

Brief to the House of Commons Committee on Justice and Human Rights
National Consultation on the
Protection of Communities and Exploited Persons Act

Submitted by the Roman Catholic Archdiocese of Vancouver
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The Archdiocese of Vancouver is encouraged that the Committee is conducting this overdue review of the *Protection of Communities and Exploited Persons Act* (“PCEPA”).

Our Position

By enacting PCEPA, the federal government took a positive step forward for all Canadians. PCEPA is a good law because it targets serious social problems directly or indirectly associated with the prostitution of (mostly) women and youth, while at the same time recognizing and balancing the rights of those who are involved in it as prostituted persons. The Archdiocese recognizes that there are ways in which PCEPA might be improved. Some of those ways are identified in this Brief.

Education is Key

In the preamble to PCEPA, Canada recognized that prostitution is inherently harmful and dangerous, and that objectification of the human body and commodification of sexual activity causes harm.¹ PCEPA acknowledges that the driving force behind prostitution and sex trafficking is the demand for paid sex. PCEPA targets this demand directly by criminalizing the purchase or attempted purchase of sex with fines and/or jail time.

PCEPA is an essential tool for combatting the sexual exploitation of vulnerable persons in Canada. Unfortunately, the act has fallen short on education, not only of the general public, but also of other stakeholders, including social service providers, law enforcement, prosecution services and the judiciary.

Consequently, a robust law, with one of its objectives being the protection from exploitation of some of the most marginalized members of our society, has gone largely unnoticed.

When Sweden implemented a model similar to PCEPA, it embarked on a 10-year educational campaign that changed the prevailing thinking that human beings can be bought and sold.² Canada also needs a strong national education campaign regarding PCEPA: what it is, why it is in force, whom it protects, and whom it targets.

“The Swedish law was controversial when it was enacted because it challenges and criminalizes an age-old male right to look at women’s bodies as if they were goods to be bought and sold. The law cannot be understood without a perspective on Sweden’s equal opportunity policy in recent decades. Many years of discussions and work for women’s rights are the basis for the current legislation. In a gender-equal society, men do not regard women as merchandise.”³

¹ https://laws-lois.justice.gc.ca/eng/annualstatutes/2014_25/page-1.html

² <https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

³ https://exoduscrv.com/wp-content/uploads/2010/07/swedish_model.pdf pg 6

Making Sense of the Data

Lack of consistency in application of PCEPA makes it difficult for data-gatherers and statisticians to provide data from across Canada to best measure the law's efficacy. Before PCEPA, our laws surrounding prostitution treated it as a "nuisance and public disturbance." In the Bedford decision, the Supreme Court of Canada struck down many aspects of the prior law. The focus of PCEPA is completely different, targeting and criminalizing those who pay for sex, and those who would profit from the sexual exploitation of others. To date there have been very few convictions across Canada and, consequently, there is little to go by in terms of a data-based statistical analysis of PCEPA's effectiveness.

Canadians Have Spoken

A recent survey conducted by NANOS (July 2020) found that, "Canadians are five times as likely to support than oppose Canada's current prostitution legislation, which does not criminalize women and others who sell sex, but makes pimping, trafficking, buying sex and brothel ownership/operation illegal. A majority of Canadians agree that provincial and federal government should provide appropriate funding to organizations working with women in prostitution to provide long-term counselling and support services."⁴

Funds for Exiting Prostitution

"Exiting support was the primary request of 28% of the women who called the Vancouver Rape Relief Crisis Line between 2019-2020 (46% wanted safe shelter)."⁵ It is vitally important that tangible support be made available to those who wish to exit prostitution. This funding needs to be extensive, covering a range of necessities for long term recovery and healing. Merely funding programs that support "harm reduction" does not help women wanting to exit prostitution. The best we can hope for is "harm mitigation." The harm done to women/youth in prostitution is extensive; sadly, many of those involved do not realize the effects of the trauma until after exiting.

Canada's government needs to support provinces and municipalities in providing an extensive prevention program that can be delivered in our schools, as well as establishing or re-establishing the school police program. It would also be beneficial for police units addressing this law to collaborate with social workers, so that while the police deal with the buyers, the social worker addresses the needs of the victims, building a trusting relationship and offering any assistance needed.

Ancillary programs supporting PCEPA require a continuum of care for those exiting, as there are many stages in the exiting process and it can take years and numerous attempts to fully leave. Some of those involved require emergency care and a safe place to rest while they consider their options. Others require a longer-term or permanent solution so that healing and recovery can proceed. Support services are needed to accompany survivors for many years, as they build a new life and discover a path of re-integration into society.

