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Chair: Mr. Randeep Sarai



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• (1305)

[English]

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

Welcome to meeting number six of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to a motion adopted on Tuesday, February 8, the committee is meeting to review 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. With regard to a speaking list, the committee clerk and I will do our best to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

Before I welcome the witnesses, I'll just let you know that I use a little cue card, and when you have 30 seconds left, I'll raise it. When you're out of time, I'll raise this. Out of respect for time, I ask everyone to comply with those. It's the only way all our members will get to ask their questions. If you miss something, you can usually add it in the question and answer segment of the meeting.

I'd now like to welcome the witnesses. There are some witnesses with whom we're still trying to connect. Our clerk will attempt to do that.

You can speak for five minutes as a witness for your group, and then the next witness will speak. Subsequently, there will be rounds of questions and answers.

The first witness is Jenn Clamen from the Canadian Alliance for Sex Work Law Reform.

You have for five minutes.

Ms. Jenn Clamen (National Coordinator, Canadian Alliance for Sex Work Law Reform): Thank you.

Our alliance is made up of 25 sex worker rights groups across the country, led predominantly by sex workers living the impacts of PCEPA and who serve thousands of sex workers through front-line services and advocacy.

I'll use my time today to dispel some of the myths, misinformation and unfounded statements that the committee has heard over the past three weeks. My intention in doing that is to redirect your

attention to rigorous empirical research that you need to complete your task of studying the impacts of PCEPA.

One such myth is this erroneous division between exploited survivors on the one hand and independent sex workers or entrepreneurs on the other. All witnesses, including sex workers, are presenting evidence about people who sell or trade sex in difficult circumstances, most with limited options, yet a false divide is being created, as if people's experiences fall within one of two categories: people who have agency and don't experience abuses and those who do experience abuses and don't have agency.

Many sex workers do experience exploitation and violence. Sex workers across the country, if not the world, recognize that this is due in part to the impacts of criminalization. Recognizing the harmful impacts of criminalization doesn't mean you're abandoning one group over the other. Rather, it means you're recognizing how criminalization functions and particularly how it negatively impacts the most marginalized sex workers living and working in the most difficult conditions. Criminalization is a tool that encourages social and racial profiling. It is an absolute deterrent to anyone reporting violence, abuse or exploitation.

Supporters of PCEPA claim that the average age of entry is 12 to 14 years old. This is a discredited claim. Young people do experience abuses, both in and out of the sex industry, but massage parlours, strip clubs and agencies are not rife with 12- and 13-year-olds. This is not the average age that people start to sell or trade sex.

Misinformation about the average age of entry is what researcher John Lowman calls a "cornerstone of prohibitionist rhetoric". He says that "treating prostitutes as children makes it much easier for prohibitionists to argue that [women] should be saved from [ourselves]."

Discredited claims about the age of entry are circulated by people who support criminalization and PCEPA. The most recent empirical research paints a very different picture. A 2018 study by Cecilia Benoit indicates 24 years of age as the average age of entry. A 2011 study by van der Meulen found it to be 20. A 2007 study by O'Doherty found it to be 23 years of age.

Supporters of PCEPA claim that it addresses violence against sex workers. None of the PCEPA offences, including the client and third party offences, require any element of exploitation or coercion. Empirical evidence confirms that criminalizing any aspect of sex work forces people currently working in the industry to forgo security measures and endure poor working conditions to avoid detection. PCEPA fosters exploitation and violence.

Proponents of PCEPA claim that it's an equality model. A legal regime that relies on the surveillance, profiling, detention and arrest of marginalized and racialized communities cannot claim to be an equality or a feminist model. A legal regime that criminalizes and seeks to eradicate an income-generating activity predominantly exercised by marginalized women cannot claim to be an equality or feminist model. Equality means that everybody receives the benefit of human rights protections. Substantive equality means that there's a recognition that criminal law, and PCEPA in particular, disproportionately targets racialized, Black, Asian and indigenous communities. PCEPA encourages the uninvited presence of law enforcement into the lives of these sex workers and has grave consequences.

The last myth that you've heard—but you've heard more than this—is that the law is not harming sex workers, but it's that sex workers are misunderstanding the law. Sex workers know that PCEPA is designed to criminalize their work and eradicate them and their means of survival. The criminalization of sex work produces real risks and impacts on how sex workers organize their lives.

The harms of criminalization go beyond arrest. They create barriers to accessing health, social, legal or police services. They foster isolation and limit who sex workers can reach out to for support. They create a risk of eviction and of child apprehension. The dangers of PCEPA and police that sex workers speak of are most definitely real. They are not a figment of sex workers' imaginations and definitely not an instruction from an imaginary pimp.

Empirical evidence matters. This review needs to prioritize empirical evidence and the experiences of people working under PCEPA. The preamble is based on complete fiction that sex work is inherently exploitative. It reproduces stigma that increases targeted violence against sex workers.

Verify the unfounded claims made to you these past couple of weeks around age of entry, the number of women who have agency or the alleged failure of the New Zealand model. There are no methodologically sound sources for these claims.

At what point do sex workers, people currently working in the industry, get to be experts of their own lives?

- (1310)

Thank you.

The Chair: Thank you, Ms. Clamen.

Up next is Jenny Duffy, the board chair for Maggie's Toronto Sex Workers Action Project, for five minutes.

Ms. Jenny Duffy (Board Chair, Maggie's Toronto Sex Workers Action Project): Thank you.

Maggie's Toronto Sex Workers Action Project is one of Canada's oldest funded sex worker justice organizations. For over 35 years, we've supported sex workers in Toronto through drop-in programming, harm reduction services, legal supports, food security efforts and more. Our work is in direct response to the harm caused by legislation like Bill C-36.

The majority of sex workers we serve are from poor, working-class, racialized and indigenous communities, are members of the LGBTQ2S community and work as street-based sex workers. We've launched culturally specific services including the nation's first indigenous-led program for sex workers and emergency supports for Black sex workers who face compounded forms of violence as a result of criminalization.

Bill C-36 claims to protect sex workers but in practice it isolates us from supports and facilitates violence. It recreates the impacts of the former unconstitutional laws for sex workers.

In 2017, one of our long-time community members, Alloura Wells, went missing. She was a 27-year-old Black and indigenous transwoman who attended our drop-in programming and navigated poverty, homelessness and police violence in the city. Following her disappearance, Alloura's father contacted Toronto Police Service to report her missing. He was told the case wasn't a high priority. Instead, police told her father that people like Alloura are transient, that they disappear and reappear all the time.

We formed our own search parties led by long-time activist Monica Forrester. Because of our public efforts demanding justice for Alloura Wells, five months after her initial disappearance, Toronto Police caved to the pressure and finally issued a missing persons report.

A short while later, a community member named Rebecca contacted Maggie's with news that she'd discovered a body in the Rosedale Valley and had actually contacted police months before. Police did not issue a news release when the body was reported and did not release details to the public, as they normally would. Rebecca followed up multiple times with Toronto Police to learn about developments, even reaching out to The 519 Church Street community centre, which promised to have staff investigate. The 519 did not follow up with Rebecca or our community.

After seeing media coverage about our search parties for Alloura, Rebecca reached out to us at Maggie's. Despite Alloura's father attempting to issue a missing persons report much earlier on, heavy news coverage of Alloura's disappearance and a community member notifying local service organizations, we had not been informed about this key development.

Only after following up with police about Rebecca's discovery did they agree to re-test DNA, and on November 23 they identified Alloura's body. They maintain that the cause of death can't be determined, but estimated that she died some time in July.

Toronto Police dismissed Alloura's disappearance because of her background in sex work, her race, gender identity and struggles with homelessness.

When laws like Bill C-36 mark our communities as social problems to be eradicated, and instruct police to criminalize sex workers, our ability to access basic support and safety is undermined.

Indigenous women, Black and racialized women, transgender women, migrant women and people living through poverty are overrepresented in street-based sex work. The combination of the offences against communication and purchasing and the presence of police pushes street-based sex workers and their clients into remote areas. Working in poorly lit back alleys far from their homes, social services and their peers, the street-based sex workers we serve at Maggie's report increased difficulty screening their clients, detecting violent situations and negotiating consent.

Street-based sex workers at Maggie's have consistently disclosed about harassment from law enforcement and being forced to relocate around the city to avoid police. During our COVID-19 emergency support fund, one of the many indigenous sex workers who reached out for financial aid was a young Anishinabe street-based worker experiencing harassment and aggression from the police while struggling to work and survive at the height of the pandemic.

Bill C-36 facilitates this violence and excludes us from solutions to improve our working conditions. One of the most devastating consequences of this law is that our communities are made responsible for the violence enacted on us. It's in this context that sex worker justice organizations like ours have been essential spaces to organize, support one another and continue fighting for decriminalization like the life and death issue that it is.

• (1315)

The Chair: Thank you, Ms. Duffy. You still had 20 more seconds, but appreciate the promptness.

Next we'll have Peers Victoria Resources Society. I don't know if it will be Sophia Ciavarella or Sarah Smith, but either one of you has the floor for five minutes.

Ms. Sophia Ciavarella (Operations Manager, Peers Victoria Resources Society): Hello.

Peers Victoria Resources Society is a local grassroots organization for sex workers in greater Victoria. Since 1995 we have offered outreach, drop-in, housing, health, violence prevention, small business training, peer support worker training services and more. We serve about 650 unique individuals a year.

We believe strongly in the experiential voice—that our community knows best how to take care of ourselves. As such, two-thirds of our staff have current or former experience in sex work.

We come to you from the traditional territories of the Lekwungen-speaking peoples now known as the Songhees and Esquimalt nations.

The PCEPA severely undermines health and justice for sex workers. Because of the criminalization of the stopping of traffic for the purpose of selling sexual services and the criminalization of the purchase of sexual services, sex workers are forced into rushed and clandestine negotiations with clients, with a reduced ability to screen clients or assert their boundaries. Further, street-based sex workers are forced to work in isolated areas further away from public spaces.

Much research has shown that criminalization of any group in society, including sex workers, increases social isolation, poor health outcomes and reduces access to public supports.

Escort agencies offer much-needed work-setting options for sex workers, particularly those newer to the work, because they offer safer group spaces and peer mentorship. However, these spaces are prohibited by sections 236.2, 236.3 and 236.4. In our community these businesses are all women-run, long-term establishments that offer a desirable work setting for many of the sex workers served by our organization.

The Chair: Ms. Ciavarella, could you slow down? The interpreters are having a hard time staying at pace with you.

Thank you.

Ms. Sophia Ciavarella: I apologize.

The Chair: No worries.

Ms. Sophia Ciavarella: With sex work legally defined as inherently exploitive, violence against sex workers' bodies is naturalized. When the only way of helping sex workers is to rescue them, those who are actively engaged in sex work are seen as disposable. Their voices are deprioritized, and they face barriers to justice.

