

Brief on Bill C-36 “Protection of Communities and Exploited Persons Act”



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For the Standing Committee on Justice and Human Rights

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For the Standing Committee on Justice and Human Rights

From Defend Dignity of The Christian and Missionary Alliance in Canada

June 23, 2014

Introduction

We believe in a Canada that recognizes that every person has intrinsic worth and value and should be treated with dignity; every person whether rich or poor, whether male or female, whether living in a mansion or on a street corner, no matter their race or colour.

We believe in a Canada where it is not the norm to be able to purchase sex.

We believe in a Canada that protects all women and children from the inherent violence and oppression of prostitution.

We believe in a Canada that does not see prostitution as a solution to female poverty.

We believe in a Canada that works to end the systemic issues of poverty, homelessness, addictions and mental health concerns that are tied to prostitution.¹

We believe in a Canada that works collaboratively, with all people, to end prostitution.

We believe in a Canada where future generations will grow up knowing that no human being should be bought or sold.

Prostitution is not the glamorous and desirable vocation that some in Canada make it out to be. A high percentage of people entered prostitution as young teens, and they did not choose prostitution as we think of the word “choice”; it chose them. Choice is a word of privilege. Is it truly choice if it means staying in a dysfunctional home, abusive relationship or overstuffed group home, or leaving with a man who fools you into thinking he cares about you, but later exploits you? Poverty, homelessness, abusive relationships, mental health issues and addictions all leave these young girls and boys vulnerable to exploitation.

¹ “Prostitution: Violating the Human Rights of Poor Women” (Day, 2008)

It is the pimps, traffickers and purchasers who need to be penalized and held accountable for their actions, and not the prostituted.

Human lives are at stake as the Justice and Human Rights committee gives consideration to what is good about Bill C-36 and what needs amending. Thank you for your careful deliberation.

In order to understand our position and following recommendations, it will be helpful to understand who we are and what we do as an organization.

Who We Are

Defend Dignity² is a justice initiative of The Christian and Missionary Alliance in Canada³. The Christian and Missionary Alliance has 431 churches from coast to coast to coast in Canada, with a combined total of 129,452 members and adherents.

Defend Dignity has been tasked with the fulfillment of the statement below.

The Christian and Missionary Alliance in Canada believes:

- in the inherent dignity and value of all women, men and children made in the image of God.
- prostitution is a form of sexual exploitation, oppression and violence, especially against women and children, and seriously undermines their dignity and value
- prostitution is detrimental to a healthy society

The Christian and Missionary Alliance in Canada is therefore committed to the abolition of prostitution by:

- raising awareness and public education on prostitution, sexual exploitation and sex trafficking
- advocating for stronger legal and social deterrents to eliminate both the illicit demand for and the selling of sex
- developing resources to empower our congregations to take action against prostitution, sexual exploitation and sex trafficking

What We Do

Defend Dignity acts as a catalyst for individuals and churches to abolish prostitution in Canada, by:

1. Creating awareness, by:

² www.defenddignity.ca

³ www.cmacan.org

- a. Holding events across Canada in churches and community centres. These Information Forums each consist of presentations from: survivors of sexual exploitation from the region of Canada in which the forum is held, a frontline agency and police officer from the host city and members of the Defend Dignity team, including: a policy analyst from The Evangelical Fellowship of Canada, a police officer who addresses men about the demand side of sexual exploitation and myself, as Director of Defend Dignity. The presentations are followed by a Question/Answer time with the audience.

Research is done by Defend Dignity prior to each event to discover any local agency working with or for prostitutes, and all are invited to attend and feature their work during a networking time following the Q&A. This provides audiences with the opportunity to interact with local agencies and become aware of the issue in their city, with the possibility of volunteering with an agency.

From March 2012 to the present, twenty-seven events have been held in cities from Vancouver, BC, in the west, to Moncton, NB, in the east, to Grande Prairie, AB in the north, and many towns and cities in between. More events are booked for the fall of 2014.

