

Review of the Protection of Communities and Exploited Persons Act (PCEPA)

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The contents of this brief contain detailed accounts of physical, sexual and psychological violence.

Introduction

I am a full-time anti-trafficking advocate, researcher, and educator. During my graduate studies at York University, I completed my Masters of Education thesis on the trafficking of women and girls in India. I was invited to speak about this research to the Standing Committee on Justice and Human Rights in 2018 regarding the national consultation on human trafficking. I currently host a television show through ROGERStv and podcast focused on human trafficking. In addition, I conduct outreach in areas where sexual exploitation is known to occur. I journey alongside individuals who have been impacted by the sex industry or who are currently involved in the sex industry. I am a Board Member of a survivor-led organization in Canada called Bridgenorth, as well as an Advisory Member of Defend Dignity. I have conducted research for various organizations nationally and internationally that address sex trafficking and sexual exploitation.

New Research Study Supports the Preamble and Objectives of PCEPA

In 2021, I conducted a study focused on the experiences of individuals impacted by the sex industry in Canada. The research uses data from 53 people who submitted funding application forms plus a letter documenting the need for funds and also their experiences in and efforts towards exiting the sex industry. The data was gathered by Defend Dignity, through their Survivor Support Fund and the findings derived through thematic analysis. The research paper is currently in press at an academic journal. This brief contains excerpts and findings from this paper. Pseudonyms are used and identifiable information has been removed.

“The study included:

- Individuals who were targeted, groomed and exploited by a third-party;
- Individuals who sold sex for survival purposes such as: for housing or substances (often after leaving home due to a form of abuse);
- Individuals who entered the sex industry by perceived choice, after an experience of sex trafficking and sexual exploitation;
- Individuals who entered the sex industry by perceived choice, and then met their trafficker through their involvement in the industry;
- Individuals who have exited the sex industry or who are trying to exit the sex industry after entering independently” (Gray-Beerman, in press, pp.17-18).

Individuals identified their involvement in the sex industry in various ways including: prostitution, human sex trafficking, strip club/exotic dancing, massage parlor involvement, escorting, survival sex, camming and sugaring (Gray-Beerman, in press, p.1).

The findings from the Survivor Support Fund analysis (Gray-Beerman, in press) support various aspects of the preamble of the Protection of Communities and Exploited Persons Act (PCEPA). The Department of Justice website states that the objectives of PCEPA are based on “conclusions drawn from the research that informed its development.” The study I conducted provides additional information and insights to supplement previous research that supports this legislation.

- A) The preamble to the Protection of Communities and Exploited Persons Act (2014) states: “Whereas the Parliament of Canada has grave concerns about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it...” The Department of Justice website identifies that research studies have indicated that: “Prostitution is an extremely dangerous activity that poses a risk of violence and psychological harm to those subjected to it, regardless of the venue or legal framework in which it takes place, both from purchasers or sexual services and from third parties.”

In the research study I undertook: “Individuals described various kinds of physical harm during their experience in the sex industry. Third parties used violence as a method of control and force. Amelia shared: *‘He would force me to see tons of people every day and take my money if I didn’t, he would beat me.’* Other people described experiencing violence from the individuals who purchased sexual services. Lily wrote: *‘I had violent clients; my boyfriend marketed me as ‘submissive,’ which meant I served the clients who wanted to hit, choke, punch or otherwise hurt an ‘escort’...’* Many individuals described being sexually assaulted and raped by their partner, a trafficker, or a client” (Gray-Beerman, in press, p. 10).

“Multiple people described being choked, physically restrained, and beaten. One woman was forced to have unprotected sex. Individuals also described being forced to consume drugs and being deprived of basic needs such as food... Individuals described both temporary and permanent physical injuries that are the direct result of the abuse they experienced while engaging in the sex industry” (Gray-Beerman, in press, p. 10).

“Mental health and psychological trauma were described by individuals as an impact of the sex industry. Tara expressed: *‘I am to begin healing from this past trauma of having sex for money and being paid next to nothing.’* They identified various mental health challenges including: various anxiety disorders; depression, PTSD, complex PTSD, suicidal thoughts, suicidal attempts, insomnia, night terrors, flashbacks, self-harming, agoraphobia, paranoia, OCD, eating disorders, and substance use... Three individuals identified that they used substances as a way of coping with their involvement in the sex industry” (Gray-Beerman, in press, p. 10).

The findings from the Survivor Support Fund analysis support previous research that indicates that physical harm and sexual violence are impacts of engaging in the sex industry (Ottisova et al., 2016; Shannon et al., 2009). Additionally other studies have highlighted how engaging in the sex industry leads to mental health challenges (Krumrei-Mancuso, 2017) and psychological trauma (Wilson & Butler, 2014).

