

Brief Submission to the House Committee on Justice and Human Rights: Review of the  
Protection of Communities and Exploited Persons Act

22 Feb, 2022

Submitted by: Kathy King, MSW, Independent Advocate

Dear Members of the Committee,

I am a retired social worker who has volunteered with STOP, the Sex Trade Offender Program in Edmonton, for over two decades. I am also the mother of a Missing and Murdered Woman who disappeared from the streets of Edmonton in 1997 after struggling with many challenges. PCEPA provided a glimmer of hope that vulnerable women would no longer be blamed and criminalized for their own exploitation.

Since my daughter's death, I have continued to advocate in the hope that some lives might be saved. Among my initiatives was the development of a website [www.MissingCara.ca](http://www.MissingCara.ca) launched in 2018. I am also the co-author, with Andrea Heinz, of a Canadian anthology on commercial sexual exploitation due to be published this summer.

An obvious difficulty faced by you, the Committee, is that PCEPA legislation has been largely unenforced since its adoption in 2014. How does one accurately assess its effectiveness when it was labeled as partisan and subject to campaign attacks by our existing minority government?

I understand that, while Parliament is responsible for enacting criminal law, the administration of justice is the mandate of provincial governments. Is there not an inherent hypocrisy in examining the effectiveness of legislation that received no consistent support in the development of public awareness, expansion, and enforcement across Canada?

Municipalities have been allowed to create bylaws to provide protected facilities for sex buyers in blatant contravention of federal legislation. The discussion has become one of "case law."

Heartfelt compassion is extended to those witnesses, self-identified as "sex workers," who claim to experience fear, distrust, persecution, and lack of recognition. Of course, I do not wish that for anyone and my support of PCEPA implies a better social net to ensure that all women have equal access to freedom and dignity within the greater good of society.

We also know, from trauma literature, that people in fear mode tend to be reactive with logical reasoning on hold until they are able to calm themselves and feel safe. It appears many of the anti-PCEPA arguments come from a defensive stance, making difficult for others to explore a possible win/win or middle ground.

Please consider the following statements:

**1. There are probably at least two million sexual consumers in Canada.**

This is based on a simple calculation of 38 million population x 50% male x 75% adult (between the ages of 18 to 75) and a conservative estimate of 15% sexual consumers. We know that buyers cross all social strata and we know exploitation is magnified in countries where commercial sex is

more accepted. It is understandable that covert populations of buyers are working to protect their market and that others, even less scrupulous, are working to protect their profits. It is no wonder the voices of exited survivors are lost in the complicity, especially if most of the buyers represent economic investment and some hold political office.

PCEPA is about curtailing the entitlement of men to buy women's bodies. Every word expressed in favor of "sex work" implies the right of men to buy. Can we not expect more from the men of our world? PCEPA is about setting a higher standard for male behavior and greater accountability for society, so that issues of marginalization and economic inequality can be addressed.

Sex buyers, the intended target of the legislation, remain elusive for two reasons:

- (i) There has been no attempt to track buyers in "licensed" facilities where they are treated as consumers deserving of "discretion." Governing bodies act as if creating this rarified stratum somehow reduces the bigger problem. The vocal minority who self-identify as "sex workers" understandably do not want their "customers" criminalized.
- (ii) Buyers who frequent "unlicensed" venues are probably more dangerous, less affluent, and more likely to be involved with drugs and violence. These buyers are protected by pimps and traffickers, while the girls and women sold have no voice. Other exploited women, already at risk because of vulnerabilities, are unlikely to report their offenders because they are anxious for the proceeds at stake.

The intention of PCEPA is the PROTECTION of communities and exploited persons. PCEPA is based on the Equality Model which recognizes sexual exploitation as part of the continuum of violence against women, and it seeks to address the power differential. The legislation represents a cultural shift towards recognizing that all women deserve full human rights participation, mutual and consensual sexual relationships, and economic equality.

