulance at the bottom of the cliff". We need to keep and strengthen PCEPA. Women in Canada deserve nothing less.

• (1415)

The Chair: Thank you.

I'll now go to our first round of questions with Mr. Morrison for six minutes.

Mr. Rob Morrison (Kootenay—Columbia, CPC): Thank you, Mr. Chair.

Thank you to all the panellists today in the first hour and the second hour.

It's really important for us as parliamentarians to be able to get information from academics, researchers, panellists and victim services groups, but it's also heartwarming to hear personal stories.

Ms. Smith, your adventure in life that was so horrific is really heartwarming, and I'm so glad you decided to attempt today to share your story, which is really difficult to listen to, to be honest with you.

I want to ask you a question about your experience. It's very important for us to hear the life experience of people who have gone through some problems within the sex trade such as trafficking or violence.

From your experience, if we were to eliminate these laws or laws like them, do you think that vulnerable victims like you when you were younger would be safer or more protected than they are now?

Ms. Kelsey Smith : That's a very hard question because I do agree in some respects with what people were saying before about how some people aren't willing to come forward as much if they're criminalized or, when they see something that obviously shouldn't be happening, they would be less likely to report a youth.

I really strongly believe that even upholding laws that people wouldn't be allowed.... I feel like having these laws would deter people in the first place from seeking out sex work. I think, when you take away some of the demand.... The people who trafficked me wouldn't have had a market to do so.

Mr. Rob Morrison: Thanks so much.

One quick follow-up question to that is: What do you think we could do that would enhance PCEPA to help more people?

• (1420)

Ms. Kelsey Smith : I think that it's important, especially for girls who.... It did take me about five years to even recognize the patterns of trafficking in my own life, so I was trafficked even before this law was passed. It would have just given me an option to even just hold anyone accountable for what happened to me. I just think that it's really important for girls to feel safe, so I do think.... I'm sorry, I'm kind of botching your question.

I'm not really sure what to add to it, just maybe some more bridging between this and human trafficking because I know there is such a strong correlation.

Mr. Rob Morrison: Perfect. We've had lots of different witnesses come before us in a PCEPA review, and I think there's really a difference in how police across Canada are enforcing or looking at PCEPA. I can certainly see some improvements on educating police and having standardized enforcement, that sort of thing. I can see that being a move forward.

Ms. Smiley, I'll ask you one of the same questions because we always want to know how can we do things better. How could we improve PCEPA?

Ms. Cherry Smiley: There are a few ways that could happen. One is that we know that PCEPA hasn't been applied consistently across the country. There are lots of areas, for example, the City of Vancouver, where the police force has said it's the lowest priority and that they're basically not going to enforce these laws. I think that there needs to be actual enforcement of the laws to begin with.

Second, we really do need to look at this holistically. I am an indigenous woman. I come from a background of being raised by my grandmother and understanding things in a more kind of holistic manner. Once we have that law where we're criminalizing the demand, that's a great step, but we need to have more options for women.

Welfare rates are abysmal. Lack of housing and women's poverty, all of these issues are very interconnected, and they cannot be separated from prostitution, so we really need to be putting more money into services for women and their children.

Last, have a proper, solid public education campaign, as I mentioned in my presentation. A lot of people don't understand prostitution in a way that is feminist, so it's understood in a way that it's just a normal, natural part of life, so we really need to do some education to begin to undo those myths and really kind of get to the heart of prostitution.

Mr. Rob Morrison: I only have about 30 seconds left.

You mentioned that you looked at the New Zealand model. How do you think Canada would fare if we totally dropped PCEPA and didn't have any enforcement at all?

Ms. Cherry Smiley: It would be absolutely horrible. It's so embedded. It's like going to the grocery store—this idea that it's totally okay to buy women and girls. There are lots of Maori women and girls who are still out on the street. You see women being brought in from Asian countries. It's a mess.

Mr. Rob Morrison: Thank you so much.

The Chair: Mr. Naqvi, you have six minutes.

Mr. Yasir Naqvi (Ottawa Centre, Lib.): Thank you very much.