In the past four years not a single reported case of violence that my organization has supported sex workers through has led to an arrest or formal charges despite a rare collaborative working relationship between Peers and the Victoria Police Department.

From a cohort of cisgender and transgender sex workers in Vancouver, 72.2% of participants reported no perceived change in working conditions following the passage of PCEPA, and 26.4% reported negative changes. They also reported less access to health and community services under the new legislation. In the same cohort, 38.2% of participants experienced violence following PCEPA-reported violence to police, which did not differ significantly from pre-PCEPA reporting.

Immigrant and racialized sex workers were more likely to report negative changes and less likely to report violence to the police.

We think it is time to truly prioritize the well-being of people in the sex industry. We need to remove the Criminal Code as a barrier to well-designed public supports. These supports need to focus on universal basic income, gender-based violence prevention, housing and peer-based initiatives that reduce stigma.

Thank you.

The Chair: Thank you, Ms. Ciavarella.

Are you sharing your time with Ms. Smith? Yes.

You have two and a half minutes, Ms. Smith.

Ms. Sarah Smith (Small Business and Indoor Workers Group Coordinator, Peers Victoria Resources Society): Thank you so much for having me.

Each of the following paragraphs are comments garnered from the sex worker community of Peers Victoria Resources Society when asked how the law and stigma impact one's life. These are all quotes.

“One view is you feel unsafe in your outside environment, living with daily effects of stigma.”

“Your entirety as a human being is discarded by what you do to pay your bills.”

“I am a good person. My house is clean, I am clean. I give love and I care. For a living. How bad could I be?”

“It keeps me stuck in my situation and unable to move into different things even if I'm making every effort to do so.”

“I can get an education and still be haunted by the stigma of having been a sex worker.”

“My life would be a transformed experience of great significance, under decriminalization.”

“Current Legislation isolates the marginalized, vulnerable communities, women, indigenous people, indigenous women, LGBTQ community members, who are human too, the law is perpetuating violence on the basic human rights of those people.”

“It builds hatred, separation, isolation, addiction, hopelessness and mental health issues.”

“Sex work stigma has distanced me from my family.”

“If our society respected us and our work and as human beings too, that would set a different tone. To families and among one another. On the micro level.”

“It is impossible to find housing without lying on rental applications. Landlords will not rent to sex workers—if I do manage to secure housing by lying, I am constantly at risk of homelessness if my landlord finds out.”

“Being an 'out' sex worker has lasting consequences, like being unable to secure another job due to involvement in the sex trade.”

“Stigma has made it difficult for me to access a legal representative to incorporate my business—every lawyer I have reached out to won't touch me with a ten-foot pole. It's so frustrating knowing that I am operating legally but am unable to hire legal counsel, a driver, security, etc., because they're criminalized under the current law. I'm trying to play by the rules of running my business but am always tiptoeing around my bank, landlord, etc.”

“Impacts caused by laws: risk of being banned by other countries when travelling abroad for simply being a SW, even with no proof of any plans to work in another country.”

“No housing protections, if a landlord discovers what I do, I can be evicted with only suspicion.”

“The assumption is that sex workers would choose this work intentionally, not just as a last resort, ignoring the many voices of the people who do what they do.”

Thank you.

● (1320)

The Chair: Thank you so much for staying within the time.

Next is the first round of questions. It will be for six minutes, starting with Mr. Moore.

Hon. Rob Moore (Fundy Royal, CPC): Thank you, Mr. Chair.

Thank you to all of our witnesses today as we finish up a very important study.

We know that this legislation came about after the Bedford decision. It's an attempt to strike the right balance, but there are always improvements that can be made.

I note that just in the last few days we've seen the Court of Appeal for Ontario uphold several provisions of PCEPA, or Bill C-36. That brings us to this study. We're studying ways we can improve the law and how the laws work. We've certainly heard from a wide variety of witnesses, some who are very supportive of PCEPA.

I have a question for the Peers Victoria Resources Society. There are two witnesses here. I guess you can decide between yourselves who would like to answer.

It was mentioned that you provide harm reduction support services, education and employment training for current and former sex workers. Could either of you elaborate on what those support services look like, education and employment training as well? Perhaps share with the committee what that looks like typically, the services you are providing for your region.

Ms. Sarah Smith: I'll speak to that.

I run the small business training program at Peers Victoria Resources Society. We're not an exit organization. We look to support current and former sex workers where they are, knowing full well that some other employment opportunities don't offer the best perks or rates of pay.

With that in mind, we look to support people where they are, whether they're continuing in a sex trade or they want to branch out. With the small business training program, we go through everything to run a small business, whether someone has a small business they already have established and are looking to continue it, whether they're starting a small business, or whether they're starting or continuing their own small business that is sex work.

In that curriculum, we cover everything from vision statements, mission statements, partnership agreements, staffing agreements, municipal bylaws....

Gosh, there's so much. I'm at a loss right now.

Hon. Rob Moore: That covers a lot of it.

Ms. Sarah Smith: Yes, it's a lot. I also ran the drop-in centre for about seven years. I just gave up the position late last year.

The drop-in centre is where everybody comes in to get a healthy meal and a sense of community. You really can't discount the sense of community, because when you're stigmatized the way that sex workers are in our society, you feel awful out in the real world and you don't feel that you have a community or a family or people that you can be yourself around.

At the drop-in centre we have harm-reduction supplies, such as clean needles and condoms and such, and a healthy meal. We do advocacy and have a jumping-off point for all of our other programming. We do housing support and health support. We have a nurse who comes in. We do art classes, which everybody loves, loves, loves [*Technical difficulty—Editor*].

• (1325)

Hon. Rob Moore: I couldn't hear the last few things you said. I don't know if you can hear me. Do you want to finish that last thought?

The Chair: Ms. Smith, you're on mute right now, but if you could, would you just repeat the last 10 seconds of what you were trying to say?

Ms. Sarah Smith: Was there a question? Something went off in my Internet connection.

Hon. Rob Moore: You were just finishing a thought, but it cut out with about 10 seconds left.

Ms. Sarah Smith: Okay. About the drop-in program?

Hon. Rob Moore: Yes.

Ms. Sarah Smith: We do housing and health support. We have a donation room where everyone can access kind of new clothes. I mentioned harm reduction supplies and art classes. We have workshops that connect people with other social service agencies in the city that can be supports and advocates for them, as well as help with taxes. We do a lot.

Hon. Rob Moore: Thank you.

How much time do I have left, Mr. Chair?

The Chair: You have one minute.

Hon. Rob Moore: Really quickly, many of our witnesses so far have been describing, number one, that PCEPA is not enforced or in place equally across the country and in various provinces it's being applied differently.

I'll ask the Peers Victoria Resources Society, but, if there's time, someone else can jump in.

Could you give some feedback on the relationship between yourselves, those that you're serving and local law authorities, the police? Do you have any recommendations on how those relationships could be improved?

Ms. Sophia Ciavarella: I could speak to that.

We have a unique working relationship with the Victoria Police Department that's very collaborative. They've agreed not to enforce the PCEP Act in our community, which allows for a lot of safety for our sex workers. We have a police liaison program which allows sex workers to safely interact with a police member who knows the community and understands stigma, and they're reporting violence instead of just going to dispatch and getting whatever random officer there is.

We would highly recommend a liaison officer for all communities.

Hon. Rob Moore: Thank you for that suggestion.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Moore.

Next we'll go to Ms. Dhillon for six minutes.

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

I'd like to start with Ms. Clamen.

You spoke a bit about New Zealand in your opening statement. I'm very curious to know if reporting rates for human trafficking have gone up in New Zealand. We often say that if sex workers weren't afraid of being arrested they would be more likely to report trafficking when they see it. I just was wondering if you had a bit of knowledge about the situation in New Zealand, since you brought it up in your testimony.

Ms. Jenn Clamen: I can't speak specifically to the TIP report that has come out of New Zealand most recently and how it's being connected with trafficking, but I can say that since decriminalization was implemented in New Zealand in 2003, sex workers have a lot more freedom to report violence in the workplace and to have some kind of recourse when they experience violence.

We've heard stories, for example, of sex workers who have been able to officially, through courts or tribunals, report sexual harassment from people working in their workplace or from bosses. I remember one news piece of a sex worker who was successful in that case. We also know sex workers are more able to work together in public spaces, which is really important.

The interesting thing about New Zealand is there are a ton of studies, which I submitted to the Library of Parliament so you can read them if you're interested, and a lot of those studies actually demonstrate how much more safe sex workers are able to feel and how many more safety measures they're able to implement.

It's important to look to those studies. It's not a perfect model by any means, predominantly because migrant workers are still criminalized and that allows for a lot of anti-trafficking rhetoric and policy and might impact on the way those trafficking numbers look in a TIP report, because migrant sex workers are still not able. The immigration laws are not necessarily changed.

In Canada, what we asked for, along with the removal of sex work from criminal laws, is the removal of the IRPR regulation that doesn't allow migrant sex workers to work in the sex industry.

There's a ton of research, peer-reviewed research, that I'd be very happy to send your way. As I said, I have submitted them to the Library of Parliament and hopefully they will be considered for the report you produce.

• (1330)

Ms. Anju Dhillon: Yes, please, if you can, submit it to the committee.

I have a follow-up question.

Can you please go into a bit more detail about how decriminalization or legalization would allow sex workers to ensure they have the protection of law enforcement and prevent trafficking as well as other crimes?

Ms. Jenn Clamen: Sure. We would most definitely not say that legalization would do that. A legalized industry we can, in a very loose way, just for comprehension, compare it to the way marijuana was legalized in Canada, where the government actually controls the where, how and when it can happen, which is most definitely not a decriminalized system.

In a decriminalized system, sex workers would not have the threat of law enforcement, CBSA or other industries, in their face

all the time. We can't take for granted that law is an instruction to law enforcement and police officers and an invitation to be in the lives of sex workers all the time, whether they're claiming it's for protection or claiming it's for other reasons. They're invited in, and it's a non-invitation. Sex workers aren't welcoming police into their lives.

The removal of that makes a really big difference around how sex workers can organize their work. The member groups in our alliance, as you just heard both from Maggie's and Peers, have been speaking very eloquently to the safety mechanisms that sex workers can put in place without having to look behind their backs all the time. That's not even to speak of all the safety mechanisms that clients, who are criminalized in every context at every moment, can put into place.

Decriminalization really allows there to be a focus on work. When there are instances of exploitation and violence that exist, we can recognize those for what they are. But when you paint the entire industry as violent, you're not able to actually address the violence that occurs because everything is violent all the time, and so that goes unnoticed.