PCEPA is about protecting citizens of Canada from the objectification of their human bodies and the commodification of sexual activity. Reducing buyer demand holds society responsible to ensure that disadvantaged women and children have realistic options other than being sold for profit or selling themselves for "empowerment" or survival.

Criminal legislation informs and establishes social norms of behavior. Canada is proclaiming with PCEPA that our citizens are not for sale and will be protected.

## **2. There will NEVER be enough voluntary women.**

Some have said we need to examine our attitudes re the "buying and selling" of sex. I suggest there is a difference; buyers act from entitlement, while sellers react from coercion and limited options. Even the more liberal advocates agree they are against abuse, trafficking, violence, pimping, and the exploitation of children.

"Decriminalization" would extend to superficial, impersonal, uncaring, pornified, indifferent, demeaning, sadistic, and frequently violent purchases. Commodification cannot be separated from the coercion that supplies the market for buyers.

We know there are at least 20 million sexually exploited women and children around the world. We also know that depravity and oppression expand with attitudes of tolerance, as confirmed in studies from many countries. (Harvard Law and International Development Society, 2014, provides an analysis of 115 countries.) The so-called sex industry is grounded in patriarchy and socio-economic marginalization. It must be remembered that overt services are only the tip of the exploitation iceberg in an ocean of entitlement.

There has been considerable testimony from and on behalf of a vocal minority who claim to be “sex workers.” It is also important to hear the more grievous harms perpetrated on the **invisible majority** who are silenced by pimps, traffickers, and economic desperation. Inability to identify their offenders compounds their isolation and exploitation. Decriminalization is a gift to pimps and traffickers, allowing them to develop a sexual buffet for monied buyers.

We also have a legal imperative to cooperate internationally. The Palermo Protocol, ratified by Canada in 2002, states that we as a country will discourage demands that foster exploitation. It seems PCEPA affords that opportunity.

### 3. **The sex industry is inherently harmful to those being bought or sold.**

Violence is almost exclusively committed by men and the victims are predominantly women and children. Behavior tolerated within the sex industry would not be allowed elsewhere. Under any other circumstances, the repetition of unwanted sexual contact would be assault. Suggesting that economic dominance resides with men, and that women can access “empowerment” through subservience, is an inexcusable scenario.

**Dehumanization is characteristic of the industry, not of the law.** Physical abuse, degradation, name calling, filming without consent, and torture are not tolerated in normal society and should not be the price of anyone’s livelihood. Women across Canada have been and are being abused and killed by sadistic men who seek victims already debased by society. PCEPA is attempting to reverse that stigma by holding all buyers accountable.

Decriminalization allows an open and convenient “playing” field where the perverse, the character disordered, the merciless, and even killers can hide. By criminalizing the purchase of sexual services, men will hopefully be encouraged to reconsider their impulses, explore healthy and respectful relationships, seek treatment, or develop other hobbies.

Some witnesses have suggested that PCEPA creates stigma, hatred, and fear of police. Rather, I submit that women historically have been unfairly stigmatized and criminalized for their own exploitation. PCEPA is an attempt to turn that around. If women are being mistreated by police, that would be a problem of interpretation or training, not of the legislation.

Arguments about labor rights are puzzling as most independent sellers work as “contractors” and PCEPA allows them exemption from prosecution. Ironically, women who are ineligible or choose not to be “licensed” in alternative systems are instead subject to bylaw enforcement and denied otherwise promised services. These ostracized women deserve to be heard and offered support. So-called harm “reduction” services, by failing to address the source of harm, inadvertently support the continuation of inherently dangerous activities.

#### 4. **John schools do make a difference.**

Having volunteered with close to one hundred STOPS: Sex Trade Offender Programs, aka “john schools,” in over twenty years, I can attest that many men are grateful for a different perspective and appreciate supportive resources; many spontaneously apologize and pledge to change their behavior. In fact, very few attendees are rearrested.

Intervention programs, such as STOP, have not been developed to a large extent and certainly deserve more research. Positive results from similar programs in American cities are reported by Victor Malarek in his book, *The Johns: Sex for Sale and the Men Who Buy It* (pp 263-266).