- b. Producing a number of educational videos⁴ distributed to our 431 churches and beyond through our website and social media.
2. Advocating for prostitution law reform with Members of Parliament. Defend Dignity encouraged Canadians to write, email, phone and visit their MPs about their concern for sexually exploited people and the need for prostitution law reform. We provided template letters for people attending our information forums and other awareness events to sign and send to their MP. We also produced an MP toolkit that included information on the need for law reform and the Nordic Model of law for which we advocated. This kit was made available to any person willing to take one to their MP to discuss the issue. As Director of Defend Dignity, I came to Ottawa on a number of occasions to meet personally with MPs. Defend Dignity and The Evangelical Fellowship of Canada co-hosted two events on Parliament Hill for MPs, senators and senior staff in June 2012 and October 2014. These events featured a survivor telling her story and the screening of the National Film Board film, "Buying Sex". Defend Dignity has also met with a provincial justice minister on the issue of prostitution legislation, and with a city council on city by-laws surrounding strip clubs and massage parlours.
 3. Aiding churches through resources to help them in their local involvement to end sexual exploitation by:
 - a. Producing a toolkit with contents to educate and guide individuals and churches in responding well to sexually exploited persons and working to end sexual exploitation in our country.
 - b. Networking churches becoming involved in service delivery to victims in order to learn from each other what are best practices for helping victims become survivors.

⁴ <http://defenddignity.ca/youtube-videos/>

To date, one church of The Christian and Missionary Alliance in Canada, in Winnipeg, MB, has established a second-stage recovery home, Dignity House⁵. Another C&MA church in Newmarket, ON is helping to start a safe house in York region of Ontario, “u-r home”.⁶ Other churches are seriously exploring ways to provide services to victims.

Position of Defend Dignity on Bill C-36

Defend Dignity’s Endorsements of Bill C-36

The Preamble

The Preamble of Bill C-36 creates the foundation upon which all sections of the bill stand. As such, the preamble reveals a significant paradigm shift in how the government views all aspects of prostitution in Canada. No longer is prostitution seen as a nuisance to communities, meant to be kept out of sight and out of mind; rather, it is seen as inherently exploitative, violent and a form of gender inequality. It identifies that the dignity of all persons is worthy of protection, and that prostitution has a disproportionate impact on women and children. By prohibiting the purchase of sexual services, the government has recognized that demand will be reduced.

New prostitution related offences and penalties:

- a. *Purchasing sexual services - This new offence would prohibit the purchase of sexual services and communicating in any place for that purpose. Maximum penalties for purchasing sexual services would be 18 months imprisonment on summary conviction and 5 years imprisonment on indictment. Escalating mandatory minimum fines for first and subsequent offences would also apply. There would be a \$500 fine for a first offence and a \$1,000 fine for a subsequent offence on summary conviction. These fines would be doubled if the offence were committed near parks, schools, religious institutions or other places where children could reasonably be expected to be present.*⁷

It has been documented that purchasers of sex, also known as “johns”, see criminal charges for purchasing as a deterrent to buying sex. The following quote comes from research findings from the online discussion boards of johns in the state of Illinois.

“For some johns, policies that target johns or increased law enforcement presence in areas where the commercial sex industry operates may simply end their “cruise” for sex for an evening. For

⁵ <http://www.dignityhouse.ca/>

⁶ <https://www.facebook.com/urhomesafehouse>

⁷ <http://news.gc.ca/web/article-en.do?nid=853729> (Canada, 2014)

others, it may end their mongering permanently. The majority of posts on the boards about demand suppression efforts show that such efforts have created energetic discussions among johns about whether or not to continue buying sex, some of whom state that they will not take the risk of buying anymore.”⁸

Defend Dignity supports these findings, as well as the outcomes in Sweden since the ratification of the law there, which criminalizes the purchase of sex.

“Since the introduction of the ban on the purchase of sexual services, street prostitution in Sweden has been halved. This reduction may be considered to be a direct result of the criminalisation of sex purchases.”⁹

Defend Dignity is extremely pleased to see that purchasers of sex will be held accountable for their actions. It makes a statement that in Canada it is not acceptable to objectify or commodify women’s, men’s and children’s bodies. We believe that considering these acts as an offence will help to create societal change. It will create a legacy for future generations that every person has value, every person has dignity.

