

Submission to the Standing Committee on Justice and Human Rights

National Consultation on PCEPAct in Canada

By Nancy Brown, OBC

February 2022

In adapting the PCEPA (Protection of Communities and Exploited Persons Act), the Government of Canada endorsed its commitment to be a country of peace, justice and gender equality, becoming a global leader in protecting the rights of women and youth with the enactment of this law. Now it is time to replace a culture of impunity with a culture of justice and gender equality in our country. Unfortunately, there are provinces/cities in our country who have not enforced this law, making this current review incomplete and not representative of all in Canada.

Our Prime Minister Justin Trudeau stated, it is “important to recognize that prostitution itself is a form of violence against women.”¹

I strongly urge the Government of Canada to strengthen and fully enforce PCEPA for the following reasons:

- a. **Prostitution is a serious public health issue**² as it does permanent harm to the prostituted person. As expressed in the preamble of the law³, prostitution is inherently harmful, requiring a lifetime of healing/nothing can make it safe.⁴ Brain research now provides evidence of possible permanent harm to the brain of a prostituted person.⁵ “Violence is pervasive in prostitution and can cause traumatic brain injury (TBI). This study estimated the prevalence and demographic correlates of TBI among 66% women and transwomen in prostitution. 95% had sustained head injuries, either by being hit in the head with objects and/or having their heads slammed into objects. 61% had sustained head injuries in prostitution. The women described acute and chronic symptoms resulting from head injury and/or concussions. These included dizziness, depressed mood, headache, sleep difficulty, poor concentration, memory problems, difficulty following directions, low frustration tolerance, fatigue, and appetite and weight changes. Screening for TBI is crucial to the care of prostituted women.”⁶
In a 2005 study, 100 women who were selling sex in Vancouver were interviewed. 72% met DSM-1V criteria for PTSD while 89% endorsed at least one intrusive symptom of PTSD, 81% endorsed at least 3 numbing and avoidance symptoms of PTSD and 85% endorsed at least two of physiological hyperarousal symptoms of PTSD. The 72% incidence of current PTSD in these women is among the highest reported in populations where PTSD has been studied, including battered women, combat veterans, childhood trauma survivors, rape survivors and torture survivors.⁷
One Canadian observer noted that 99% of prostituted women were victims of violence, with more frequent injuries “than workers in [those] occupations considered... most dangerous, like mining, forestry, and firefighting.”⁸
In most cases, the physical and psychological harms of trauma only emerge when a person exits the life. Most need to stay high on drugs and/or to dissociate to deal with the pain.⁹

IT IS TIME TO HOLD THE BUYERS ACCOUNTABLE FOR THE HARM THEIR BEHAVIOR CAUSES TO WOMEN.

- b. **Prostitution is a system of racism, colonialism, sexism, misogamy**, disproportionately affecting our indigenous and other racial populations e.g., Asian and Black women. “Cherry Smiley is an activist and a front-line anti-violence worker from the Nlaka’pamux (Thompson) and Dine’ (Navajo) Nations; she says the fact that Aboriginal

¹ “Justin Trudeau wary of proposal to regulate, tax prostitution.” CBCNews. Jan. 14, 2014. <http://www.chc.ca/news/politics/justin-trudeau-wary-of-proposal-to-regulate-tax-prostitution.-1.2500357>

² Nikki Bell and Dr. Mattie Castiel. Webinar: Prostitution is a Public Health Issue. March 11, 2021.

³ <https://pcepa.ca>

⁴ Dr. Ingeborg Kraus. Prostitution is Violence Against Women! Strasbourg, France Nov.25, 2016. Trauma and Prostitution. 2017/01/03

⁵ Harris, Nadine Burke. How childhood Trauma affects Health Across a Lifetime. You tube.