In our view and our experience, what this would mean is that when there are instances of something that would meet the threshold of human trafficking or that meets the threshold of other crimes against sex workers, other violence against sex workers, that would be more easily detectable, but also sex workers might eventually have more confidence in reporting to law enforcement. That relationship is historically filled with strife, mistrust and abuse. That relationship takes time, and police in the way they apply the laws are going to need to learn how to create those relationships. In a decriminalized industry, there's at least the possibility for sex workers who want to access those systems to consider doing so.

Does that answer your question?

Ms. Anju Dhillon: Yes, it does.

Very quickly, you mentioned something in your opening statement. You said that PCEPA is not feminist.

Ms. Jenn Clamen: Yes.

Ms. Anju Dhillon: The thing is that sex workers are not just necessarily just women. They are men as well, the LGBTQ community and non-binary. We can't limit the terminology to just feminism.

Ms. Jenn Clamen: Our feminism isn't necessarily limited only to people who identify as women or... When we talk about feminism, at least as a sex worker rights movement, we're talking about substantive equality, which goes beyond and across genders.

The Chair: Thank you, Ms. Dhillon. You're out of time.

Now we'll go to Mr. Fortin for six minutes.

[*Translation*]

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

I would like to continue in the same vein and ask Ms. Clamen a question.

Ms. Clamen, I would like you to tell me about the impact on sex workers of the lockdowns that have taken place over the past two years due to the pandemic. Has Bill C-36 had any influence on the impact of the pandemic or not? How could you summarize the situation for me?

● (1335)

[*English*]

Ms. Jenn Clamen: It's hard to briefly summarize, but I'll do my best.

Most definitely, sex workers, like most people, were impacted by COVID. If you consider that people were already living quite a marginalized and surveilled existence, that was heightened in the context of COVID. What that meant for a lot of sex workers, because massage parlours were shut down and strip clubs were shut down, was that a lot of them were out of work. Some—not all, and definitely not most—were able to move into online work. That kind of work is not accessible to a lot of sex workers, because you have to have regular connections or access to technology.

Most sex workers were not able to access the financial aid, the CERB. Our alliance spent a lot of time advocating for wages—we contacted Maryam Monsef in particular—to provide financial supports for sex workers, most of whom are living in poverty. That was a really difficult thing to do. A lot of sex worker groups—Maggie's was fantastic at this, and Jenny can speak to it—did excellent mutual aid efforts because, at the end of the day, the government was not very helpful to sex workers living in a COVID context. That financial aid was not available to anybody making their money from criminalized means.

This committee really needs to think beyond this notion of arrest and the harms of PCEPA as arrest, because it goes beyond that. If you think about criminalization as really impacting people's ability to access more mainstream supports or financial supports from the government.... It's a really important thing that you all need to consider, the lack of access that sex workers have to financial supports, as well as medical, legal and social supports because of criminalization.

That's a tiny picture of that, if it helps a bit.

[*Translation*]

Mr. Rhéal Fortin: You say that, because of the pandemic and the lockdowns, a lot of the sex workers were left without jobs, without income. These people were probably not eligible for CERB and any programs that may have been set up to financially assist people who were losing income. As a result, these people suffered an immediate and severe loss of income.

Did this have the consequence of making some clients or behaviours acceptable that would normally have been refused? Did it

have that impact on the “basket of services?” I don't know if the use of that term is acceptable. I'd like to hear from you about that impact.

[*English*]

Ms. Jenn Clamen: Of course, sex workers changed the kinds of services that were offered. Sex workers are very adaptable. The difference with COVID as opposed to any other kind of situation where sex workers are stigmatized and not able to access health and safety supports is that sex workers were also scared of COVID the same way that a lot of other people were. In this context, sex workers—quote, unquote—behaved or proceeded with different cautions as well.

Sex workers are very savvy. People who need money will find ways to make money. Sex workers changed the kinds of services they offered. I saw some people offering types of video services. I saw one very savvy sex worker—but this was just one sex worker out of over 10,000 who work across Canada—offer a two-week quarantine service to spend that much time with a client. I don't know....

Some people only saw their regulars, but a lot of clients were, in the context of COVID, not necessarily as eager because things can be traced back.

Sex work is transient. Some sex workers also had other types of work. Often, sex workers do various types of work. That was something else that sex workers did.

I wouldn't argue that sex workers were offering services they wouldn't necessarily normally offer in the context of COVID, because sex workers' bodies are their working tool. It's really important that sex workers take care of them. Obviously, when in financial distress, sex workers, during COVID or not, might offer services that they wouldn't otherwise offer. That's similar to how some people take other jobs that they wouldn't necessarily when they're not in financial distress.

● (1340)

[*Translation*]

Mr. Rhéal Fortin: In summary, Ms. Clamen, since we don't have much time left...

Ms. Jenn Clamen: I understand.

Mr. Rhéal Fortin: ... I would like you to answer a question in a few words.

In your opinion, should Bill C-36, or the Protection of Communities and Exploited Persons Act, be abolished in order to legalize prostitution, or should it be retained and improved to better protect sex workers?

[English]

Ms. Jenn Clamen: Nothing in PCEPA is protecting sex workers. I need to get that message across very clearly. It particularly needs to be abolished in its entirety because the preamble is based on fiction. It's based on a lie that sex work is exploitative. That is not supported in any empirical evidence, nor has it been supported by the sex workers who have come to this committee who represent thousands of sex workers.

We would argue that there doesn't need to be specific sex work provisions in order to protect sex workers or address violence against sex workers. A plethora of laws already exists in the Criminal Code that can do that.

The Chair: Thank you, Ms. Clamen and thank you, Mr. Fortin.

[Translation]

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

[English]

The Chair: We'll go over to you, Mr. Garrison, for six minutes.

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

I do apologize if I have to turn off the video because of our bandwidth problems here, but we'll try it.

First of all, I want to thank Peers, an organization based in my riding, for all the work they do and particularly for bringing directly the voices of sex workers to the committee today. I think it was very important testimony and I appreciate that they've done that.

I think they left out one of their functions and I can testify to that. That's education of elected officials about sex work in our community. I first began to work with Peers more than a decade ago when I was a city councillor. They spend a lot of their time trying to make sure people understand the reality of sex work.

I thank all the witnesses today for bringing that important perspective to the table. I also thank Mr. Moore for asking so many questions of Peers.

Let me turn back again to Ms. Clamen and the question she was dealing with from Monsieur Fortin about the number of witnesses who come forward saying it's possible somehow to fix PCEPA.

You've just been very clear on that. I think we've also heard from sex workers that some pieces of PCEPA are particularly harmful and particularly dangerous. I wonder whether you could comment on that.

Ms. Jenn Clamen: It's a great question.

From the perspective of all of our member groups, all of PCEPA is actually very dangerous. The regime itself actually hinges on the criminalization of clients. I think it's important for people to see that to understand how the law actually functions. Regardless of what its intention was when it was written, it actually hinges on the criminalization of clients. If the clients are considered violent and rapists at every single moment that a sex worker is seeing them, it's an extremely problematic notion. I don't think anybody would agree with that, including law enforcement.

The whole framework that clients are abusive at every given moment and that sex workers are exploited all the time is really problematic. The entire PCEPA is based on that foundation, so there's nothing in it that you could actually save.

That's not even speaking to the fact that it actually reproduces some of the laws that were struck down in the last constitutional challenge before the Supreme Court. Those were the communication of one's own sexual services in public places and the reproduction of pieces of it in some of the third party laws.

All of the regime itself is dangerous and actually just increases the risk of exploitation and violence in sex workers' lives.

Mr. Randall Garrison: We've had a number of witnesses talk about the recent decision of the Ontario Court of Appeal. My understanding is that other cases are making their way through the courts. In particular, there is a case that the Alliance has worked carefully on.

Can you tell us a bit about that?

Ms. Jenn Clamen: Absolutely. We actually launched a constitutional challenge to all the sex work laws. There are seven applicants. The main applicant is our Alliance, our 25 sex worker rights groups. Then there are five individual sex workers and one third party who is still in an agency. We launched that constitutional challenge just last March. We hope to be in court at the first level in June or July.

We're challenging the entire regime. We're bringing forward a massive whack of evidence to demonstrate those harms. One problem with the most recent decision, the N.S. decision, is that it was really based on two hypotheticals regarding sex work co-operatives without considering all of the third party relationships that are prohibited under PCEPA.

This notion of the co-op that they ruled on is actually a theoretical idea. It assumes that everybody is independent, that everyone is kicking in the same amount of money, that everybody has the same share, that nobody exercises any influence over everybody and that nobody is concerned with profit. That simply doesn't exist.

While that decision was made in the Ontario Court of Appeal, our case is really explaining the different roles that third parties play in the lives of sex workers. They are various roles that aren't actually allowed with the existing Criminal Code provisions. We're not just talking about drivers and receptionists. We're talking about sex workers who aren't entrepreneurs who really depend on third parties. Most sex workers aren't entrepreneurs and cannot be entrepreneurs.

This idea that most sex workers are able to do that or that the sex workers who want decriminalization are a small subset is a complete myth and used by prohibitionists as a tactic.

• (1345)

Mr. Randall Garrison: Thank you.

I want to ask a question. I'm going back to something that I know you've already ruled out. The whole bill.... As you know, I've been a supporter of decriminalization for a very long time, so I agree with you on that.

One of the things you talked about is that the prohibitions on certain things that sex workers do don't require any element of exploitation. Can you say a bit more about that? That's a very important point.

Ms. Jenn Clamen: Right.

When you read the provisions, it doesn't actually say that exploitation needs to occur in order for a third party, for example, to be charged. Just the very relationship or earning a material benefit off the work that a sex worker does is considered a reason for arrest, and the exceptions to the exceptions don't actually leave room to adjust for the actual relationships that sex workers have with third parties. It doesn't actually address violence. The only thing that addresses violence within the PCEPA is the assumption that sex work is violent, so all of the laws stem from that.

There are laws that actually address violence, period, that we would appeal to insofar as the Criminal Code is a useful tool sometimes. We would appeal to those laws to address violence in sex workers' lives, but we would definitely not say that the sex work laws actually address violence in sex workers' lives. They're just used as an extra tool that law enforcement has to be in the lives of sex workers, hoping, as they scrounge around, to find something.

I don't know if that answers your question.

The Chair: Thank you, Ms. Clamen, and thank you, Mr. Garrison.

We'll go to our next round of questions.

Mr. Morrison, you have five minutes.

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

I thank the panel today. There is a lot of experience here, and I am glad to see that.

For my question, I'm going to Maggie's, with their 35 years of experience.

Throughout the last few meetings we've had, we've heard about difference in policing, how some people are really quite happy and have a good relationship with local police, such as the Victoria Police Department as we heard from Peers, but in some places, just do not.

With your experience in Toronto, 35 years, could you elaborate on what kind of relationship, and maybe even further than that, help some of the police departments so that they might have a relationship like Vic PD's?