- B) The PCEPA preamble states: “Whereas it is important to protect human dignity and the equality of all Canadians by discouraging prostitution, which has a disproportionate impact on women and children”. In addition, the Department of Justice website indicates that “the majority of those who sell their own sexual services are women and girls”.

The majority of people who were impacted by the sex industry in the Survivor Support Fund study were women or girls. Out of the 53 individuals who submitted an application to the Survivor Support Fund, 51 identified as female, two identified as other (Gray-Beerman, in press, p. 4).

19 applicants disclosed their age of entry, all of whom entered the sex industry at the age of 20 years or younger. 63% ($n=12$) were under the age of 18 when they first experienced sexual exploitation. The youngest age of entry among the applicants was 2 years old (Gray-Beerman, in press, p.7).

The Survivor Support Fund findings aligns with recent statistics in Canada that indicate that about half of all police-reported human trafficking incidents¹ since 2009 were between the ages of 18 and 24, and 28% were under the age of 18 (Cotter, 2020).

- C) The preamble states: “Whereas it is important to continue to denounce and prohibit the procurement of persons for the purpose of prostitution and the development of economic interests in the exploitation of the prostitution of others as well as the commercialization and institutionalization of prostitution”. Further, the Department of Justice website explains: “Third parties promote and capitalize on this demand by facilitating the prostitution of others for their own gain. Such persons may initially pose as benevolent helpers, providers of assistance and protection to those who ‘work’ for them. But the development of economic interests in the prostitution of others creates an incentive for exploitative conduct in order to maximize profits. Commercial enterprises in which prostitution takes place also raise these concerns and create opportunities for human trafficking for sexual exploitation to flourish.”

In the Survivor Support Fund analysis, applicants “identified that third party involvement in their experience(s) in the sex industry included pimps, traffickers,

¹ This reference to human trafficking includes labour, sexual exploitation, and other forms of exploitation as neither the Criminal Code of Canada or the Immigration and Refugee Protection Act differentiate between them.

partners, friends, family members, gangs and organized crime...Regardless of how an individual self-identified their experience (i.e., prostitution, sex trafficking, escorting, survival sex etc.), 94% ($n=50$) indicated that there was third party influence at some point during their engagement in the sex industry. Thirty-six percent ($n=19$) of the applicants experienced third party involvement by either gangs or organized crime” (Gray-Beerman, in press, p. 13).

“...Only two women in the study indicated that they had not experienced sex trafficking or involvement by a third party during any of their experiences in the sex industry. Both of these women indicated that they were involved in prostitution and escorting. Zoey has exited the industry and is working towards her dreams. She shared: *‘I’m happy I am breaking the cycle becoming the best possible role model that I can be for my son.’* Hannah identified that she is working towards exiting because *‘being in the sex work industry is further traumatizing me’*” (Gray-Beerman, in press, p.14).

D) Lastly, the Department of Justice website indicates that “Entry into prostitution and remaining in it are both influenced by a variety of socioeconomic factors, such as poverty, youth, lack of education, child sexual abuse and other forms of child abuse, and drug addiction.”

The Survivor Support Fund analysis indicates that history of abuse, socio-economic need; homelessness; and substance use and mental health are push factors for entering the sex industry (Gray-Beerman, in press, p. 6-9).

- “Thirteen applicants in the study shared that they experienced a form of abuse prior to entering the sex industry” (p.7).
- “Thirty-eight percent ($n=20$) of the applicants described situations of debt which were incurred for various reasons” (p.8).
- “Twelve of the 53 applicants described experiencing homelessness. Most of these individuals entered the sex industry as a result of their experiences of homelessness, although some experienced homelessness as an impact of exiting the sex industry” (p.8).
- “Substance use and mental health challenges were described by individuals as factors that led to their engagement in the sex industry” (p.8).

These findings confirm other studies “that indicate that a history of child emotional and/or sexual abuse (Ahrens et al., 2012; Curtis et al., 2008; Kellison et al., 2019; Pereda, 2015), socio-economic need (Hodzic & Christmas, 2018; Kim et al., 2011), homelessness (Cronley et al., 2016; Kattari, & Begun, 2017) and substance use (Cyders et al., 2021; Sallmann, 2010) are factors that lead an individual to engage in the sex industry” (Gray-Beerman, in press, p. 22).