Some cities have Prostitution Diversion Programs for men caught buying sex. Defend Dignity has met with the facilitator and counselor of the “John School” in Saskatoon, which has been in operation since 2002 and has had excellent results. To date, 699 men and one woman have gone through the program. The program serves its purpose well, as the participants leave having a greater understanding of the harm that has been done to those they purchased, to their families and to themselves. In Saskatoon, there have been only eight reoffenders, to the knowledge of the facilitators of the program. Along with the minimum fines that Bill C-36 imposes on purchasers of sex, participation in Prostitution Offender Programs should be mandatory. These programs need to be continued and expanded to cities without such programs, and funds collected should go directly to local exit services. In the past, some cities have also published, in local newspapers, the names of johns who have been caught, as another means to deter them.

b. Receiving a financial or material benefit - This new offence would prohibit profiting from the prostitution of others, including through businesses that sell the sexual services of others online or out of venues such as escort agencies, massage parlours, or strip clubs that also provide sexual services. It would carry a maximum penalty of 10 years imprisonment. Exceptions would be made for non-exploitative relationships.¹⁰

c. Advertising the sale of sexual services - This new offence would prohibit advertising the sale of others' sexual services in print media

⁸ “Our Great Hobby” An Analysis of online networks for buyers of sex in Illinois (Janson, 2013)

⁹ (Sweden) <http://www.government.se/content/1/c6/14/92/31/96b1e019.pdf>

¹⁰ (Canada, 2014)

or on the Internet. It would give courts the power to authorize the seizure of materials containing such advertisements, to order an advertisement to be removed from the Internet and to require the provision of information that would identify and locate the person who posted it. Maximum penalties for advertising the sale of sexual services would be 18 months imprisonment on summary conviction and 5 years imprisonment on indictment.¹¹

As Director of Defend Dignity, I speak in church services, special events and at all information forums that we host across Canada. As part of my research before I go to a new location, I visit www.backpage.com or www.craigslist.ca to see if girls and women are being advertised for sale in these locations. Without fail, I find women and girls of every ethnicity and age advertising every imaginable sexual service. My research stops there, so I have no way to determine whether the ad was posted by the woman or by her pimp. However, in some of the locations where we have been present, police confirm that many of the women are in fact being exploited by pimps.

Defend Dignity strongly believes that penalizing the advertising of sexual services will help to curtail the pimping of women and children. It will also deter the display of images that objectify and commodify women and children.

Defend Dignity's Challenges with Bill C-36:

1. Section 213(1) states that, "Everyone is guilty of an offence who in a public place open to public view for the purpose of offering, providing sexual services stops traffic or impedes pedestrians."

Defend Dignity believes that this new offence targets the most vulnerable in prostitution, street prostitutes. Most street prostitutes only sell themselves to survive. They see themselves as having no other options, due to poverty, homelessness, mental illness and addictions. To add the penalty of a conviction and possible fine to someone who has no means to pay it would be adding more burden to those already weighed down. We do not believe that this reflects the intent of the law as described in the preamble.

2. Section 213 (1.1) states that, "Communicating for the purpose of selling sexual services in public places where a child could reasonably be expected to be present - This new offence would prohibit anyone from communicating for the purpose of selling sexual services in public places where a child could reasonably be expected to be present. The maximum penalty for this offence would be 6 months imprisonment."¹²

¹¹ (Canada, 2014)

¹² (Canada, 2014)

Defend Dignity believes that it is unreasonable to state, on the one hand, that prostitution is inherently exploitative, with most prostitutes facing the risk of violence, and then, on the other hand, to lay charges against them. Since most prostitutes are victims of violence, no charges should be laid against them. In our work with prostitutes and with survivors, violence is a recurring theme.

Beatrice Littlechief is a woman from the Muskowekwan First Nation of Saskatchewan. She is part of Defend Dignity's team and a regular speaker at our Information Forums. These are her words:

"At 14 years old, I was forced to sell my body to a middle-aged white man who said, as I wept, that he would take it easy, and then proceeded to have sex with me. I was also in fear of my life if I didn't follow through. I was alone and scared and only wished that there was someone there to help me. He thought this was okay to do this to me, but somehow mainstream society thought I was the one in the wrong. We are vulnerable and left to fend for ourselves with pimps and evil just lurking and ready to grab us and eat us alive."