I'm going to direct my questions to Ms. Sayers. Thank you very much for appearing.

I'll pick up where Mr. Morrison left off in terms of looking at the New Zealand model. Before I do that, can I ask about your suggestions or recommendations to us, as a committee? What do you think we should do with PCEPA?

Ms. Naomi Sayers: I think it's really important that we turn our minds to Bedford and what Bedford said, because Bedford was very clear on what Parliament could do or could not do. The DOJ turned around and said, "Hey look, we made it compliant with Bedford" and now we're having this review and we're saying, "Look at all of this data and look at all of these great benefits", but that's not what Bedford says is applicable.

The intent informs all of the law, so you have to look at what the intent is of what we're doing here. Senator Plett admitted that we don't want to make it safe—we want to do away with prostitution. With that comes the corollary that people will lose their lives. In Bedford, the evidence was dead sex workers.

• (1425)

Mr. Yasir Naqvi: Is it your advice to us that we repeal PCEPA in its entirety?

Ms. Naomi Sayers: Yes, that is correct. I don't think there will be any gaps, because, as Ms. Davis said earlier, the police need the

tools to rely on the other provisions that are there in the code. She didn't say that word for word, but she alluded to it in that way.

Mr. Yasir Naqvi: We've seen, quite often, in this committee—and we saw some testimony in this panel, as well—that sex work and human trafficking can be conflated.

In your experience as somebody, as you mentioned, who was a sex worker—and as a lawyer—can you highlight the differences between the two? How do we bring regard to the differences between those who are sex workers by choice and those who may be human-trafficked?

Ms. Naomi Sayers: We have to remember that—I said this in 2014—choice is such a complicated topic. People make different choices every single day for many reasons, and the contexts in which those choices are made vary. Today, we have laws that.... I don't think they help make the prosecution of human trafficking easier, and I don't think they help sex workers, because they capture some of their activities.

One example would be living and working in the same space. If somebody were driving their friend, that would also potentially capture.... Is that human trafficking, or not? We get into this debate about which laws apply and which don't. It makes the job hard for the prosecutors. We have to remember that those roles are very important, too.

In terms of human trafficking, as my co-panellist Ms. Smiley was saying, we need to support the issues before they get there. This law is, as Ms. Davis was saying, a reactive law. It's not a proactive law.

Mr. Yasir Naqvi: Thank you.

Let me ask you a question about the New Zealand model. I don't know if you've had the chance to look at the legislative scheme there. Generally speaking, what are your thoughts on what New Zealand is doing?

Ms. Naomi Sayers: We have to remember that New Zealand is a unitary state. In Canada, we have a blessing and a curse, where we have federal, provincial, regional, municipal and first nations.... You have a lot of different contexts for how sex work may look in different regions. How it looks in Toronto isn't the same as how it looks in northern Ontario. To ask, "Should we adopt the New Zealand model?" is too simple. There needs to be a much more informed approach taken by this committee.

I would like to correct the record. Migrant workers are targeted in New Zealand. If you look at the previous briefs that were submitted, especially by Jamie Liew and the Canadian Alliance for Sex Work Law Reform.... People don't just get brought in to work freely. They are targeted, as well.

Mr. Yasir Naqvi: I'm hearing a bit of caution from you also. If we look at the New Zealand model, we have to look at it from a Canadian perspective and the differences that exist between Canada and New Zealand, not just in terms of our constitutional status, but also lived experience.

Is that what I'm hearing from you?

Ms. Naomi Sayers: Yes, that is correct.

My brief, which I filed on Wednesday evening, I think draws attention to sort of the soup of regulations that target the sex trade, in terms of municipal regulations, what's unregulated, what's not regulated, what's legalized and what's not legalized.

I think we really need to take a step back and remove ourselves from this New Zealand-model approach. I'm not saying don't decriminalize, but I'm saying that the New Zealand model oversimplifies things.

• (1430)

Mr. Yasir Naqvi: It's a good caution, and thank you for sharing that with us.

I've have very limited time, so my last question for you will be, if we want to decriminalize in Canada, and of course the health and safety of sex workers is paramount, what would be your one key piece of advice to us that we should consider as we develop recommendations?