Considerations for Strengthening PCEPA

The Complexity of Choice and Individual Agency in the Sex Industry

The Survivor Support Fund analysis demonstrated the fluid experiences of individuals in the sex industry. At times, individuals expressed the ability to exercise agency, and other times they experienced exploitation. Individuals shared that they were involved in the sex industry in a variety of ways (see Table 1).

Table 1. Types of Involvement in the Sex Industry

In what way(s) has the applicant experienced sexual exploitation of any kind? Please check all that apply.	N=53
Prostitution	34
Human Sex Trafficking	43
Strip club/exotic dancing	10
Massage parlor involvement	6
Escorting	26
Survival sex (trading a sexual favor for ride, money, drugs, etc.)	24
Performing sex acts through webcam (Camming) ²	9
Pornography used in recruitment	7
Pornography used for training	4
Pornography used for advertisement	8
Pornography used to generate income	7
Buyers used pornography to explain their expectations	6
Applicant's intimate images/videos shared without their consent	16
Other ³	1

“Of the 24 individuals who engaged in survival sex, 18 indicated that they also experienced sex trafficking. Of the 34 individuals who engaged in prostitution, 26 also identified that they experienced sex trafficking. Eighty-one percent ($n=43$) of all individuals in the study indicated that they experienced sex trafficking at some point during their life. Of the 10 individuals who did not identify as someone who experienced sex trafficking in the application form, eight of them indicated that *at least one* third party was involved during their time in the industry referencing the following terms: pimp ($n=1$), trafficker ($n=2$), family member ($n=3$), friend ($n=4$), partner ($n=2$), other ($n=2$)” (Gray-Beerman, in press, p.15).

“...Experiences in the sex industry were fluid as it related to exercising agency and being exploited. As Ellie explained: ‘*I did things I had to do and I did things I did not want to do.*’ There was an ongoing tension observed in their letters as they reflected on their ability to consent to sexual acts and make informed choices. Lolita shared: ‘*I was taken advantage of*

² Camming refers to performing sex acts through webcam for online audiences who pay them.

³One woman indicated that they were involved in the sex industry as a Sugar Baby. Sugar Babies are provided material benefit in exchange for companionship, which may include sexual acts.

constantly by customers and forced to do things in the club that I would not normally do...' Boundaries were crossed and individuals were continually put in situations that they did not desire to engage in. Aurora highlighted how after entering the sex industry, she regretted her choice. *'I told myself it meant nothing, sex meant nothing, and it did not matter what I did with my body. I was more wrong than I have ever been in my life.'* Others described the difficulty they experienced in staying out of the industry after they had exited. Penelope shared: *'I need hope that there is life after being trafficked but at the moment I don't have much. Every day I think about going back because I have nothing'* (Gray-Beerman, in press, p. 16).

In current debates regarding PCEPA, parties often refer to the importance of separating the notion of 'sex work' from 'sex trafficking'. Existing research often reflects this binary approach to examining experiences in the sex industry. There needs to be more research focused on the fluid experiences of individuals in the sex industry beyond the dichotomy of 'sex work' and 'sex trafficking'. The study I undertook revealed that most people experienced involvement of a third party at some point during their engagement in the sex industry. This points to the exploitative nature of the industry. More research is needed to understand the role of third party actors within each of these varying experiences. Funding and resources that are allocated to individuals impacted by the sex industry should reflect the diverse ways individuals identify their experiences.

Racial Discrimination, Social Isolation and Stigma

The Department of Justice website indicates that PCEPA was developed based on research that highlights how "marginalized groups, such as Aboriginal women and girls, are disproportionately represented." The study I conducted supports this assertion as 17% of the individuals in the Survivor Support Fund analysis identified as Indigenous ($n=9$), yet less than 5% of the Canadian population currently identify as Indigenous (Indigenous Services Canada, 2020). In addition, "some individuals in the study described how Canada's colonial history and their personal experiences of discrimination as Indigenous persons were factors that led traffickers to target, manipulate and exploit them. Mia shared: *As I pondered this letter, I thought about the impacts from the residential school system and how as an Indigenous girl and woman, it put me in a vulnerable position for sexual exploitation*" (Gray-Beerman, in press, p.9).

This issue has been identified by other researchers, such as Bourgois. "The enduring colonial racist and sexist stereotype of dirty, promiscuous, and deviant indigenous femininity (often termed the "squaw"), some claim, provides ideological confirmation that indigenous women and girls are sexually available and therefore sexually violable-which not only enables the trafficking of indigenous females, but all other forms of violence against indigenous women and girls" (p. 1442). Initiatives and policies focused on the sex industry in Canada must embrace the complexities of race, gender, poverty, and class to understand vulnerabilities and to address them adequately.

