

**This brief contains graphic language that may be
disturbing for some readers**

Brief submission to the Standing Committee on Justice and Human Rights

Re: REVIEW OF THE PROTECTION OF COMMUNITIES AND EXPLOITED PERSONS ACT

Submitted by:

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Professional Background:

I am a social worker and have worked in the justice field for the last 20 years with a focus on restorative justice, domestic violence, and sexual exploitation. Between 2013 and 2020 I was the manager of the Winnipeg based Prostitution Offender Program that is a collaboration between Manitoba Justice, the Winnipeg Police Service, and the Salvation Army. In that role I counselled men who had exploited vulnerable people for sex. I have spoken at conferences nationally (Canadian Domestic Violence Conference) and internationally (Germany) on issues of domestic violence and sex purchasing. I have also been invited by the Winnipeg Police Service to present at their sexual exploitation training and I have trained law enforcement officers from different police agencies across the country in 2021 at the Canadian Sexual Exploitation Summit¹. I am currently employed by the Ma Mawi Wi Chi Itata Inc Centre in Winnipeg, Manitoba.

In this brief I will highlight the role that the demand for paid sexual services plays on the sex industry. I will discuss the reasons why men buy sex, the impact of their behavior on the wellbeing of women and girls in prostitution as well as the community. I will also share my insights into what a change in legislation would mean for vulnerable, mainly indigenous women and girls and those of color as well as boys and men in general.

In January of 2020 Marylène Levesque a sex worker was brutally murdered with a hammer by a convicted killer, Eustachio Gallese. He was under parole and was required to report any relationships with women, sexual or otherwise, and was forbidden to consume drugs or alcohol. However, he was advised by his parole officer that **he would be allowed to visit sex workers only for the purpose of responding to “his sexual needs”**.² Both the parole officer and the killer himself ignored willfully or were unaware that it was a criminal offence to purchase sex according to PCEPA and that he should have never been allowed to engage in the purchase of sexual services under this law.

¹ [Home - Canadian Sexual Exploitation Summit](#)

² [Quebec City man charged with woman's murder was on day parole for ex-spouse's brutal slaying | CBC News](#)

In 2014 Tina Fontaine was found dead in the Red River in Winnipeg. Her death galvanized a movement for change about missing and murdered indigenous women and girls in Canada and the sexual exploitation they faced on a regular basis. The Manitoba Children and Youth Advocate created a report in 2019 about the failures of different institutions like police and Child Welfare agencies in Tina's life but it also highlighted the role of a man that had paid her for sex prior to her death. While nobody has been convicted for her death, the fact that an adult male used this 14-year-old vulnerable girl for sex shows the disregard that some men have for women and girls. The advocates report states: "What is also important for Manitobans to note in the above interaction is the lens through which Tina was viewed by this adult predator. This man, as he would later testify in court, had a fight with his girlfriend and his response to that fight was to drive to Winnipeg's West End neighbourhood, a well-known site for commercial sexual exploitation, so he could buy sex from a child. This man testified in court that he was unaware of Tina's age when he picked her up. Notwithstanding this individual's claim, given Tina's very young appearance and that she weighed less than 80lbs, it is hard to believe this man was not fully aware he was sexually exploiting a child. **There is an inherent and disturbing level of entitlement and abusive privilege that is revealed by a person who feels that the way to get over a fight in his personal relationship is to buy sex from a young, Indigenous girl.**"³

Attitudes and behaviors of men that can lead to violence in prostitution

Both cases show how two females lives were tragically impacted at the hands of men who felt that they had a right to access their bodies to fulfill their own sexual desires. They also show the side of the sex industry that is almost always overlooked or misinterpreted: the demand for paid sexual services whether it is from an adult, youth, or a child. Demand refers to the desire by buyers to purchase sex and sexual services, both individually and as a collective market force. **Buyers, who are overwhelmingly men, thus serve as the creators of the demand that motivates the sex industry.**⁴