⁶ Farley, Banks, Ackerman, Golding. Screening for Traumatic Brain Injury in Prostituted Women. Dignity: A Journal of Analysis of exploitation and Violence. Volume 3 Issue 2 Article 5, 2018

⁷ Farley, M., Lynne, J, & Cotton, A.J. (2005) Prostitution in Vancouver: Violence and the Colonization of First Nations Women. Transcultural Psychiatry, 42(2), 242-271. <https://doi.org/10.1177/1363461505052667>

⁸ Farley, Prostitution, Trafficking & Cultural Amnesia: What We Must Not Know in order to keep the Business of Sexual Exploitation Running Smoothly. Yale Journal of Law & Feminism. 2006 Vol. 18: 109

⁹ Sandra Norak. Loss of Self in Dissociation in Prostitution: Recovery of Self in Connection to Horses: A Survivor’s Journey. Dignity Vol. 4. Issue 4, 2, 2020.

women and girls are overrepresented in the sex trade is not accidental, rather, she says, Aboriginal women are “funneled” into sex work as the result of a history of racism in Canada, a history that includes residential schools, the reserve system and the foster care system. All these institutions that we are confronting daily are contributing to the situation that native women and girls find themselves in. Prostitution is the consequence of those institutions. Prostitution is just another institution of colonialism.”¹⁰ Indigenous women make up 3% of women in prostitution in Metro Vancouver, but account for 27% of the women in prostitution who called Vancouver Rape Relief.¹¹ 150 B Global Human Trafficking industry is happening in plain sight in Canada.¹²

REPEALING PCEPA WILL FURTHER COLONIZE RACIALIZED WOMEN.

- c. **Prostitution is a system of the imbalance of power and privilege** based on male entitlement. Why do buyers, usually white, wealthy, employed and privileged men¹³ feel entitled to buy the bodies of women/youth for their own sexual pleasure and gratification? Why do buyers target the most vulnerable of our society, who are more susceptible to their techniques of luring and grooming? Prostitution is a very lucrative business making massive profits without accountability and on the backs of the most vulnerable. Pleonexia, privilege, pleasure, power and profit drive the market, just follow the money. For a description of buyers, see Sue McIntyre’s study of 20 buyers from Edmonton and Winnipeg.¹⁴

EDUCATE MEN THAT WOMEN’S BODIES ARE NOT COMMODITIES TO BE BOUGHT AND SOLD.

- d. **The Nordic/Equality/PCEPA model of law** has proven to be successful in other countries like France, Sweden, Norway, Iceland, Northern Ireland etc.¹⁵ “The experience in Sweden, since adapting the model 15 years ago, has been positive, says Ekman. Prostitution has been cut in half and violence has been reduced. She says no prostitutes have been murdered in Sweden since legislation passed, whereas in other countries, women in prostitution are 16 times more likely to be murdered than women who aren’t in prostitution. In Canada, 171 female prostitutes were murdered between 1991 and 2004.”¹⁶

RESPECT CANADA’S COMMITMENT TO EQUALITY FOR WOMEN.

- e. **Full Decriminalization/legalization has failed**¹⁷ as it continues to treat women/youth as commodities to be sold for high profits. It is a gift to predators, profiteers, and sex traffickers! It increases sex tourism, crime, and gang activity etc. Let us not become like Germany called the Bordello of Europe¹⁸ with its approximately 1.2M sex buyers daily and approximately 400,000 prostituted persons, mostly from Eastern Europe, Romania, and Bulgaria.

DECRIMINALIZING PROSTITUTION LEADS TO INCREASED SEX TRAFFICKING.

- f. **All violent behaviors**, (such as hate crimes, bullying, pornography, online luring, child abuse, labour, organ or sex trafficking, smuggling, familial abuse, child prostitution) **are interconnected and intersect**. If unaddressed, violence only increases in intensity, frequency and severity. One known fact, often overlooked in analysing this issue, is that most prostituted women entered a prostitution as underaged youth. In a study of 183 women who

¹⁰ Murphy, Meghan. A History of Oppression: Canada, colonialism, and prostitution. Feminist Current. July 4, 2012.

¹¹ Vancouver Rape Relief & Women’s Shelter (2020) “Vancouver Rape Relief’s Data on Prostitution.”

¹²Roache, Trina. 150B Global HT industry happening in plain sight in Canada. April 16, 2021, APTH National News.