Ms. Jenny Duffy: Thank you so much for the question.

There is always going to be a turbulent relationship between police and sex workers as long as police are instructed to criminalize sex workers. I want to emphasize that's really how it goes.

The sex workers on the ground experience violence. They experience harassment, especially racialized workers, especially trans and queer workers.

Something we saw during COVID-19 was that police were using the emergency orders to further target sex workers. That's something we always see. We always see how law enforcement uses other laws to surveil sex workers.

For example, during the height of the pandemic, a service user reached out to us because someone who they thought was a client booked a session with them. That client showed up and it was actually a policeman who ticketed that sex worker for transgressing social distancing. We actually had to amp up our legal support services to address this increase in policing. We also saw how the emergency orders just facilitated more contact.

I'm not here today to be a proponent of police relationships, because under criminalization, it doesn't work. Under incarceration, under colonialism, that just doesn't work.

• (1350)

Mr. Rob Morrison: I understand that, and I understand it is difficult, especially in some areas, like during COVID if they're targeting the people who you're trying to help. It's hard to imagine why they would do that. I know there are some probably good-news stories, not only from Vic PD but we also had the Ottawa police in as well. I think they have a really good relationship. It takes a lot of time and a lot of effort for the police to actually listen to what you have to say.

Is there anything you could recommend to this committee that would further protect individuals in the sex trade, Criminal Code-wise, that you would say is what we actually could do, would do and would like to see? Is there something that could help guide us in the future?

Ms. Jenny Duffy: Thank you for the follow-up question.

I think it really needs to be understood that there's no possibility of improving this bill, that criminalization plus supports doesn't work and that this bill doesn't facilitate access to supports. It's not a matter of adding anything onto this bill. It is a matter of repealing this bill and totally dismissing an approach that criminalizes sex workers, recognizing that it's just creating dangerous conditions for us.

Mr. Rob Morrison: Maybe I'll just change that question. I didn't mean amendments. I meant new Criminal Code provisions that would protect the people who you are working with.

Ms. Jenny Duffy: We already have legislation that exists around confinement, kidnapping and robbery. Those things already exist. What we really need is for this bill to be repealed. We need migrant workers to be able to work in sex work. We need improvement with immigration laws.

I'm sorry. Go ahead.

Mr. Rob Morrison: Thank you very much. I appreciate the answers.

The Chair: Thank you, Mr. Morrison. Next I have Mr. Naqvi for five minutes.

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

Ms. Duffy, you spoke about your organization's work with marginalized women, those who are indigenous, Black and women of colour. Can you speak to the impact you have seen of this legislation on those women who are involved in sex work?

Ms. Jenny Duffy: I will say that indigenous women, Black and racialized women, transgender and migrant women and people living through poverty are overrepresented in street-based work.

At Maggie's we serve a lot of street-based workers. This means that sex workers who face some of the highest levels of marginalization with industry are unable to access the security that working in more private and secure settings would offer them. These workers are pushed into remote situations away from supports.

For indigenous workers, their self-determination and their self-identification are completely undermined by this act, because their experiences are pushed into the singular narrative of human trafficking victims. This completely dismisses the social conditions and the history of colonialism that make sex work the best choice for many of these individuals and that there are many reasons why these individuals come to sex work.

For racialized and indigenous sex workers, this bill increases contact with police, it increases surveillance and it increases targeting, while also discouraging marginalized communities from being able to approach police and other social services for support.

Mr. Yasir Naqvi: What changes would you suggest we should be considering as we're reviewing this particular piece of legislation as it relates to marginalized women?

Ms. Jenny Duffy: As I said before, this act needs to be repealed. At previous meetings, I know there were witnesses who said... There's this misconception that it's just the privileged few who want to see sex work decriminalized. That's so false, because criminalization impacts marginalized workers so severely. They're the ones who are experiencing the brunt of discrimination and violence as a result of this law, so the best first step would be repealing it.

• (1355)

Mr. Yasir Naqvi: If the first step is repealing it, what's the second step, in your view?

Ms. Jenny Duffy: The second step would be to increase the supports for sex workers, especially marginalized workers, because there will still be a stigma that will exist even after decriminaliza-

tion. There's a history of this. We need supports, education for health care workers, legal support and social service sectors to support sex workers. We need funding for organizations like Peers Victoria, Maggie's and all the alliance groups who are working on the ground to provide really vital resources to generations who have experienced abuse and discrimination.

Mr. Yasir Naqvi: I'm asking you this question, Ms. Duffy, but Ms. Clamen may also want to answer.

In looking at other jurisdictions, is there a jurisdiction that you would point to as doing a better job in terms of protecting sex workers, their health and social needs than Canada? If so, what are they doing that's better than what is being done in Canada?

Why don't we start with you, Ms. Duffy.

Ms. Jenny Duffy: I would point to jurisdictions like New Zealand, where they are decriminalized. I would not point to any jurisdictions that have a Nordic model like ours and tout this idea of partial decriminalization. It's either criminalization or it's decriminalization.

Mr. Yasir Naqvi: Ms. Clamen, do you have thoughts on the same question?

Ms. Jenn Clamen: I think Jenny did a great job of responding.

The only thing I would add is that when sex work is not treated as a crime, when sex workers are not afraid of the impacts of criminalization on their lives, including but beyond arrest, then sex workers can start to think about having that safety and not having relationships criminalized, not having loss of family, loss of life or loss of income. The whole framework of sex work as a crime, wherever in the world that is implemented, really limits the capacity for sex workers' human rights to be protected.

The only place we actually see that right now is in New Zealand and in parts of Australia.

The Chair: Thank you, Ms. Clamen.

Next we will begin rounds of two and a half minutes with Mr. Fortin.

[*Translation*]

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

Ms. Smith, do you agree with Ms. Clamen and her organization that it would be better to simply abolish the Protection of Communities and Exploited Persons Act, and thus decriminalize prostitution, or do you believe that we still need to better regulate the work of sex workers?

[English]

Ms. Sarah Smith: I don't see the translation option on my screen.

Mr. Rhéal Fortin: At the bottom of your screen there's a little button for interpretation. Do you have it?

Ms. Sarah Smith: At the bottom of my screen—

[Translation]

Mr. Rhéal Fortin: Mr. Chair, can you explain to Ms. Smith how to access the interpretation?

[English]

Ms. Sarah Smith: Sophie, if you have it, could you—

The Chair: I'll ask Mr. Clerk—

The Clerk of the Committee (Mr. Jean-François Pagé): It's at the bottom of your screen.

Ms. Sarah Smith: Is that on my screen where I have the full grid of everybody?

[Translation]

Mr. Rhéal Fortin: Maybe Ms. Ciavarella could answer me, in that case, because I don't want to spend two minutes working on the...

[English]

The Chair: It says something like “options” or three dots. It's a globe.

Ms. Lena Metlege Diab (Halifax West, Lib.): The question is being answered. Can we mute, please?

Ms. Sophia Ciavarella: We are a member of the alliance with Jenn Clamen and Maggie's, and we are fully in support of decriminalization. We don't believe that this law supports sex workers at all. We believe it harms sex workers, as Ms. Duffy and Ms. Clamen have made extremely clear. We don't believe it's salvageable in any way.

• (1400)

[Translation]

Mr. Rhéal Fortin: In your opinion, should measures be put in place to help people involved in the sex industry? Do you believe that the people concerned do not need anything besides the measures...

[English]

Ms. Sophia Ciavarella: We believe decriminalization is the best help for people in the sex industry, and a focus away from criminalization and more on social services. As Ms. Duffy explained, there are already provisions in the Criminal Code for robbery, for assault, for kidnapping, for any crime that sex workers might experience, so we strongly believe that more attention should be spent away from criminalization on correcting social services and combatting systemic oppression, which is—

[Translation]

Mr. Rhéal Fortin: We don't have much time left, but perhaps you could talk about the implications...

[English]

The Chair: Sorry, Mr. Fortin. We're out of time.

I'm going to have to go to Mr. Garrison for two and a half minutes.

Mr. Randall Garrison: Thanks very much, Mr. Chair.

I want to ask a question about two pieces of statistics that have been often cited before the committee. One is a Statistics Canada report which shows that somehow the situation has improved under PCEPA, and the other is a report on trafficking in New Zealand which purports to show that trafficking has increased.

Ms. Clamen, would you comment on whether you believe that these two reports actually reflect the reality that sex workers are experiencing?

Ms. Jenn Clamen: I would have to take a really good look at the methodology. I'm not clear on what questions were asked in order to create that. I'd encourage all of you to have the same approach when you look at any statistics.

One of the things that I think we can suggest by understanding the way concepts are used is that when you look at the concept of trafficking, it very often captures people who are Asian and migrant. You heard from Elene Lam. You'll also hear from Alison Clancey from SWAN after this, who will explain to you how migrant workers get trapped in definitions of human trafficking. If the statistics are demonstrating that the TIP Report is suggesting an increase, that might be because migrant workers aren't allowed to work. That would just be my hypothesis.

There was a second part of that I wanted to respond to. In terms of the arrests that are being made, again, the committee needs to understand.... I don't know where those statistics were collected from and in what ways. It doesn't necessarily represent the number of people who have come into contact with law enforcement. I think it only represents the convictions. You can imagine that there are a lot of people who get arrested all the time. They get thrown into jail and then maybe the charges don't stick, but police really use whatever they have in their arsenal. They use those sex work laws often.

The impacts of PCEPA go well beyond arrest. It impacts sex workers' lives in terms of housing, child apprehension, violence and an inability to maintain income. What that report doesn't capture are all of the impacts of PCEPA. They might capture the actual arrests or conviction rates, but it doesn't capture what the impacts are of the law.

Mr. Randall Garrison: I have 30 seconds left. There's not really time for another full question.

I just wanted to say once again how much I really appreciate the testimony from all three sets of witnesses today in bringing in the voices of sex workers and the actual experience to the committee. Thank you once again.

The Chair: Similarly, I want to thank all of the witnesses who have come today for this first round.

I will suspend for a minute and ask the witnesses who have already spoken to go off camera.

We'll do a quick sound check for the witnesses who are going to be speaking in the next round.

We'll now resume.

For those who haven't heard it in the last round, I have quick cue cards. In the last 30 seconds I'll raise the yellow card, and the red card is when you're done.

You'll have five minutes to speak on behalf of your organization. Subsequently, after all three organizations have spoken, we'll have rounds of questions in which you'll be able to elaborate more.

I see Mr. Fortin's hand is up. Do you have a question, Mr. Fortin?

[*Translation*]

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

I would simply like to bring to your attention...