Ms. Naomi Sayers: I'm sorry. Can you just clarify the question?

Mr. Yasir Naqvi: What is your takeaway message for us?

Ms. Naomi Sayers: A takeaway message is I think with a quick personal story. I was stabbed at work, as a stripper. I couldn't turn to the victims compensation board, which no longer exists in Ontario. It's been reformed by Premier Ford. They said that if you were engaged in a criminal activity at the time, you couldn't access it.

I think that's a perfect example for why decriminalization is so important.

The Chair: Thank you, Mr. Naqvi.

Now, for six minutes, we will go to Mr. Fortin.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

Ms. Sayers, I'll continue with you, if I may.

From what I understand from your testimony, prostitution should be decriminalized. We have to see what the effects would be if we decriminalized it completely.

We know that, at present, it is not a criminal offence to offer or sell sexual services. What is a criminal act is the fact of buying them, the fact that someone solicits prostitution or the fact that someone is living off the avails of prostitution, for example, the pimp or the person who manages the activities of the prostitute.

If we eliminate all of this as criminal acts, we will find ourselves in a situation where it will be completely legal to prostitute oneself, completely legal to purchase the services of a prostitute and completely legal to manage the activities of that man or woman. Aren't you afraid that, if that happens, we'll find ourselves in deplorable situations like the ones Ms. Smith told us about a few minutes ago?

I understand that when it involves a minor, it is always considered a criminal offence. I imagine that you aren't asking us to allow the prostitution of minors. That said, even when people are 18 years of age or older, it is still worrisome, to say the least, to allow free prostitution, the purchase of sexual services and the management of those services, as if it were any other business.

Aren't you afraid that this will lead to situations where people will sell or use someone else's body, man or woman, for financial gain?

[*English*]

Ms. Naomi Sayers: Can you just rephrase your question? I didn't get a question out of that.

[*Translation*]

Mr. Rhéal Fortin: Aren't you afraid that by decriminalizing prostitution, by removing the criminal nature of prostitution activities, we will be creating a market where the body of a woman or a man, young or old, becomes an object to be sold?

[*English*]

Ms. Naomi Sayers: Yes, and I thank my co-panellist Ms. Smith for sharing her story. I understand that it takes a lot of strength to do that.

I'd like to turn the attention to my brief, in which I outlined that whether we're talking about decriminalization or legalization, we're talking about regulation of prostitution in some way. Bedford said that you can regulate prostitution but you can't do so at the expense of sex workers. Exactly. You can support victims and survivors of exploitation, but you can't do it at the expense of sex workers.

Therefore, if we were to hypothetically remove the laws tomorrow, there are other laws on the books that police can turn to. What Ms. Davis said earlier was, let's support the police—I can't believe I'm saying that—in terms of helping them implement those laws.

The tools are there. Let's use them.

[*Translation*]

Mr. Rhéal Fortin: You told us about the New Zealand model. In your view, it should be updated from a Canadian perspective.

Specifically, what elements of the New Zealand model do you think we should retain and adapt to the reality here?

You have about a minute and a half to respond.

• (1435)

[*English*]

Ms. Naomi Sayers: What I think was important in the New Zealand model was that they heard directly from sex workers. I think in the implementation of PCEPA that has been horribly missed.

We have to, as I said, return to Bedford. What does it say? What does it tell Parliament it can and cannot do? It says exactly that you can regulate prostitution, but you can't do it at the expense of sex workers.

[*Translation*]

Mr. Rhéal Fortin: That's the lawyer speaking. I'd rather hear the opinion of Ms. Sayers, the individual.

Of course, we're all familiar with the Bedford decision. I'd like you to tell us about the New Zealand model from your perspective. Today, you are a lawyer, but your experience and your previous activities in dance and prostitution mean that you probably have a different opinion from what you would have had if you had not experienced that.

I would like to hear from Naomi Sayers as an individual, not as a lawyer.

[English]

Ms. Naomi Sayers: I understand.

I'm not giving a lawyer opinion. I think it's very important that we turn our mind to what Bedford says, because I think we're moving away from that each time we go to the data, each time we go to the ancillary benefits.