The Survivor Support Fund analysis also revealed that after exiting the sex industry, some individuals experienced social isolation and stigma. “Naomi expressed: *‘I was too ashamed and traumatized to tell anyone what had happened to me.’* Applicants identified that they did not have a safe space to share their experiences in the sex industry and that they were lacking support networks...” (Gray-Beerman, in press, p. 11) Sarika shared: *“I have limited access to resources because of my involvement in sex work and my black trans identity. I have been shunned by society...”* (p. 10). Stigma and discrimination prevented some individuals from receiving support.

One way to address this challenge would be to develop trauma-informed and anti-oppressive exit support programs to assist individuals impacted by the sex industry. More awareness and understanding of the diverse experiences and identities of individuals who engage in the sex industry would help to reduce barriers in accessing supports. Specialized training and education are needed to combat stigma, shift mindsets, as well as to confront assumed constraints and biases amongst law enforcement, judges, crown attorneys, service providers and policy makers alike. In addition, focused efforts should be made to address the “colonial systems, structures and societal beliefs that continue to degrade, racialize, sexualize, stigmatize and oppress women and girls” (Gray-Beerman, 2021).

Life After Exiting the Sex Industry

“The [Survivor Support Fund] analysis revealed that individuals desired to pursue dreams outside of the sex industry. Emilia shared: *‘My goal is to leave sex work and work towards something I would be happier doing.’* Some of the dreams expressed by the individuals in the study included: supporting their children, rebuilding relationships with their children, furthering education, maintaining sobriety, volunteerism, finding employment outside of the sex industry, home ownership, and entrepreneurship. They expressed goals of becoming fashion designers, published authors, social workers, mental health and addiction counsellors, nurse practitioners, business owners, managers and more. It is worth noting that almost half of the people in the study indicated that they are currently enrolled in higher education or have a dream of obtaining a degree and/or certification in their desired field. Many shared about their desire to heal and help others who have gone through similar experiences... The individuals in the study experienced barriers to freely engage in society and pursue their dreams with full agency as a direct result of their engagement in the sex industry. These impacts included: physical health, mental health, psychological trauma, fear, debt and revictimization. However, despite these challenges, individuals displayed resiliency and courage as they took steps towards healing and followed their dreams” (Gray-Beerman, in press, p.20).

“These findings demonstrate the importance of ensuring that there is robust access to substance use recovery programs, mental health supports, and trauma-informed services for individuals who are impacted and have been impacted by the sex industry. These findings also suggest that financial support could help address some of the socio-economic challenges that individuals who are impacted by the sex industry experience. This includes anti-poverty, financial management and debt reduction programs, as well as post-secondary scholarship and bursaries. It also includes funding opportunities, like the Survivor Support Fund, that

provides financial support for people who identify their own experiences in the sex industry in a myriad of ways and have diverse needs for funds” (Gray-Beerman, in press, pp. 22-23).

Summary of Recommendations

- 1) The preamble and objectives of PCEPA continue to be supported by research and therefore, PCEPA’s provisions should be upheld. Specifically, PCEPA’s provisions that hold sex buyers and exploitative third parties accountable while continuing to ensure individuals impacted by the sex industry are protected from criminal liability, and offered supports should be maintained. This includes the material benefit offence (s. 286.2)⁴ and the procuring offence (s. 286.3)⁵.
- 2) Identify ways to strengthen the legislation by:
 - a. Supporting research on individual’s experiences in the sex industry beyond the binary approach to addressing ‘sex work’ and ‘sex trafficking.’
 - b. Supporting research that examines the role of third party actors in the experiences of individuals engaged in the sex industry.
- 3) Invest in Services to Support People Exiting the Sex Industry
 - a. This includes: financial support; anti-poverty programming, post-secondary scholarships and bursaries; trauma-informed services; debt reduction and financial management programs.
 - b. Robust access to substance use recovery programs, mental health services and trauma-informed supports.
- 4) Awareness and Training to Reduce Stigma and Confront Biases
 - a. Trauma-informed and anti-oppressive training and education for law enforcement, judges, crown attorneys, service providers and policymakers.
 - b. Initiatives and policies focused on the sex industry in Canada must embrace the complexities of race, gender, poverty, and class to understand vulnerabilities and to address them adequately.

⁴ Receiving a financial or other material benefit obtained by or derived from the commission of the purchasing offence (s. 286.2)

⁵ Procuring a person to offer or provide sexual services for consideration (s. 286.3), or for the purpose of facilitating the purchasing offence, recruiting, holding, concealing or harbouring a person who offers or provides sexual services for consideration, or exercising control, direction or influence over the movements of that person (s. 286.3)

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