• (1405)

Mr. Rhéal Fortin: I would like to bring to your attention the fact that at one point earlier the interpretation stopped working. I am not blaming you for that, but I would like to make sure that the witnesses have access to it and that we do not lose half a minute when I ask questions.

I'll tell you right away, my questions will always be in French, so I'd like to make sure that the witnesses have access to the interpretation and that we don't waste time for nothing. Since we're already losing some time with the interpretation, I'd like to make sure that at the very least it's accessible.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you, Mr. Fortin.

Ms. Clancey, Ms. Lindstrom and Ms. Jay, do you all have your interpretation set to the language of your choice?

Ms. Alison Clancey (Executive Director, SWAN Vancouver Society): Yes.

Ms. Amber Lindstrom (Program Coordinator, SafeSpace London): Yes.

Ms. Suzanne Jay (Collective Member, Asian Women for Equality): I do, thank you.

The Chair: Perfect, thank you.

Ms. Stevenson, you have the floor for five minutes.

Ms. Alexandra Stevenson (Ford) (Speaker, Survivor and Prevention Specialist, As an Individual): Thank you for having me here today.

We know it is imperative to hear directly from survivors and those involved in the commercial sex industry. I want to highlight that hearing from people who are, were or ended up as unwilling bodies in the industry is far more difficult, not because there are

fewer of us, but because we are less likely to have freedom to speak out, for reasons ranging from shame to fear to death.

As I am able to share today, I don't want to just tell you my story; I want you to walk through it with me.

I was 20 years old when I first engaged in commercial sex, and I would have been considered a consenting adult, but I did not just appear on this earth at 20, so it's critical to take a moment to understand who that 20-year-old was.

I was a precocious child advocate. At age 11, I started the first Oakville chapter of what was then a small organization called Free the Children, later to be known as the WE Charity. I was considered bright, gifted and full of potential.

Then, at 13, I was sexually assaulted, which continued for the next five years. My life went from collecting signatures for a petition destined for the federal government to ambivalence and drug use. Despite that shift, my grades never slipped and I remained engaged in other after-school activities. I buried my trauma and, even once a police investigation was sparked, the detective on the case referred to me as “put together” and “the strong one who held the others up”.

The first time I used my body to make money, it was a desperate attempt to regain ownership of my sexuality. I vehemently pushed back when anyone questioned my choices. “My body, my choice” is what I told them. I maintained my managerial job throughout the day, smiling at customers and running two locations of a business. At night I partied, occasionally engaging in commercial sex for fun and extra cash for my boyfriend and me.

I believed my boyfriend and me to be partners, but this illusion was shattered the first time I refused to perform a particular act—or attempted to refuse. In the blink of an eye, I went from being an empowered woman to a victim. With that shift, you might think that I was immediately resistant to the work or even reached out for help. I didn't. My boyfriend was violent, and my fear of him stole my voice.

Due to my inability to exit the world in which I existed, I suffered from cognitive dissonance. To relieve this discomfort, I doubled down on proclaiming loudly how much I enjoyed my lifestyle. This time, however, I was not only convincing others; I was also convincing myself. It wasn't until I nearly lost my life at the hands of my boyfriend that I fled.

Over the next 10 years, I earned several degrees in the helping and criminal justice field. I worked in shelters with males in conflict with the law and with the victim witness assistance program. Regardless of this gained knowledge and experience, I never believed my experience to be anything other than domestic violence and poor choices on my part.

It wasn't until a new friend, hearing my story for the first time, suggested to me that I was exploited that I looked at my involvement in a new light. I may have walked into the commercial sex industry as a consenting adult, but by the time I ran out it was as a victim of trafficking, condemned to a lifetime of complex post-traumatic stress. I am begging you to please end the narrative that these two are not connected.

It is impossible to ascertain that only willing bodies are working in the commercial sex industry. Some people are unable to identify their experience as exploitation. Some people are terrified of being deported or of repercussions from their boyfriends, bosses or pimps. Some workers may have chosen their work, but they chose it because they were desperate or in survival mode, and a choice made in desperation is no choice at all.

As ideological as it might be to draw a line around consensual sex workers and suggest that PCEPA must be repealed to keep them safe, it is unrealistic. The decriminalization of sex work will result in collateral damage that looks like an entire population for whom a lifetime of complex trauma will be the cost of living in Canada. I must ask who it is that you deem worthy to fulfill this population, because let me remind you: It can be anyone.

If folks truly want safety, harm reduction and the prevention of the exploitation of unwilling bodies, then the next step is not decriminalization. It is working together to pour resources into mental health issues, trauma prevention education, financial disparities, the severely inflated cost of post-secondary education, reconciliation and healing with indigenous communities and, of course, gender equality.

Until these foundational chasms are considered repaired, we simply cannot open the doors to an industry that preys on and exploits these and other vulnerabilities. If a world exists in which the sex industry can prevail without extreme levels of inequality, exploitation and predation, we must first work together to create it.

Thank you.

• (1410)

The Chair: Thank you, Ms. Stevenson.

I'll next go to Suzanne Jay of Asian Women for Equality.

Ms. Suzanne Jay: Thank you for the invitation to present today. I'm here on behalf of Asian Women for Equality. Members of our group have lived experience of being in prostitution, and our members also have many years of working on the front lines of supporting women.

One of our goals is to advance sex, race and economic equality for women in Canada. These rights are promised to us by the Canadian Charter of Rights and Freedoms. This promise is plainly referenced in the Protection of Communities and Exploited Persons Act. These rights are especially important to women who are racialized and colonized.

The sex industry is not a homogeneous group. There are the exploiters and there are the exploited. The exploiter side is composed of sex buyers, pimps and the media platforms that support the sex buyers and pimps to connect with each other. These people are overwhelmingly men, and they have a vested, parasitic interest in

growing prostitution as an industry. For these people, the sex industry is safe, and it's lucrative.

Then we have the exploited. The vast majority of women who are in prostitution would leave if they had any other way to support themselves and their families. Asian-themed massage parlours operate in every major Canadian town. The women in these venues are tremendously vulnerable to rape and other violence from sex buyers and pimps. In fact, it is their job to give men a racist sexual experience.

Now I am going to tell you why we think the act is valuable.

We support the act. The act is sophisticated. It recognizes the differences between the exploiters and the exploited, and it treats them differently. The exploiters are criminalized, and the exploited are not. The act is the only law that targets the sex buyer. You might hear opinions that a human trafficking law is enough, but that law focuses on only the traffickers. A human trafficking law gives a free pass to the man who buys sex from a trafficked woman. The advertising platforms that helped him find her also get a free pass. The act is valuable because it criminalizes the advertising of prostitution. It empowers police to interrupt the Internet platforms that package, brand and market prostitution. These platforms are crucial to growing the customer base for the sex industry and for normalizing sex buying. It is a billion-dollar industry to make racism and inequality sexy.

I'm going to move on to our recommendations.

We recommend striking section 213 of the Criminal Code from the act. It criminalizes women if they are prostituted close to a school, a playground or a daycare. We argued against this section in 2014, and we're telling you again: Keep your focus on the exploiters, and stop punishing women for being exploited in public view.

Expunge the criminal records of women charged or convicted of prostitution under the old laws. Charging them is a mistake that leaves women permanently criminalized.

We want you to show political will and leadership to enforce the law. When our justice system interferes with prostitution, it also disrupts human trafficking, drug trafficking, money laundering and other organized crime. We're not a law-and-order organization, but we still want you to make Canada less welcoming to organized crime, whether it be by Asian, European or homegrown criminal gangs.

We advise granting permanent resident status to trafficked women. Doing so will diminish the power that pimps and traffickers have over women, because women will have the same legal protections and entitlements that are enjoyed by the exploiters.

A weakness of the act is that it tries to address inequality through criminal law. There needs to be a bigger-picture approach for women to successfully exit prostitution and also to avoid recruitment altogether. We recommend making the social safety net stronger and doing this by providing everyone with a guaranteed livable income, otherwise known as a basic income. Having this would make a life-changing difference for millions of women.

The act is the only tool that allows Canada to stop sex buyers. It is one of the only tools that allow police to interfere with sex trafficking. It is the only tool we have to prevent Internet platforms from exponentially increasing the number of men who are pimps and sex buyers. If you strike down this act or repeal this act, pimps and sex buyers will have free rein to exploit and traffic.

- (1415)

Striking down this act will intensify the racism and sexism that's directed at all women, because they are inherent to prostitution, and this will move us further away from the equality women are promised by the charter.

The Chair: Thank you, Ms. Jay.

Next we have Amber Lindstrom, from SafeSpace London, for five minutes.

Ms. Amber Lindstrom: Thank you.

My name is Amber Lindstrom. I'm program coordinator and peer support worker at SafeSpace London, a collective by, with and for sex workers, allies, women and non-binary folks in London, Ontario, that's been operating since 2009. Many of our community members experience intersectional marginalization, including street-based sex workers, indigenous, racialized, trans and queer sex workers, sex workers experiencing housing instability or homelessness, and sex workers who use substances.

In London there is an entrenched anti-sex work lobby pervading social services, law enforcement and politics. London is an example of what happens when PCEPA is enforced. The experiences of our community within this criminalized environment show that not only does PCEPA not protect sex workers, but it actively harms us.

PCEPA hasn't reduced demand for sexual services in our area; however, it has forced sex work further underground, leaving no time for street-based workers to talk to the client ahead of time about condom use, payment or the location of services, because both client and worker are rushed due to fear of legal interference. It results in increased violence, because workers now have to work alone in secluded places and clients' cars due to the criminalization of their work. We have heard repeated stories of workers being driven to the outskirts of the city to evade police, only to be assaulted and left stranded.

Sex workers deserve safe working conditions and criminalizing any aspect of our work takes away that security. As one sex worker accessing the Space wanted to share with you today, "It's real work. If it was decriminalized we could have safe places for workers to

work, and [we] would be able to charge higher wages. Like the workers on the street right now, with how it is, [we] can't, with how it is right now".

Under PCEPA, government funding has also been given predominantly to anti-sex work organizations. This results in folks who actively engage in sex work not being allowed in many shelters and facing barriers to accessing community resources. This is something we see frequently in London. Unless sex workers conform and say that they're exploited or trafficked and willing to leave sex work, they are not allowed to access some shelters and programs.

As one sex worker who accesses said, "We're kind of actually considered a plague, ok, to other shelters.... They'd say 'no' [you do not fit the criteria for an 'abused woman']. You're a working girl—you're not allowed in here'. And I thought, 'Well, where the hell am I supposed to go?'" This narrative that you do not fit is a symptom of the stigmatizing, criminalized environment of PCEPA.

Sex workers in London also experience stigma and barriers when accessing health care and social services. We see medical staff refusing street-based sex workers adequate treatment and sex workers being flagged in social work systems. The stigma perpetuated by PCEPA also magnifies the harms done to workers who are members of already marginalized communities.