Katarina McLeod, also a survivor and speaker for Defend Dignity says,

"I have been robbed at gun point, called a slut, had my jaw dislocated, been raped anally, forced to give blow jobs and had my head held down till I puked! I have been punched, smacked, choked, spit on, had my hair pulled and even been bitten till I bleed. I experienced all of this because this was what they had paid for. This is an issue of exploitation and violence against women."

In no other instance are the victims of violence charged. Only the perpetrators of violence should be charged.

Defend Dignity believes that Section 213 (1.1) also targets the most vulnerable in prostitution, street prostitutes. As in our rationale for challenging Section 213 (1), above, re-victimizing street prostitutes by laying charges against them only serves to further burden them.

In our work with survivors, we hear of how their prostitution-related charges have kept them from finishing education and securing good employment. In one such instance, a young woman exited prostitution as a single mom, was furthering her education and needed a criminal check to secure a required placement in order to graduate. Upon learning of the prostitution charges, no employer would place her, and consequently, she could not graduate from her program. She was re-victimized due to her criminal charges.

In discussion with the Office of the Justice Minister, Defend Dignity has been given the rationale that these offences will be handled at the discretion of the police. This causes us great concern.

In our interaction with police across Canada at our 27 events, we discovered that there is great inconsistency in how police view prostitution, deal with prostitutes and enforce criminal

offences relating to prostitution. In some locations, police services are already operating under the new paradigm described in the preamble of the bill. They see prostitutes as exploited victims of violence and work to help them and offer access to exit services. However, in some locations, police denied prostitution's existence and did not know until it was pointed out to them that there were online ads for women for sale in their city. In this same location, youth workers were dealing with underage girls selling themselves for drugs and yet the police said that prostitution was not an issue. Other police at our events described charging the women and putting them in jail as their method of dealing with prostitutes. The arrest rates for prostituted women are currently much higher than for people who purchase sex in many areas of Canada. If Section 213 remains, then there **must** be consistent training of police officers from coast to coast on the realities of prostitution and the inherent exploitation and violence involved. It is essential that this training begin as soon as the new law is implemented.

Recommendations and Conclusion

Canada stands on the cusp of creating a better country for countless children, women and men currently being sexually exploited and also for those at risk of exploitation as new laws are put in place. All of Canadian society will be better as the normative aspect of the law on a society is well known; it will be a Canadian society where people are not commodities, where men are held accountable for their actions and where all are safe from predators. Therefore, it is crucial that the new prostitution legislation recognizes the social and individual harm of prostitution, that it aims to discourage it and that it works to abolish it.

Defend Dignity strongly supports most of Bill C-36, but suggests that the following recommendations be considered to create the best legislation and policies possible:

1. Amend Section 213 (1 and 1.1) so that no prostituted person is charged for communicating for the purpose of offering or providing sexual services.
2. Provide standardized education and training for police that would explain the paradigm shift in how prostitution is viewed, as part of the implementation of the new law. This should include all federal, provincial, regional and city police.
3. Provide standardized education for judges and crown attorneys that would explain the paradigm shift in how prostitution is viewed, as part of the implementation of the new law.
4. Develop a strong public education campaign to help communities understand the paradigm shift in how prostitution is viewed as part of the implementation of the new law.
5. Develop standardized school curriculums that teach about the inherent dangers of prostitution, the risk factors for exploitation and awareness of how pimps lure children.

6. Mandate crime diversion Prostitution Offender Programs, also known as “john schools”, sending program fees directly to exit services for prostituted people.
7. Work to prevent sexual exploitation by addressing the contributing factors of poverty and homelessness through a National Action Plan to End Poverty and a National Housing Strategy.
8. Work collaboratively with provinces, faith communities and frontline agencies to provide exit services to prostitutes.
9. Increase the amount of new funding for exit services to proportionately match what the Government of Manitoba spends to address sexual exploitation each year (\$10,000,000).

Respectfully submitted,

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