I think that's the harm, and we're moving away from what Ms. Lukings had said, what Ms. Davis has said and what Andrea and her co-panellist had said. The data is very clear in that regard, and Bedford had said that one person is enough to satisfy that it's not charter-compliant.

In terms of my own personal story, I've shared a couple of personal stories already today. The police refused to help me and with the systems that were set up, when it's criminalized, I wasn't able to access the supports. I think it's very clear that when you do criminalize any aspect of sex work and target it, you're further alienating and isolating the workers.

[Translation]

Mr. Rhéal Fortin: Thank you, Ms. Sayers.

[English]

The Chair: Thank you, Monsieur Fortin.

Mr. Garrison, please go ahead.

Mr. Randall Garrison: Thank you, Mr. Chair.

I want to thank the witnesses for appearing today, and particularly I want to thank Ms. Smiley for reminding us that the growing inequalities in Canadian society are a constant context with all of the issues that we deal with.

I want to thank Ms. Smith for telling her personal story here in a very public forum. It takes an enormous amount of strength to do so and I know that it will inspire others who have or may have been exploited to do better things in their lives.

Ms. Smith, in one of your answers you said that you thought perhaps the criminalization would prevent reporting of incidents of exploitation. Can you just say a bit more about that and maybe relate it to your own....? Are you saying that because things are criminalized people won't report when they see exploitation?

Ms. Kelsey Smith: Yes, for sure.

I did hear that some people have regular clientele because they have been doing sex work for a long time, but I actually had the same experience. It was continually the same people who I was seeing, but they weren't reporting anything. I don't know if it was because it was criminalized. I don't know if it was because they didn't

care. I don't know what their reasoning was, but I did see the same clientele numerous times and I was a 14-year-old girl and no one seemed to speak up about it.

Mr. Randall Garrison: You said the one time you went home there were police and social workers waiting for you. Was that because someone had reported the exploitation?

Ms. Kelsey Smith: No, it was....

Mr. Randall Garrison: Don't share any details. I don't want you to share any details you're not—

Ms. Kelsey Smith: I was 14 and I was no longer going to high school, so at some point social services stepped in. I would say it took about eight months for them to realize that I had dropped out of high school as a 14-year-old girl and that was reported to social services and then they did a little more digging into what was going on.

Mr. Randall Garrison: It was those other regulations that brought this to the attention of social workers.

Ms. Kelsey Smith: Yes.

Mr. Randall Garrison: Okay.

I want to turn to you, Ms. Sayers. I'm going to ask you a question from a perspective I don't share but that we've heard several times when sex workers who are relatively successful and who live in urban areas have given testimony to us.

Others say, well, this is just a few privileged sex workers or just a few people in urban areas who hold these opinions about sex work. How do you respond to that attempt to undermine your testimony?

• (1440)

Ms. Naomi Sayers: That's a really good example.

I'll share a story from law school. I was sitting in law school in constitutional litigation class and working on a theoretical challenge to Bill C-36, PCEPA, which we're here on today. We were building our fact pattern, and I remember my constitutional law prof saying, "That doesn't happen." I said, "Yes, it does."

What he was referring to was my personal experience. Working in the northern region, you have to have a driver. If you don't have a driver, you will be hitchhiking. There is no Greyhound bus. There are no cabs. Cabs will not take an indigenous person anywhere unless they charge exorbitant fees. If you do the research that's out there, the cabs even will drop off indigenous women in particular in spots that they didn't ask to be brought to. I said, "You know, PCEPA prevents indigenous women—in particular, young indigenous women—from having those supports."

The reason I talk about my story so much is that it's not heard. It's not considered. I entered when I was 18. I was still in high school. I was learning to live with a brain injury. I had just survived a horrible car accident and had almost died. I was working two minimum-wage jobs. When you have a brain injury, you have headaches—migraines. You're tired. I was like, "I can't achieve my education goals to go to university if I'm working two minimum-wage jobs." I was not living at home, and sex work was there.