PCEPA is not just about penalizing offenders; it is about believing they can do better and calling them to cease exploitative behavior. Educational awareness, as well as an improved social net, is an intended part of the legislation. Men need to understand how their behaviors impact their families and communities as well as the women they purchase.

Prevention is a critical element. It is not enough to educate young people to recognize and reject luring and being trapped. Prevention includes helping adult men recognize how the patterns of their socialization and economic privilege can distort their choices.

Public health approaches have been mentioned. It is important for men to understand how the impact of sexualization and pornography can short-circuit their brains, contribute to addictions, and prevent them from enjoying the kinds of relationships they might prefer.

#### 5. **Women deserve to reclaim a sacred role in community and relationships.**

All human beings are born free and equal in dignity and rights, including the right to live and love free from sexual abuse and exploitation. Many couples describe mutual trust, respect, enjoyment, and intimacy are characteristics of a healthy relationship.

It is vital to recognize that behaviors such as sex buying and pornography reflect gender-based violence, discrimination, and substantive inequality for women and children around the globe. We must address the role these actions play in perpetuating inequality and commodification.

Social psychology has shown that people can be enticed to violate human rights when they are allowed to do so. The MMIWG Inquiry spoke of Indigenous women being sexualized and criminalized through colonization. Similar dynamics exist whenever vulnerable populations are denied full participation in society and are held in economic hostage.

I agree that women deserve safety, whether they are consensually involved or coerced into sexual services. Does that not already exist within PCEPA with their exemption from prosecution? Does that not allow compassionate interactions with police? A range of exit supports need to be developed, as well as options for arrested offenders.

We, who speak on behalf of the silent majority of vulnerable, exploited, and prematurely deceased women, are counting on the honorable men of Canada to join us in creating and strengthening legislation that deters sexual commodification and objectification. **Real power comes from our ability to abolish conditions that allow exploitation.**

Conclusion:

In summary, Human Rights are not a partisan issue. **Pro-active legislation reflects and informs societal attitudes by holding all citizens to a higher standard for the common good of society.** Financial and supportive resources need to be developed for all marginalized citizens, instead of relaxed tolerance which opens the door to more grievous exploitation.

The government of Canada, in 2014, accepted a unique opportunity to align with historical change and to support genuine gender equality. PCEPA proposes to hold buyers accountable, discourage their activity, incentivize law enforcement to scrutinize the industry, mitigate a hypersexualized culture, and set a clear societal norm. PCEPA has not been given a fair chance.

Best practices include education and awareness, media campaigns, educating men, raising political awareness, training for law enforcement, peer support, expansion of exit strategies, building support networks, services for victims, realistic options, and rehabilitation services for all those involved who would choose another path.

If you could read just one book, I would suggest ***“Paid For”*** by Rachel Moran (2013). A second would be ***“The Johns”*** by Canadian journalist Victor Malarek (2010). A third would be ***“The End of Patriarchy”*** by Robert Jensen (2017). A fourth would be ***“The True Story of Canadian Human Trafficking”*** by Paul H. Boge (2018).

If PCEPA is repealed, we still need thoughtful legislation that protects against commodification and holds buyers accountable, while reassuring self-identified “sex workers” their safety needs are recognized. If PCEPA continues, policy enforcement needs to ensure this population is not further victimized, and that exit opportunities are available for all.

Andrea Heinz and I have been working over a year, with NO government funding whatsoever, to develop an anthology of personal stories and research in favor of Equality models. Although ***“Buying Sex – Who really pays?”*** may not be available in time for the committee, we hope to publish this summer and trust our reflections will help guide Canadian thinking and legislative initiatives for many years to come.

Andrea will also be presenting in person to the Committee. We would be happy to answer any questions about our book. We have amassed approximately 100,000 words worth of material and developed twenty uniquely themed chapters. Our work is widely referenced and supported by many additional resources that reflect a groundswell of collaboration.

Thank you for your consideration.