¹³ www.thetraffickedhuman.org/index.php/get-informed/3-supply-and-demand

¹⁴ McIntyre, Susan (2012). Buyers Beware. Executive Summary.

¹⁵ Fein, Luba. Has the Nordic Model worked? What does the research say? Nordic Model Now! Dec. 22, 2019.

¹⁶ Murphy, Meghan. “Is the Nordic prostitution model for us” Herizons, vol. 27, no. 4 Spring 2014, p. 6+ Gale Academic One File Select

¹⁷ Geddes, Chelsea. No, Decriminalization of johns and pimps has not improved our safety or lives. Nordic Model Now! Aug.26, 2018

¹⁸ <https://www.smh.com.au/world/germany-is-now-the-bordello-of-europe-20140114-hv8by.html>

were selling sex in Vancouver 13.8% started between 8-12, 37.9% between 13-16 and 18.4% between 17-18. This means 70.1% started before 19 years of age.¹⁹

Most were victims of childhood neglect and abuse, thus unaware of the true meaning of healthy relationships, nor understanding concepts of free choice nor consent. 84% of 100 prostitutes in 2003 study stated they were sexually abused as a child.²⁰

As Nancy Morrison, former Judge of the Supreme Court of BC writes “Freedom of Choice requires being of the age of reason, informed mind, freedom to decide among alternatives, absent from threat, violence, poverty, addiction, false hopes and promises.”²¹

Conclusion:

PCEPA is a law that needs to be kept and fully enforced throughout Canada, ensuring the future safety, health and equality for women/youth. Our government owes this protection to the citizens of Canada.

In a recent polling, Canadians were five times more likely to support than oppose Canada’s prostitution law. “Most Ontarians oppose any changes to prostitution legislation which would decriminalize all aspects of the trade, including pimping, brothel ownership, and sex buying. Results show four in ten say they strongly oppose these changes.”²²

I recommend to this committee that the law be strengthened by the following strategies:

- a. Ensure the full enforcement of PCEPA through all jurisdictions of Canada. Educate all law enforcement, lawyers, investigators, prosecutors, and crown attorneys on a high level of trauma informed practice.
- b. Provide greater funding for the exiting strategies for survivors recognizing that the healing process is lifelong.
- c. Initiate a nationwide public educational campaign and youth prevention programs in schools. Re-establish the school police liaison program.
- d. Hire social workers to accompany and assist police with enforcement; police deal with buyers, pimps etc. and social workers deal with the prostituted persons.
- e. Eliminate the restriction regarding solicitation close to playgrounds etc.
- f. Adapt the immigration law to ensure undocumented prostituted women are not immediately deported from Canada.
- g. Be a strong global leader by honoring and implementing our international commitments:
 1. **Palermo Protocol**, Article 5, “Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3” which states “Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having **control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation**, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”
 2. **CEDAW**, Convention on the Elimination of all Forms of Discrimination Against Women, Article 6, “**States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women**”

¹⁹ Cunningham, L.C., & Christenson, C. (2001). Violence against women in Vancouver’s Street level sex trade and the police response. Vancouver, BC: PACE Society.

²⁰ Farley, M., Cotton, Ann etc. Prostitution & Trafficking in 9 Countries. Journal of Trauma & Practice 2:/4/2003

²¹ Nancy Morrison. Benched: Passion for Law Reform. Nov. 1, 2018.

²² [Six in Ten Ontarians Oppose Decriminalization of Prostitution, Including Pimping or Sex Buying | Ipsos](#)

3. **UN Sustainable Development Goals**, in particular # 5 – Achieve gender equality and empower all women.

4. **UN Convention on the Rights of the Child – Article 34 & 35** – Protection from Sexual Abuse and Protection of Sale & Trafficking.

I am a concerned citizen, retired primary and high school teacher, university chaplain and senior manager, ombudsperson, and pastoral counsellor at Covenant House Vancouver for twenty years. Currently I serve on many boards and committees, both national and local, that are focused on the elimination of exploitation and violence particularly towards women and youth in our society.