At SafeSpace, we offer services like peer support, harm reduction services and system navigation to help address the systemic harms of this law, but we do not have the resources available to us to provide the full scope of support needed when harm, surveillance and stigma are being perpetrated at all levels of care in society by the directives of PCEPA.

It is not safe for people who do sex work to report to police under PCEPA. Instead, workers create our own in-community "bad date" reporting systems. At SafeSpace, that includes a bad date reporting line and a bad date information flyer.

We experience ongoing reports of police harassment and assault, and when workers attempt to report incidents, police have instead found a way to charge them using PCEPA, like through “blocking traffic” charges, third party charges or saying that they’re working in an illegal area.

PCEPA also magnifies systemic racism at the hands of police. As one indigenous sex worker wanted us to share about the law, “They don’t care about us. Like we’re people too. There are like 6 or 8 (indigenous) workers missing right now [in London] and they don’t care. I don’t see posters, I don’t see posts, I don’t see police combing.”

This is a problem of systemic marginalization by PCEPA. More police training will not help. The police are guided by PCEPA to criminalize and eliminate sex work, an undeniable facet of which is the elimination of us as sex workers. If you want sex workers to have a better relationship with the legal system, the first step will always be full decriminalization of sex work.

PCEPA claims to protect the dignity and equality of all Canadians; however, it perpetrates real harms against the people it claims to help by surrounding sex work with criminal consequences and conflating trafficking with sex work. PCEPA gives society the message that the government wants us eradicated—that sex workers and our jobs are affronts to society. Sex workers are not a threat to your communities; we are members of your communities.

PCEPA does not encourage sex workers to leave sex work. Instead, it gives us this message, “Stop and obey or we will make this so difficult and dangerous that you die.” And that has been happening: This law has been marginalizing and killing us.

Sex workers are impacted by this law every day, and it’s essential that our voices and perspectives are centred in this discussion. We are asking you to fully repeal PCEPA and decriminalize sex work.

Thank you.

● (1420)

The Chair: Thank you, Ms. Lindstrom.

Now I’ll go to SWAN Vancouver Society and Alison Clancey.

Thanks for coming back. Last time, we had some technical issues, I think, and we couldn’t have you here.

You have five minutes.

Ms. Alison Clancey: Good afternoon, committee members.

My name is Alison Clancey, and I am the executive director of SWAN Vancouver.

For the past 20 years, SWAN has supported newcomer, migrant and immigrant women who do indoor sex work. SWAN is a member of the Global Alliance Against Traffic in Women, an alliance of more than 80 organizations from around the world working to end trafficking. As such, SWAN is deeply familiar with both sex work and trafficking.

I would like to begin by addressing the idea of keeping PCEPA but improving police training as a way to address the complex issues before the committee.

For 10 years I have trained police on sex work and human trafficking. I have worked with police on sex work and trafficking investigations and related police policy and practice. However, I no longer do this work for two reasons.

First, police training is futile in a criminalized legal framework. The police enforce the Criminal Code. PCEPA is part of the Criminal Code, meaning the police role is fundamentally at odds with ensuring sex worker safety.

Second, the police have severe and well-documented systemic racism issues. Until these issues are resolved, any PCEPA-related training is futile. In fact, until we admit that racial profiling sits at the heart of PCEPA criminalization of immigrant and migrant sex workers, and until we can have an explicit conversation about that, no amount of police training can make a difference.

Society now understands that an increased police presence in the lives of racialized individuals is deeply problematic, one example being mental health checks and another being street checks. Thus, it is confounding and downright dangerous for carceral feminists to suggest that a police presence in the lives of racialized sex workers via increased PCEPA enforcement is acceptable.

Now I will address anti-trafficking.

In the 2014 hearings, trafficking took centre stage. Here it is again dominating the discussion. Apparently, due to the incessant trafficking rhetoric, Canada still cannot have an evidence-based conversation about the sex industry.

At these hearings, we’ve had testimonies framed as being parts of an ideological divide as if to suggest there are two equally weighted perspectives. Let us be clear: Doing this is simply an effort to distract from a vital discussion.

Sex workers have unequivocally outlined the impacts of PCEPA on their lives. Sex workers have presented empirical evidence on PCEPA’s harms. Sex workers are once again fighting constitutional challenges in courts, this on top of the unanimous Supreme Court decision in Bedford, which established that criminalizing sex work is dangerous. What more will it take to repeal PCEPA?

A shaming morality, masked as anti-trafficking protection and supported by disinformation that has been debunked time and time again, is still being given equal weight. I can offer concrete examples of this in the question period.

What does trafficking disinformation mean for real progress on the issues before us? It means in Canada we cannot move forward with a labour-centred dialogue on sex work. It means anti-sex work perspectives, which fuel the stigma that kills, are still given a national platform.

Trafficking is an issue that needs to be addressed, but you do not have to jeopardize sex workers' lives through PCEPA to address it. At SWAN, upholding sex workers' rights and addressing trafficking are not mutually exclusive.

PCEPA criminalization inflicts harms not only on immigrant and migrant sex workers but also on those who are trafficked. Immigrant and migrant sex workers experience multi-layered criminalization via municipal bylaws, PCEPA, anti-trafficking enforcement and the immigration prohibition on sex work.

PCEPA is often the entry point for police into immigrant and migrant sex workers' lives via investigation of clients, neighbours' reporting of sex work activity, or other reasons. With PCEPA as the gateway, the women SWAN serves have only ever seen two outcomes after initial PCEPA-related interaction with police: The woman herself becomes the target of an anti-trafficking investigation or she is arrested, detained and deported.

Repeatedly women have told SWAN that they fear police more than predators. Therefore, the women do not report violence.

• (1425)

PCEPA has been a gift to predators and traffickers. PCEPA criminalization not only puts immigrant and migrant sex workers' lives at risk; in no way does it support racialized women in the sex industry who are trafficked either.

Thank you.

The Chair: Thank you, Ms. Clancey.

I'll now go to questions, beginning with Mr. Brock for six minutes.

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

Thank you, ladies, for your participation this afternoon. All of you have presented some very passionate arguments that will assist this committee in this very important study.

The time I have permitting, I'd like to ask a number of questions, starting with you, Ms. Stevenson.

I must say, Ms. Stevenson, that your story is a powerful one, and I'm glad you started the preamble by asking us, in recounting your life journey, to walk with you.

For someone who has spent 30 years in law, and in particular the last 18 as a Crown prosecutor, dealing with similar victims, it is quite reassuring to me to hear from you that you have found your voice, that you have not just been patronized by the police for your

strength you exemplified during the prosecution, and that you are now not only a survivor, but you're also an advocate. You should be very much congratulated for that. I'm very proud of you for your attendance today and what you have to share.

The gist I got from listening to you very carefully is that part of your strategy is all about educating the public. I'd like to hear from you specifically on your ideas with respect to those who propose repealing Bill C-36, and those, such as you and others you've heard from today, who feel that this is a very important piece of balanced legislation. How does education fit within that equation?

Ms. Alexandra Stevenson (Ford): Thank you for all your kind words.

I would love to speak to that. My area of focus is in prevention education. I think we need to highlight the importance of widespread education, not just for police and not just for certain areas, but for entire communities.

I think that anyone who truly wants harm reduction cannot deny the integral helpfulness of this widespread education. More education means less victimization. More education means more overall comprehension of repercussions from the industry. More education means interrupting the commercial sex industry at all points of engagement: the buyer, the third party profiteer, if there is one, and the seller.

It is imperative that we recognize that widespread education not only helps to prevent the victimization and exploitation of unwilling bodies, but it also helps to prevent the creation of exploiters, of traffickers and of buyers.

A non-profit that I co-founded in Wyoming did some sting operations with law enforcement there. They actually were able to talk to buyers at the time of arrest about why they were purchasing sex. Each one of them spoke about missing something in their lives. I think this points to us needing to invest in boys and men and to make sure we're understanding that they're able to access education on how to handle emotions, how to communicate properly and how to access therapy when they need it. That way, they're not seeking out the purchase of another human body to fill a void that they don't know how to properly fill.

• (1430)

Mr. Larry Brock: Thank you.

You heard a witness this afternoon, Ms. Clancey, speak to issues such as how “police training is futile”—her words—and how police work is “at odds” with the sex worker’s safety. Do you agree with that statement? If you do not agree with that statement, please explain why.

Ms. Alexandra Stevenson (Ford): I don’t agree with that statement. I believe that police officers deserve to have a complete understanding of the mental, emotional, psychological and cognitive processes of the people who they will be offering aid to.

I totally hear and understand and have heard from people in the industry who say that they are “at odds” with police. I think that comes from how this education needs to be starting well before someone enters into becoming a police officer: having it in all public schools everywhere so that we have an understanding of exploitation, healthy relationships, consent and all of that.

Then, once someone enters officer training, they need to have a deeper understanding of those things I pointed out—the emotional, the cognitive and the psychological effects—and why someone might enter this work, what kind of help they might need should they ask for help and what resources you can provide them if what they’re looking for is not direct help.

This way, we can create a foundation where people who are in the sex industry and officers can find a way to coexist, work together and help each other.

Mr. Larry Brock: Perhaps I could stop you right there as I have a few seconds left to ask one further question.

In your prepared speech, you talked briefly about the impact of decriminalization of this particular industry. I want to bring to your attention to a previous witness statement on that particular issue. It was by Cathy Peters. She testified February 11, 2022. She indicated that if this happens, “Canada will become a global sex tourism destination and America’s brothel. Indigenous women and girls will be the first casualties.”

Do you agree with that statement? If so, why?

Ms. Alexandra Stevenson (Ford): I think it’s fair to say that if there are barriers to access in one area, say the U.S., and you don’t have barriers in Canada, people are going to go where there are fewer barriers to access what they’re looking for, which is the purchase of sex. Decriminalization is a short-term solution to help sex workers now, but it is not a long-term solution to keeping our communities safe.

Mr. Larry Brock: Thank you so much, Ms. Stevenson. Stay strong.

The Chair: Thank you, Ms. Stevenson.

Thank you, Mr. Brock.

Next I’ll go, for six minutes, to Ms. Brière.

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

I thank all our witnesses for being with us this afternoon.

[*Translation*]

My first question will be to Ms. Lindstrom.

Ms. Lindstrom, your organization calls for the decriminalization of sex work. You also alluded to the impact of municipal bylaws on the safety of sex workers. Can you elaborate on this?

Then you could tell us about the police. Would the decriminalization of sex work make sex workers feel more comfortable reporting cases of violence or trafficking that they detect in the field?

Thank you.