If you attack minimum wage, if you attack safe housing, if you tackle those other supports.... Maybe I never would have gone into sex work. I don't know, but it got me out. It led me to where I am today. I'm a lawyer and I help other victims and survivors. I think that's the key.

Mr. Randall Garrison: In your experience, would you say that the opinion that PCEPA should be repealed in its entirety is broadly shared among those who are working in the sex industry?

Ms. Naomi Sayers: I think there is disagreement about how [Technical difficulty—Editor]

The Chair: Ms. Sayers, is your screen frozen? Can you mute and unmute or turn the screen off and on?

Mr. Garrison, do you want to ask a question of somebody else? I've frozen your time. You have about 40 seconds or so.

Mr. Randall Garrison: I'm sorry that we have this unfortunate technical problem, but let's just proceed.

The Chair: Okay.

I will go over to you, Mr. Brock, for five minutes.

Mr. Larry Brock: Thank you to our second panel for your evidence today and your co-operation throughout, and a special thank you to Ms. Smith for sharing a very personal and difficult story.

I want to thank you for sharing that, Ms. Smith. I share the comments of my colleague, Mr. Morrison. It was very difficult to hear that. It reminded me of similar cases that I prosecuted not too long ago, cases of similar young persons in your circumstances. Thank you for being a positive role model to your children moving forward.

I have a question for Ms. Smiley.

Ms. Smiley, I had the opportunity to review a piece that you wrote with Trisha Baptie. It was titled, "Quebec City murder underscores need to abolish prostitution". With the time permitted, I'm going to ask you three questions.

First, in your view, can prostitution be made safe?

Ms. Cherry Smiley: No. In my view, prostitution cannot be made safe. This is because the inherent harm of prostitution is engaging in unwanted sex acts with men that you don't want to have sex with. That happens way more commonly than where women are wanting to engage. Being in that circumstance where you're engaged in unwanted sex acts over and over....

Outside of prostitution, we call that rape or sexual assault. We act as if this exchange of money or goods somehow negates that impact on women, but it doesn't.

• (1445)

Mr. Larry Brock: What do you say to those—and we've heard from several of these individuals—who support a full decriminalization of prostitution as a way to make the industry safer?

Ms. Cherry Smiley: It's a totally misguided...a total lack of understanding of male violence against women and how it functions in the culture that we live in today. It's not possible to make it safer.

Women who go in, I think, have different ideas about what it's going to be like, but the impact of having sex with men you don't want to have sex with every day, multiple times a day.... It is going to have an impact on you physically, mentally and emotionally. That's what prostitution is.

You can't make rape or sexual assault safer.

Mr. Larry Brock: This is my last question to you. In the article that I referenced, you made a point of saying that in 2014, Canada partially adopted the Nordic model. You specifically indicated that "Canada has failed to adopt the entire model and to consistently implement the law as it stands now". You said that "the country has yet to adopt or implement robust social services and public education".

On that particular point, what recommendations would you make?

Ms. Cherry Smiley: A good, solid recommendation—and I know there have been rumblings about this for years—is to have a guaranteed livable income, so that people in Canada have the income that they need to survive. I live in Vancouver. Housing here is ridiculous. If we were to implement measures so that everybody had a house to live in, and if we had services for women who have experienced male violence.... Even now, there are wait-lists for counselling and these types of things.

It really is addressing those inequalities and doing that in a substantial way. If we do that, more often than not, when women are presented with more choices, they generally don't choose sucking dicks for a living. If we set women up to succeed, I think that is what will happen.

Mr. Larry Brock: I'll direct a question to Ms. Sayers.

Ms. Sayers, I hope I heard you correctly in the narrative that you gave in the first five minutes that there was a disconnect between the legislation and the act of stripping.

Can you expand upon that?

Ms. Naomi Sayers: No, I was just commenting on that.

The DOJ in its summary cites what this bill targets. The law, in all of these discussions we're having here today, presumes to target prostitution, which is full-service sex work. That would only include sort of indoor or outdoor street-based sex work. We're not talking about other kinds of sex work. We're not talking about stripping. We're not talking about all those other kinds of ways that sex workers engage in work.