I encourage the committee to expand their perspective of the sex industry to go beyond how women and girls are impacted by PCEPA, related policies or actions of different agencies like police, child welfare agencies or CBSA. **It is crucial to understand the attitudes, motives and behaviors of men who choose to purchase sex regardless of whether it is from an adult or a child.** A study conducted between 2016 and 2017 in the US among over 8000 adult men found that those who purchase sex hold strikingly different views on masculinity and sex buying. Non-buyers are much more likely than active ones to say that purchasing someone for sex involves treating females as objects, and that those actions exploit others. **Active buyers are very likely to say they are "just guys being guys" or "taking care of their needs."**⁵ Active sex buyers are more tolerant of cheating on a significant other and differ markedly from non-buyers on measures of impulse control. **Active sex buyers are also more likely to say that prostitution is a "mostly victimless" crime and are less likely to say that prostitution is a crime "where someone is harmed." They are also more likely to say that prostituted persons "enjoy the act of prostitution" and "choose it as a profession."**⁶

Another study looked at attitudes and behaviors associated with prostitution and sexual aggression among 101 men who buy sex and 101 age-, education-, and ethnicity-matched men who did not buy

³ [MACY-Special-Report-March-2019-Tina-Fontaine-FINAL1.pdf \(manitobaadvocate.ca\)](#), page 95

⁴ [489388_2.pdf \(osce.org\)](#), page 9

⁵ [Demand-Buyer-Report-July-2019.pdf \(demandabolition.org\)](#), page 5

⁶ [Demand-Buyer-Report-July-2019.pdf \(demandabolition.org\)](#), page 4

sex. **Men who bought sex scored higher on measures of impersonal sex and hostile masculinity and had less empathy for prostituted women, viewing them as intrinsically different from other women. When compared with non-sex-buyers, these findings indicate that men who buy sex share certain key characteristics with men at risk of committing sexual aggression as documented by research based on the leading scientific model of the characteristics of non-criminal sexually aggressive men, the Confluence Model of sexual aggression.**⁷ Sex buyers made statements such as: “Being with a prostitute is like having a cup of coffee, when you’re done, you throw it out”, or “She is just a biological object that charges for services”, “There are no boundaries!”, and “Just stick your dick in” are common and prevalent.⁸

Prostitution Offender Program/Education for sex buyers

As the program manager for the Prostitution Offender Program (POP) between 2013 and 2020 I worked with approximately 550 men who had been arrested for purchasing sex. We did an in-depth analysis through a case study in 2017 where we assessed the demographics, age, ethnic background, income, and employment status of the sex buyers as well as the impact of the program. The buyers are a very diverse group of people regarding those demographic factors, but they all had one thing in common: they were all men. This shows that prostitution is a highly gendered issue: sellers are mostly women (and girls, sometimes boys) and buyers are almost exclusively men. The full results can be found in the report by Tracia’s Trust: “Collaboration and Best Practices to end sexual exploitation and sex trafficking in Manitoba”⁹.

Most men have a higher social status through their education and employment as well as disposable income that they are willing to spend in prostitution. This is compared to the women and girls who sell sex who are often marginalized, indigenous or newcomer, vulnerable, less educated, poor or who have suffered various kinds of abuse and trauma. **This highlights the inherent power imbalance between buyers and sellers of sex making it nearly impossible for a seller to truly “consent” to a sexual transaction for money if the money for next rent or food for the children is depended on it.**

Most men who come into the POP program think that there is no violence or coercion in the sex trade and that the women are not impacted in any negative way. They also believe that they are helping the women financially or that they enjoy it. However, some men understand that the sex trade is in a large degree exploitative, but they are complacent and participate in it anyway since it serves them and their sexual, social, or emotional desires. However, the program shows that it is possible to change participants attitudes. Some comments from the men after the program were: “I rather not destroy the community and but help it. It starts with us [men] “and “this was a wake-up call for me as I knew the negative implications of this act [sex buying] on both myself and the woman but needed something to really push me to reassess my life.”

A recidivism study showed that those who had participated in the program had lower overall reinvolvement with the criminal justice system than those who did not participate. They were also less

⁷ [Comparing-Sex-Buyers-With-Men-Who-Do-Not-Buy-Sex.pdf \(prostitutionresearch.com\)](#), page 1

⁸ [Farleyetal2011ComparingSexBuyers.pdf \(prostitutionresearch.com\)](#), page 1

⁹ [Tracia's Trust: Collaboration and Best Practices to End Sexual Exploitation and Sex Trafficking in Manitoba \(gov.mb.ca\)](#), page 45 -56

likely to be seen multiple times in areas of prostitution again by police compared to those who did not participate.¹⁰

Buyer Review Boards (explicit language)