[*English*]

Ms. Amber Lindstrom: Thank you for your question. In terms of our local experiences, with local laws and bylaws, we encounter a lot of difficulties as sex workers. At one point the police tried publishing the names of clients who were caught and arrested. This seriously endangered and impacted us as sex workers, because if clients think their names might be published, they don’t feel comfortable providing us with their real names when we’re seeking to vet them and make sure they’re safe clients in those initial discussions. We had to protest that, and it was a difficult process.

We also saw during COVID that our strip clubs were closed much earlier than other clubs were, which pushed sex workers working in strip clubs to find other avenues for sex work. Workers in our community were also heavily impacted by COVID bylaws, and the police heavily enforced those on the sex workers in our community, including things like, when the curfews were in place, not travelling from one place to another after 8 p.m. We actually had street-based sex workers who weren’t able to access our services because police would stop them if they were out walking to or from their home or the place they were sleeping outside to access us.

As for decriminalization, at SafeSpace London we really support that because we really see the impacts of this law locally, in terms of our relationships with the police, because the police here do support and work through a PCEPA context.

We cannot improve our relationships with police until decriminalization happens, because as long as there is criminalization, the police will be working through that lens of focusing on sex workers and our job. Right now, we can’t go report to police. As a peer support worker, when somebody comes up to me and gives a bad date report, I always ask them if they would like to report it to the police and I offer to go with them to the police station. Even when offered peer support, they still do not feel comfortable going.

That is the extent to which we do not feel safe. We keep hearing a narrative that training the police will help, but it cannot take place until decriminalization happens, because the police cannot be educated to support us until they are no longer working to eradicate us.

• (1435)

Mrs. Élisabeth Brière: Thank you very much.

[*Translation*]

Now, I'd like Ms. Clancey to talk about amendments to the Protection of Communities and Exploited Persons Act that would better protect sex trade workers and also combat human trafficking.

[*English*]

Ms. Alison Clancey: Thank you for the question. PCEPA needs to be repealed in its entirety. No amendments that could be made would protect sex workers.

As I stated previously, for the population of sex workers we work with—newcomer, migrant and immigrant women—PCEPA acts as the gateway and the entry point into multi-layered criminalization. Police, through PCEPA, work in a tag-team approach, either with municipal bylaw officers or with Canada Border Services. Making sex work safer cannot be done through PCEPA. PCEPA has to be repealed in its entirety.

[*Translation*]

Mrs. Élisabeth Brière: I understand what you are saying and I listened carefully to your presentation. However, if the act were to be repealed completely, what could we do about human trafficking?

During the various testimonies, we were told that there was the sex worker industry and that there was human trafficking. Many people do not make the distinction, but many separate the two concepts.

What is your view on this, Ms. Clancey?

[*English*]

Ms. Alison Clancey: There are already a multitude of laws in the Criminal Code of Canada that can be enforced to prevent trafficking from happening or to keep the situation from evolving into a full-blown trafficking situation. For example, if a woman is being assaulted or exploited, there are already offences in the Criminal Code that can be enforced. Perhaps she can remove herself or seek the justice that she requires before a situation turns into a trafficking situation. There are also trafficking laws in the Criminal Code.

[*Translation*]

Mrs. Élisabeth Brière: Thank you.

I would like to ask Ms. Stevenson one last question.

Thank you again for your touching testimony, Ms. Stevenson...

[*English*]

The Chair: Madame Brière, I'm sorry to interrupt you, but your time is up.

Mrs. Élisabeth Brière: Thank you.

The Chair: I'll go over to Mr. Fortin for six minutes.

[*Translation*]

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

My question is for Ms. Stevenson.

In your testimony, you were telling us that we should distinguish between prostitution and human trafficking, which I think is obviously self-evident. No one will disagree with that.

However, when you tell us that, I take it that prostitution is, in your view, a proper and tolerable activity that should be supervised and supported, whereas human trafficking is a criminal act that should obviously be criminally prosecuted.

Furthermore, you say that you support the legislation arising from Bill C-36 and that you do not believe it should be abolished. I would like you to explain clearly your position on this matter. Indeed, since the bill has had the effect of criminalizing the purchase of prostitution, if I can use that expression, this is detrimental to sex workers who would like to file a complaint. That, at least, is what the other witnesses told us.

Where exactly do you stand on this issue? Do you think this law should be abolished or kept? If you think this law should stay in place, I'd like to hear from you on how we can improve it.

• (1440)

[*English*]

Ms. Alexandra Stevenson (Ford): Thank you for the question.

I want to clarify—and it might have been because I had a hard time hearing the translation—that in my original statement I was trying to suggest that we have to stop saying that sex work and trafficking are completely separate issues. As far as I am concerned, they are deeply connected, and that was my experience.

[*Translation*]

Mr. Rhéal Fortin: Okay.

[*English*]

Ms. Alexandra Stevenson (Ford): To answer your question about Bill C-36, I think we need to keep it. I briefly touched on this but I think it would help the current workers who keep hearing that sex workers are marginalized and in survival mode and for multiple reasons unable to move beyond that survival mode.

Decriminalization would certainly help these workers move within their survival mode more freely but it would be unlikely to provide resources to give these workers a leg up and to get them out of that survival mode. As far as I'm concerned, widespread resources and education to prevent people from existing in a survival mode that results in the sale of their own bodies is the best way to create foundational change.

Decriminalization and repealing PCEPA, as I said, would certainly result in those short-term benefits but the long-term detriments of having more people being exploited due to increased demand and the overall continued lack of resources that result in the sale and commodification of human bodies would continue to be an issue.

We need to keep PCEPA and work together to provide resources so we don't see people having to work the streets because they are in survival mode.

[*Translation*]

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

Ms. Jay, earlier you made some recommendations that would improve the provisions of the legislation that came out of Bill C-36. I'd like to know if you have a document on this subject. Have you prepared a brief where your recommendations could be found?

I can't see Ms. Jay and I don't know if she left the meeting. Is she still on the line, Mr. Chair?

[*English*]

Ms. Suzanne Jay: I am here, but I can't hear the.... I'm on the English translation channel, but I can't hear the translator. It's incredibly difficult to hear anything she's saying.

[*Translation*]

Mr. Rhéal Fortin: Mr. Chair, I would like you to stop the clock for my questions and resolve the interpretation issue, please.

[*English*]

The Chair: Yes, I can suspend for a minute while we get the interpretation tested.

Ms. Jay, I think the English translator is just a quieter person, probably, than Mr. Fortin. You might have to raise the volume at your end. Try that and see if it works. I will start back with Mr. Fortin.

Does anyone have their hand up? If not, I will resume.

Mr. Fortin, you have about two and a half minutes left.

[*Translation*]

Mr. Rhéal Fortin: Mr. Chair, half of my six minutes of speaking time has been spent dealing with interpretation issues. It's a bit annoying.

Ms. Jay, can you hear me well?

[*English*]

The Chair: I will give you more time. Ask away, Mr. Fortin. We'll make it work.

[*Translation*]

Mr. Rhéal Fortin: All right.

Ms. Jay, is the interpretation working, or am I talking to myself? You can hear me? Good.

Earlier, you told us about your recommendations to improve the Protection of Communities and Exploited Persons Act, the former Bill C-36. Is there a document?

Have you produced a brief that contains all your recommendations to this effect? If not, are you preparing one?

[*English*]

Ms. Suzanne Jay: Yes, we sent in a very brief brief, and we were advised that you would have trouble getting translation of the documents done in time.

• (1445)

[*Translation*]

Mr. Rhéal Fortin: Mr. Chair, are we going to be able to get this document, if the translation service works?

[*English*]

The Chair: Yes, we will, of course, in both official languages.

[*Translation*]

Mr. Rhéal Fortin: Ms. Jay, in a few words, since time is running out, can you explain these recommendations to me?

You believe that the Protection of Communities and Exploited Persons Act should remain in force. I understand that you believe that it protects sex workers as well as victims of exploitation. Yet we've had witnesses come before us and say that it hurts them, because it makes sex workers reluctant to come forward.

What is your opinion on this? Wouldn't decriminalization be better?

[*English*]

Ms. Suzanne Jay: We have so little time. I would say before we move ahead that we need to verify what we mean by "sex worker". There is a sleight of hand that's happening, where the term "sex worker" is being defined to include.... You're being tricked into believing that "sex worker" includes the people who are pimping, managing brothels, doing recruitment and facilitating through advertising. Do ask the question: What do you mean when you say "sex worker"?

[*Translation*]

Mr. Rhéal Fortin: I am talking about people who are prostitutes. How can we better protect them without giving an advantage to pimps, traffickers, whatever you want to call them?

[*English*]

Ms. Suzanne Jay: I think enforcement is the missing piece here. The police are not enforcing. The Crowns are not pressing charges.

The question is, the act does not cause harm to exploited people.... Where there is harm to women, it's because of the lack of enforcement. The refusal of the police to enforce the law leaves women at the mercy of the pimps and the sex buyers, who get to be as controlling and as violent as they want.

It really does harm women to know that they are deemed not worthy of protection even when the law of the country says that what is happening to them is wrong. It harms all of the women in the community when we see that other women are being sold, denigrated and hurt and nothing happens to the man or the men who caused that harm.

Before the law, women didn't go to the police, and they don't go now because the police have not changed their attitudes or their behaviour about the sex buyers. Before the act, the police arrested women almost exclusively, and after the act, in B.C., in Vancouver especially, the police stopped arresting anybody. They have effectively disappeared prostitution, because they have no numbers, no arrests, no cases.

The Chair: Thank you, Mr. Fortin.

I have been generous with the time. Hopefully, I've been able to make up the time you might have lost.

[*Translation*]

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

[*English*]

The Chair: I'll go over to Mr. Garrison for six minutes.

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

I would like to go back to Ms. Clancey's opening remarks where she said that she had some important information about misinformation being used in the arguments about trafficking. I'd like to give her a chance to talk about those examples she mentioned.

Ms. Alison Clancey: Thank you, Mr. Garrison.

I'd first like to start by commending you for respectfully listening to all of the witnesses throughout the hearings and to acknowledge that, at every opportunity you had, you brought this discussion back to the issue at hand, while it was being conflated with so many issues. I'd like to thank you for that.

I'll get back to the trafficking disinformation that's been presented before this committee. Quite frankly, I have found these hearings to be a national embarrassment. I'm deeply disturbed by the amount of trafficking disinformation that has been put forward and uncritically consumed. This happened in the 2014 hearings, and I expected that when the committee members came to this hearing eight years later, they would have been aware of the types of misinformation that would be put forward. I will name a few now.

Ms. Clamen earlier talked about the age of entry into the sex trade being 12 to 14 years old. In my brief, I included The Washington Post and The Atlantic investigative reports to show how that has been debunked time and time again. Within Canada, the Canadian Women's Foundation has retracted not only that claim, but all of their trafficking task force so-called research that has so harmfully informed so much trafficking policy and dialogue in Canada. If members are interested in knowing why the Canadian Women's Foundation reports on trafficking are no longer available on their website, I encourage them to connect with the Canadian Women's Foundation.