We're missing those important pieces, as well, because the police are also in those spaces and there is surveillance of workers in those spaces.

The Chair: Thank you, Ms. Sayers.

Thank you, Mr. Brock.

Now we go to Ms. Brière for five minutes.

[*Translation*]

Mrs. Élisabeth Brière (Sherbrooke, Lib.): Thank you very much, Mr. Chair.

I'd like to thank all the witnesses for being here this afternoon.

As many have pointed out, your testimonies are difficult to hear. I salute your courage and resilience. You have great strength of character.

My question is for Ms. Sayers.

So far, we've heard advocates say that only privileged people want decriminalization, because it was the marginalized people who felt the most impact or the most serious impact of prostitution being considered a criminal act.

I'd like to hear your thoughts on that.

• (1450)

[*English*]

Ms. Naomi Sayers: Thank you. I apologize if my Internet cuts out. I'm on my cellular data, so it's kind of shaky.

I think my brief draws out some really good assumptions as to how the law treats indigenous women in particular. It makes assumptions about who we are and about what we do.

When I walk into a mall, I'm not a lawyer; I'm an indigenous woman. I will experience racism and surveillance as an indigenous woman. When I walk into a new court room, if the court security doesn't recognize me, I'm not a lawyer. I'm an indigenous woman and they will assume that I'm there as a client in a case. I'm probably one of the persons charged.

We have to remember that's how the law treats and sees indigenous women. Most importantly, that's how society sees indigenous women.

We have to look at what this law does and doesn't do. We also have to remember that Bedford said that if one life is lost under this law, that's sufficient. We don't say how many people benefit. We don't say whether it benefited one or two people. If one life is lost, that's it.

We've heard here today that there have been seven. There have many. I think that's what we need to focus on.

[*Translation*]

Mrs. Élisabeth Brière: Thank you very much.

What impact do you think decriminalization would have on the health, rights and safety of people who work in the sex industry?

[*English*]

Ms. Naomi Sayers: Yes, the one example that I gave to your committee member was when I was stabbed at work. I was a stripper and I was stabbed at work by another stripper. I couldn't call the police because I knew that the other stripper was a single mother. I knew that if I called the police, she and her children would also be harmed. I took myself to the hospital. I didn't call the police because I knew that I would be harmed as an indigenous woman. I couldn't apply to the victims compensation board because the law could see my work as being criminalized.

I didn't have access and I didn't have supports. Under Ontario legislation, OSHA, there was no recourse whatsoever. Decriminalization would help with that.

[*Translation*]

Mrs. Élisabeth Brière: Thank you.

I think I have enough time left to ask one last question. This time, my question is for Ms. Smiley.

Have you observed that the authorities, be it the police or other municipal authorities, have a different attitude toward indigenous or marginalized people when it came to law enforcement?

[*English*]

Ms. Cherry Smiley: I think that, in general, race definitely plays a role. We see with male violence across the board, whether women are in prostitution or not, there's often a problem, like "she asked for it". We see these issues of sexism.

I do want to point out that when I was in the Netherlands, I was speaking with a worker there who was going around to the women in the windows. She was told about a case where a woman had been assaulted, had gone to the police, went through the court process and the judge was actually a client of hers.

I think that we need to be thinking about this as well if we're going to do total decriminalization. Are police allowed then to just go and do this on their breaks? What about judges, decision-makers and city councillors? How does that impact us as people in Canada?

I think that's important to think about.

The Chair: Thank you, Ms. Brière.

Thank you to all the witnesses for your excellent testimony. It's been very informative. This whole study has been informative and all of you have contributed immensely.

Panellists, you're more than welcome to stay on or you can zoom off if you want.

I just have some housekeeping. I apologize to Mr. Moore. My own perceptions of time were not exactly accurate because I'm a novice in this position. I had estimated perhaps 30 minutes. It probably shouldn't take that long.

As you know, Bill C-5 has been referred to the committee and we have an obligation to study that. I was just getting some instructions as to committee business. I think as of Monday we were having our scheduled next study for PCEPA. The goal for the first hour is to have the witnesses come and attend and the last hour is for drafting instructions.