It is also important to understand how men discuss women in prostitution in online review boards (e.g. MERB, TERB, PERB) which exist for every major city and across Canada. In those boards men rate women according to their skin colour, age, physical features, and behaviour. It is full of misogynistic, racists and degrading comments where men brag about their coercive and violent sexual behaviour towards women in prostitution. Some examples include: “You start in regular doggie style and then ask the girl to lay flat on her stomach. **You have her in total submission and still inside her.** You can then ask her to look in your eyes and ask her to tell you: daddy ... please fuck me” nice, very very nice. Of course, it depends if the body of the girl is perfect for this, many times you won’t be able to stay inside her. Trick is to have her lay flat and close her legs together.” Another reviewer stated: “Her blond hair is so soft as you grab it while you’re pulling her head onto your cock stuffing your head [penis] into her throat. [...] I apologized for what came next. **I grabbed her head and starting mouth fucking her hard.** She took it like a champ but in the end **when I tried burying my cock deep down her throat she gasped and then spit on my cock as she recovered air.**” Another man stated: “**She really seems to dislike doing this. However, through some persistence,** [I] did get the goods. [...] Haven’t seen her for a while and don’t know if she has relaxed a bit, **but for the price she is a good deal and if coerced properly** does have some nice surprises underneath to show you boys.” (Quotes taken from the invisible men Canada website)¹¹. You can learn more about the corrosive dynamics of male bonding in buyer review boards here.¹²

International responsibilities in Canada to address demand for paid sexual services

There are many more examples of these attitudes of sex buyers that highlight the propensity for committing violence towards women in prostitution. I also want to highlight those men who purchase sex either do not care or have no way of knowing whether a woman they buy sex from is trafficked or not. For the demand there is no distinction between prostitution (or sex work) and sexual exploitation that leads to trafficking. Only the goal of sexual gratification of their own desire exists. As such the distinction that some people make is not logical. This is precisely the approach that the Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime)¹³ encourages states to address demand for the purpose of sexual exploitation that leads to trafficking. As a signatory Canada has a responsibility to address demand through different means.

Article 9(5) of the Palermo Protocol mandates that “States Parties shall adopt **or strengthen legislative or other measures**, such as **educational, social or cultural measures**, including through bilateral and multilateral cooperation, **to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking**”. PCEPA, if properly implemented, fulfils the

¹⁰ [Tracia's Trust: Collaboration and Best Practices to End Sexual Exploitation and Sex Trafficking in Manitoba \(gov.mb.ca\)](https://www.gov.mb.ca), page 53, 54

¹¹ [Invisible Men Canada \(tumblr.com\)](https://www.invisiblemen.com)

¹² [Review Boards, Male Bonding and Commercial Sexual Exploitation- Peter Qualliotine on Vimeo](https://www.youtube.com/watch?v=...)

¹³ [OHCHR | Protocol to Prevent, Suppress and Punish Trafficking in Persons](https://www.ohchr.org/)

legislative measure in Canada to discourage demand. Repealing it would be a huge set back in the fight against sexual exploitation and trafficking. I urge the committee to take a closer look at the occasional paper no. 11 from the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings from the OSCE about this.¹⁴

The Committee on the Elimination of Discrimination against Women (CEDAW) also highlights that male attitudes and entitlement as well as the states failure to respond to it have persisted violence in prostitution. “Sexual exploitation persists due to States parties’ **failure to effectively discourage the demand** that fosters exploitation and leads to trafficking. **Persisting norms and stereotypes regarding male domination, the need to assert male control or power, enforce patriarchal gender roles, male sexual entitlement, coercion, and control which drive the demand for sexual exploitation of women and girls.** Massive financial gains with few risks due to the impunity are still widespread.”¹⁵

National responsibilities to address demand for prostitution and paid sexual services

Calls for Justice- Missing and Murdered Indigenous Women and Girls Report

It is also important to see PCEPA in the light of the calls for justice from the MMIWG report¹⁶. Indigenous women and girls and 2SLGBTQQIA people are experiencing violence and exploitation through prostitution at higher levels than other females. There are several calls that are directly related to sexual exploitation and prostitution in the report. One of them is specifically related to the Criminal Code.

Call 5.2: **“We call upon the federal government to review and amend the Criminal Code to eliminate definitions of offences that minimize the culpability of the offender.** PCEPA holds those offenders accountable who purchase sex or profit from the sale of it from (indigenous) women and girls. Repealing those provisions would leave offenders/buyers with impunity and it would be the exact opposite of this call. Instead, the call asks for culpability to be increased and not decreased.