I'll also address one other piece of disinformation that I heard during the hearings. It was the claim that there was an uptick in human trafficking along with sporting events. I believe the Stampede was mentioned. This also happened in Vancouver around the 2010 Olympics. There was a lot of fearmongering by groups that traffickers were going to be bringing young girls into the country and into Vancouver. That did not materialize.

The Global Alliance Against Trafficking in Women has published empirical evidence that this trafficking does not happen. It does not happen around the Super Bowl, either. I can guarantee that Vancouver right now is considering a bid again for the Olympics. If Vancouver should be successful in its bid, this myth about the uptick in human trafficking around the Olympics will surely come around one more time, despite it not having materialized last time.

• (1450)

Mr. Randall Garrison: Thank you, Ms. Clancey, and thank you for your kind words at the beginning.

A phenomenon I've been observing in these hearings is that there tends to be some kind of presumption that PCEPA has somehow reduced the frequency of sex work. I think most of us would say that no evidence of that has been presented. Instead, what this committee is focusing on is the real impacts of PCEPA, which are making sex work increasingly more dangerous.

How do you feel about the argument that PCEPA has somehow reduced the frequency of sex work?

Ms. Alison Clancey: I'd like to address the end demand aim of PCEPA. It's preposterous for Canada to think that it is going to do something that no society or any other country has ever done in the history of the world, which is to end sex work.

If the government is interested in ending demand, you don't take away the purchasers of sex. You look at poverty, the gender wage gap, housing prices and systemic racism. All of those factors are the push factors into the sex industry for whom it is a last resort, and it is the last thing that they want to be doing.

This continued conversation about ending demand via criminalizing the purchasers of sex is a colossal waste of money and resources, and it's a cover for the moral opposition to the sex industry. That is not how you protect sex workers. It will never work in Canada and it has never worked anywhere.

Mr. Randall Garrison: Thank you, Ms. Clancey.

Very briefly—I know I have very little time—I want to go back to Ms. Lindstrom and her remark that PCEPA makes it more difficult for those involved in sex work to address services available to others in the community.

Ms. Amber Lindstrom: Absolutely, it does. That's 100% right.

One of the main programs at SafeSpace that we offer is system navigation. We are constantly coming up against walls where sex workers are not allowed access to other services, especially in organizations that receive a lot of funding through PCEPA. They will not allow access to sex workers who chose to continue to stay in sex work. This has horrible ramifications in our community, especially for street-based sex workers. Many who access SafeSpace are also experiencing homelessness—

The Chair: Thank you, Ms. Lindstrom. I'm sorry to cut you off.

In the interest of time, I will ask Mr. Moore and Ms. Diab if they would be okay doing two and a half minutes. We have some quick committee business at the end.

Mr. Moore, would you be amicable to doing that?

Hon. Rob Moore: Not really. I thought I had five minutes, Mr. Chair.

The Chair: You do have five minutes, but it's 2:55 p.m., so it was in the interest of time. I can extend it by five minutes, if that's okay and if it's the will of the committee.

Hon. Rob Moore: All right. Well, I'll try to ask my questions quickly.

Thank you to all the witnesses. I do have some quick questions.

Ms. Jay, you summed up very nicely the response of Bill C-36 to the Bedford decision by saying that the “exploiters are criminalized”. We do believe that this is exploitative. We heard from Ms. Stevenson about predation, about the exploiting and the exploiters. You summed it up by saying that the exploiters are criminalized and the exploited are not criminalized. I think that should be a goal that we all share.

Could you expand on that? You summed it up nicely, but could you expand on that a bit and about how PCEPA works?

• (1455)

Ms. Suzanne Jay: PCEPA recognizes that there is inequality between men and women. I would ask you to pay a lot of attention to the preamble, where Parliament states the purpose of the act. It recognizes the “social harm” caused by objectification. It recognizes that prostitution affects human dignity and undermines equality, and that there is a “disproportionate impact” on women and children. It says that Canada thinks it's important to “denounce and prohibit” the purchase of sexual services and prevent the normalization and commercialization of prostitution.

What's important to us about PCEPA is that it states very clearly that Canada does not want to develop economic dependency on prostitution as an industry, and—

Hon. Rob Moore: Thank you, Ms. Jay.

Do I have any time left, Mr. Chair?

The Chair: Yes. You have about two and a half to three minutes left.

Hon. Rob Moore: Oh. I thought I had only two and a half minutes.

The Chair: I'll leave that to your liberty. You can end it at two and a half or you can have five.

Hon. Rob Moore: I'll end it at two and a half. I'm trying to get along with everybody.

Ms. Stevenson, we do hear some people speak...and it's like we're pretending that this is not exploitative. You set out very clearly in your remarks, from a personal perspective, how some people who are being exploited don't even realize it until later.

Could you expand on that quickly? You mentioned the exploitative nature. Is it fair to say that this isn't exploitative in most cases?

Ms. Alexandra Stevenson (Ford): No, it's not fair to say that it's not exploitative in most cases. I spoke briefly about cognitive dissonance. We have to learn about trauma bonding as well. Especially when you're in a situation you were brought into through desperation or survival, you have to make the situation you're in as appeal-

ing as possible, or you will suffer from the mental despair of constantly wishing you were somewhere when you cannot exit the situation.

I can speak for myself and for a number of survivors I've spoken to. I talked loudly about how much I enjoyed myself, that I was partying, that I was okay with what I was doing, because I needed to believe that in order to exist.

The Chair: Thank you, Ms. Stevenson and Mr. Moore.

Hon. Rob Moore: Thank you.

The Chair: Ms. Diab, please go ahead.

Ms. Lena Metlege Diab: I'll take two and a half minutes. Thank you to my colleague Mr. Moore. I appreciate that.

Ms. Clancey, I have two questions for you. I'll ask them both now, if you don't mind, in the interest of time.

In 2008, a report from the prostitution law review committee in New Zealand showed no expansion of the sex work industry following decriminalization. Can you please comment on that? As a follow-up, do you think decriminalization in Canada would be similar and would not expand the sex work industry in Canada but allow those currently in the industry to enjoy better protections?

Ms. Alison Clancey: I can't speak specifically to the report that you're quoting from, but I want to address the assertion that's been put forward before the committee that it will be a free-for-all in Canada with decriminalization. That is simply not going to happen.

It's a different issue, and marijuana was legalized, not decriminalized, but the sky did not fall when marijuana was legalized in Canada. If sex work were to be decriminalized in Canada, it doesn't mean that people are going to turn out and start working in the sex industry in greater numbers than they are right now.

I want to address that fearmongering, again, that has happened in the committee. Decriminalization will not result in more people turning to the sex industry for their income generation.

• (1500)

Ms. Lena Metlege Diab: Thank you very much, Ms. Clancey.

Thank you to all of the witnesses.

Thank you, Chair.

The Chair: Thank you to all of the witnesses.

Thank you, Ms. Diab.

I will now conclude this part. There is some quick committee business that I will ask the members to stay on for.

I believe the budget for the next study has been sent to you. Can we get approval for that? Apparently, we need it, particularly for headsets to be sent out. It was sent to you during the meeting. I don't have my computer with me, so I'm assuming.

Ms. Lena Metlege Diab: It was sent. If you don't mind, I can just say that the request was for \$5,525. It was sent while we were doing this.

There's "review the government's obligations".

If he's in front of you, he can explain it to us. There are dial-in phone lines, for 16 hours, and headsets, for a total of 2,000 headsets—

The Chair: Thank you for raising that, Ms. Diab. I think everybody has it.

Mr. Anandasangaree, is this on this issue? No.

Is everybody okay with it?

(Motion agreed to)

[Translation]

Mr. Rhéal Fortin: Mr. Chair, you are talking about a document that would have been sent to us during the meeting. However, I have not received anything.

The Clerk: This is a standard budget, which was sent to all committee members during the meeting and covers the next study, so that we have the means...

Mr. Rhéal Fortin: I will certainly not oppose the budget, but I still want to mention that I did not receive it. I don't know if my email address is on the mailing list.

[English]

Ms. Lena Metlege Diab: I think Gary has his hand up.

The Chair: We're good with the budget, Mr. Fortin. I know it was a bit rushed. The clerk wanted to get it out because of the two-week constituency break. We wanted to make sure that it's approved and the next rounds of witnesses have their headsets. That was the main thing.

I think we're okay, but we'll make sure that we get it earlier next time.

[Translation]

Mr. Rhéal Fortin: I did not receive this email, but my parliamentary assistant, who had it, has just copied me on it. It is likely that my own address is not on the mailing list. So I would like this to be checked so that I receive the documents in the future. This would be appreciated, thank you.

[English]

The Chair: Definitely. We will make sure that happens.

Go ahead, Mr. Anandasangaree.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Mr. Chair, this is really for the analyst.

I wanted to see if it is possible to get a summary of the evidence as we move forward. We have a two-week constituency break. It

would be good to go over the evidence during this time and maybe start thinking about the report and the next steps.

• (1505)

Mrs. Julia Nicol (Committee Researcher): Yes, we can.

There's one thing to flag if you want the briefs as well. I've started doing a table, and I'm at 300 pages or so. That will be pretty overwhelming for you. If you want to give me some guidance on what you'd like to focus in on or any limits, I'm open to that as well, of course, to make it more manageable. Then I'll use the longer one for the report drafting when that comes.

Mr. Gary Anandasangaree: I think we do have the briefs for most of them, except for the ones that were not translated today. I believe that we did get a number of the briefs.

What would be ideal would be a summary of what the witnesses said, the highlights of where people are leaning and just a sense of if there are any missing pieces that we have at this point. That will help us generate a report and findings.

The Chair: Thank you.

There are a lot of briefs that are coming, and they need to be translated.

Go ahead, Mr. Garrison.

Mr. Randall Garrison: Mr. Chair, we have a number of other things that we're going to have to deal with as a committee, like main estimates, and I have an outstanding motion. My suggestion would be that we may need a subcommittee meeting to deal with committee business or a full committee meeting to deal with committee business so we can get a better sense of where we're heading in the next little while.

When we come back, I would encourage us to pay some attention to committee business overall.

The Chair: I think we're planning on scheduling a subcommittee meeting for March 25. I will get my assistant to circulate that.

If it's all good, we'll adjourn.

Thank you. Have a good constituency break. We'll see you in a couple of weeks.

I'm sorry. Go ahead, Mr. Moore.

Hon. Rob Moore: I was going to say that I hope everyone gets some rest over the next two weeks. I look forward to seeing them.

I think you're doing a good job, Mr. Chair.

The Chair: Thank you, Mr. Moore. I appreciate it.

Enjoy. Rest up.

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