Reducing Demand

Advocates for the legalization of prostitution represent only a small percentage of experiential survivors. The majority of prostituted persons do not – or cannot – make their voices heard due to their vulnerability and the control of recruiters. Demand is the driving force for prostitution, and buyers must be held accountable for this misuse of power and the extreme exploitation it involves.

⁴ <https://www.lawc.on.ca/nanos-survey/>

⁵ <https://rapereliefshelter.bc.ca/45-feminist-demands-to-end-male-violence-against-women>

“You’re treating me like a prostitute, you’re touching me like a piece of meat.’ There was no more intimacy. There was no more tenderness, it was only about creating stimulus. It was not so much about the things that he wanted, but more about the way he demanded them. He began speaking in a demanding, commanding tone of voice, which disgusted me: ‘Do that, touch me like this, sit down in a special way, go over there....’”⁶

Another outcome of the buying of sex that is seldom considered is its impact on buyers themselves, as well as on their wives and children. Ultimately, it dehumanizes all parties: the prostituted person as well as the buyer and his family.

Survivors’ voices

“Survivors who thought they went into prostitution with consent, say that they never consented to the reality of what was done to them. Given that most consenting adults entered prostitution between 12-14 years of age, we cannot divide the population of prostituted person into consenting and non-consenting.”⁷

“They don’t look like monsters, they look like your cousin, uncle, brother, or husband. In that room what made us flinch, was men. It was men who beat, robbed, raped, and killed my friends and me. It was men’s actions that made our lives unsafe. It was never the social stigma, or people’s opinions of the sex industry, which assaulted us.”⁸

Most prostituted women end up suffering from mental health problems, high rates of head injuries, damage to their sexual organs, high rates of attempted suicide, PTSD, dissociation, and mortality rates 40% higher than the average for women. 70-90% of them experience physical assault; 60-75% have been raped; 95% have experienced sexual harassment that in any other industry would result in legal action.⁹

Poverty

Poverty in its many forms is one of the driving factors behind prostitution. It is a tragic reality that in Canada, one of the wealthiest countries in the world, conditions exist in which women “choose” to sell their bodies in order to feed their children. Marginalized youth, many of them from the foster care system or who have been racialized, are often recruited into prostitution. Indigenous women and girls are overrepresented in the sex trade. We need to work on the root causes – patriarchy, racism, misogyny – so that those who are most vulnerable are given genuine options and meaningful choices to find dignified ways to earn a living. Canada’s government must address the underlying issue of poverty, especially among women, youth, and children.

Recommendations – Work with all levels of government to strengthen PCEPA by:

1. **Committing to an extensive educational campaign** for all Canadians, advocating on behalf of those being exploited and demonstrating the effectiveness of the law (Swedish model).
2. **Educating and funding all stakeholders in our judicial system and law enforcement** so that they understand how to enforce and prosecute under PCEPA.
3. **Enforcing PCEPA consistently across all provinces** across Canada to reduce the demand for prostitution/trafficking.

⁶ <https://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1181&context=dignity>

⁷ <https://www.spaceintl.org/assets/Uploads/MoranFarley2019.pdf>

⁸ <https://www.burnabynow.com/local-news/opinion-sugar-daddy-is-a-new-term-for-the-same-old-oppression-3525951>

⁹ https://www.researchgate.net/publication/254381847_Prostitution_and_Trafficking_in_Nine_Countries

4. **Working with provinces and municipalities** to reinstate School Liaison Officers who can engage and educate youth early, establish positive relationships and identify potential high-risk individuals.
5. **Hiring social workers to assist the victims** while police focus on the buyers, pimps, and traffickers.
6. **Providing long-term trauma-informed services** for all those exiting prostitution.

Who Are We?

The Roman Catholic Archdiocese of Vancouver (the “Archdiocese”) is a geographical unit of the worldwide Roman Catholic Church covering an area of approximately 120,000 km², including the Lower Mainland of British Columbia.

The Archdiocese includes more than 440,000 Catholics in 77 parishes and seven missions, served by 205 priests, 92 religious sisters and 18 religious brothers. More than 80 organizations, associations, ministries, and clubs facilitate the mission and work of the Archdiocese. The Archdiocese includes 52 Catholic schools, three Catholic colleges, and three Catholic hospitals.

The Archdiocese serves the broader community through a range of outreach programs that assist thousands of people in impoverished areas such as Vancouver’s Downtown East Side, many of whose inhabitants are not only among the poorest of the poor in Canada, but also suffer extensively from mental illness, drug addiction and the dehumanizing effects of prostitution.