Other calls include responses to sexual exploitation through prostitution in the child welfare, health, and education sector like calls # 4.7, 5.3, 7.3, 7.9, 8.1, 11.2, 12.12 and 16.24.

Additionally, there are several federal, provincial/territorial strategies and recommendations that are relevant in engaging with men and boys to address attitudes that lead to violence, sexual exploitation, and the demand for paid sex. Some of them are:

- WAGE: “Calling Men and Boys in. What We Heard: Report from the Roundtables on Engaging Men and Boys to Advance Gender Equality”¹⁷
- A Report to Guide the Implementation of a National Action Plan on Violence Against Women and Gender-Based Violence¹⁸
- MANITOBA’S FRAMEWORK: Addressing Gender-Based Violence¹⁹

¹⁴ [489388_2.pdf \(osce.org\)](#)

¹⁵ [Treaty bodies Download \(ohchr.org\)](#), English version, page 7

¹⁶ [untitled \(mmiwg-ffada.ca\)](#)

¹⁷ [Calling Men and Boys In \(canada.ca\)](#)

¹⁸ [NAP-Final-Report.pdf \(nationalactionplan.ca\)](#)

¹⁹ [MANITOBA’S FRAMEWORK: Addressing Gender-Based Violence](#)

- Manitoba's Advocate for Children and Youth: "In Need of Protection: Angel's Story"²⁰

This is just a selection, not an exclusive list. I encourage the committee to take these strategies into account as well.

Canada needs to strengthen PCEPA and expand its approaches to address violence and discrimination of women in prostitution and prevent girls and 2SLGBTQQIA people from being exploited through the sex industry.

Recommendations to move forward

I am making the following recommendations to strengthen the legal and policy provisions of PCEPA to increase safety for women and girls in prostitution, hold men accountable who commit exploitative acts against women in prostitution and offer various supports for both. Most of them go beyond the criminal code provisions of PCEPA.

1. Immigration laws and policies should be reviewed and amended so as not to negatively impact migrant women in prostitution with regards to the current or future immigration status, e.g., deportation or being prevented from seeking immigration status (e.g., work permit or permanent residency) in the future
2. A national office or representative for prostitution should be created with the purpose to investigate, monitor, and analyze the character, state and scale of prostitution and trafficking in human beings for all forms of exploitation to and within and from Canada.

This office could be created under the Department of Women and Gender Equality and could partner with other federal departments and community partners/survivors as well as provincial counterparts. It should collect data and publish annual reports with comprehensive recommendations. A particular focus of this office should be put on an assessment of how PCEPA has been implemented in each province and territory.

3. Child welfare legislation should be reviewed and amended to make provision so that women are not negatively impacted regarding the custody or ability to take care of their children solely for being engaged in prostitution.
4. Women in prostitution should be seen as plaintiffs in selected cases of the purchase of sexual services allowing them to receive compensation or initiate civil suits.
5. The availability of federal and provincial victim services should be reviewed and amended to make it more accessible for women in prostitution.
6. The National Human Trafficking Plan should include a focus on deterring demand for paid sexual service as it is a leading cause for sex trafficking of human beings.

²⁰ [In-Need-Of-Protection-Angels-Story-Dec-2018.pdf \(manitobaadvocate.ca\)](#)

7. PCEPA should be implemented equally with a focus on the demand across the country. Sex purchasers should be arrested, charged, and convicted. Services for men who are sex purchasers should be created with a focus on education, accountability, and support.

8. Create educational, social, or cultural measures to engage with men and buys against the demand of sex purchasing that leads to sexual exploitation and trafficking.

I urge the committee to deeply understand and ponder what kind of impact a repeal of PCEPA would have on women and girls in Canada. Will our sisters, aunts, mothers, and daughters be savor for it if men have unrestricted and commercial access to female bodies for their own selfish and often violent and degrading sexual behaviours? I also ask you to consider the message that a repeal will send to boys and men: it is o.k. if you buy sex if you have money. Use her for your pleasure. You do not have to be concerned about what she is feeling, why she is there or if she is being pimped or not. Is this the value we want to instill in our young people?

Instead, I believe we should have laws, policies and programs that value women and girls in a way that rights history wrongs, treats them with dignity and respect in their sacredness. Likewise, we should help men and boys to become responsible adults who can handle their desires in positive ways and not contribute to an industry that is often rife with threats, violence, and despair.

Thank you for considering these important topics.

Hennes Doltze