I believe Mr. Anandasangaree has some information in regard to the minister and departmental officials appearing for Bill C-5 on Friday.

Sorry, I shouldn't have said Monday. It was Tuesday for PCEPA. The first hour is with witnesses and the second hour is for drafting instructions. Then Bill C-5 and the study with respect to that, will be on Thursday.

• (1455)

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Mr. Chair, we're proposing about five meetings for Bill C-5, followed by clause-by-clause, with maybe a deadline for witnesses proportionate to how we usually do it, so maybe a witness list to be provided by next Wednesday around noon, and then the minister and the officials are available for next Friday, April 8.

[Translation]

Mr. Rhéal Fortin: Mr. Chair, I'd like to say something.

[English]

The Chair: Mr. Fortin.

[Translation]

Mr. Rhéal Fortin: With respect to Bill C-5, I'm of the opinion that due diligence is required. I don't think we should delay this, because it's important, and I'm aware of that. However, Bill C-5 addresses two completely different issues, one is diversion for the use and possession of certain drugs, and the other is mandatory minimum sentences.

You may recall that this led us, after first reading, to ask the Minister of Justice to split Bill C-5 into two separate bills, in order to expedite its processing. If we had been able to agree on diversion, which I think was more likely or easier, we could have passed this bill right away, but that was not the case. I don't want to go backwards; we have to deal with the situation as it is, but the fact remains that the fear I had at the outset, when we proposed splitting this bill, is still present. I can't imagine that we're going to get this resolved in five meetings.

My colleague Mr. Anandasangaree called me about this, and we discussed it. At the time, I told him that I hadn't really had time to think about it. Since then, I've thought about it and discussed it with people around me. What I would suggest, first of all, is that we leave some room to extend the study, if necessary. For the time being, I think we could already set aside four meetings to hear witnesses on the issue of diversion and four on the issue of minimum sentences. That would be a total of eight meetings. Then we could schedule two for clause-by-clause.

That's what I'm proposing to you today, Mr. Chair.

[English]

The Chair: Thank you, Mr. Fortin.

Go ahead, Mr. Garrison.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

I'm very supportive of your plan for next week. I am very concerned about getting started on the drafting work so the drafters can work away while we're starting on the hearings on Bill C-5.

I don't believe we can settle the question of the number of meetings today in the time we have available to us, but I think you presented a good plan for next week. I'm presuming that we will have what you said, with the minister and officials for the full two hours on the Friday, and then we'll split the time on the Tuesday, so I am supportive of those suggestions. Maybe we can leave the total number of meetings to be discussed at another meeting.

Thanks.

The Chair: Just to be clear, I think the Friday meeting will have the first hour for the minister and the next hour for the departmental officials, but it will be two hours.

Mr. Moore.

Hon. Rob Moore: Thank you, Mr. Chair.

As usual, Mr. Garrison took the words right out of my mouth. We're so often on the same page.

I am inclined to agree with Mr. Garrison and what's been said about the number of meetings. I think five is going to be a little low when we're dealing with something involving very sweeping changes, but I think generally what you've outlined is sound for our work on Tuesday, and then with the minister appearing on Friday. I think we should defer on the total number of meetings until a future meeting.

• (1500)

The Chair: Gary.

Mr. Gary Anandasangaree: Mr. Chair, my only concern is that as we embark on the study of Bill C-5, it would be good to have a sense at the outset of how many witnesses we're talking about. While I agree that we may not be able to resolve it today, I wonder if there is time to do a subcommittee meeting early next week so that we can actually hammer this out.

The Chair: I think that would be a fair thing. We'll start with five. Instead of a subcommittee, perhaps we'll have an informal chat around each party's representatives and we'll try to figure out a number. At least we have next week's schedule taken care of. We'll tentatively start at five because we at least have a minimum agreement on that.

Then, Mr. Moore, we can chat next week and figure out the course of it going forward.

Is that okay with everyone? Do I see nods? Yes. That's perfect.

Okay, I think we have the agenda.

I'll call this meeting to an end. We'll see you all on Tuesday.

Thank you.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>