

Brief submitted to

Standing Committee on Justice and Human Rights (JUST)

Review of the Protection of Communities and Exploited Persons Act

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Submitted by Asian Women for Equality

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**Asian Women for Equality** works to change societal attitudes towards women, especially women of Asian descent; to advance equality for women; and to create opportunities for Asian women to have meaningful participation and to take leadership roles in civil society. Our membership represents a range of life experiences common to Asian women, including prostituted women, immigrants, naturalized Canadians, permanent residents, temporary residents, foreign students and Canadian-born offspring of Asian immigrants to Canada.

**The practice of prostitution is profoundly racist and sexist.** It effectively blocks access to race, sex, and economic equality for most women. Lack of political will to enforce the law contributes to the harm experienced by women, regardless of whether we are prostituted or not. The sex industry encourages men to be aroused and sexually satisfied by racist sexual experiences and it seeks grow market demand for these experiences. The inherent racism and sexism of prostitution is revealed by the advertising that facilitates sex buyer's access to women. Prostitution encourages racism and sexism in society, undermining women's ability to stop sexual or racial harassment in the workplace or overcome stereotyping or racial profiling.

In Canada, prostituted women are disproportionately Asian or Indigenous. Safety and equality are impossible for racialized women where male demand for racist sexual satisfaction is prioritized. The Protection of Communities and Exploited Persons Act (PCEPA or "the Act") repudiates male entitlement to women's bodies and redistributes justice system attention to the group that harms women.

The preamble to the Act clearly describes PCEPA's objectives and purpose and recognizes Canada's charter-based obligation to women and girls. Specifically, the Act references the equality rights promised to women that are enshrined in the Canadian Charter of Rights and Freedoms.

**The Act understands prostitution as a form of sexual exploitation** done by mostly men to women and girls and therefore recognizes that prostitution causes harm beyond the violence done to an individual woman because the harm affects her family and the wider community. This includes women who share a common racial background and therefore are subject to similar stereotyping and targeting.

**The Act recognizes there are different groups each with different motivations** for participating in the sex industry. Pimps, advertisers, and sex-buyers comprise the exploiters within prostitution. This group has a vested parasitic interest in normalizing and growing the prostitution industry.<sup>1</sup> Women and girls comprise the exploited within prostitution. The vast majority are involved because of overlapping oppressions of racism, sexism, poverty and colonization. The vast majority would exit prostitution if given viable options. Children, dependent parents, or service providers (e.g., hairdressers, childcare, taxi drivers) who prostituted women support financially, are not criminally complicit and are not considered beneficiaries of crime. The Act recognizes that they are not members of the exploiter group.

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<sup>1</sup> Roe-Sepowitz, Dominique & Bontrager, Stephanie & Hickle, & Hedberg, Eric. (2016). Invisible Offenders: A Study Estimating Online Sex Customers. *Journal of Human Trafficking*. 2. 1-20.

## **RECOMMENDATIONS TO IMPROVE THE PROTECTION OF COMMUNITIES AND EXPLOITED PERSONS ACT**

### **De-criminalize the exploited**

1. Strike Section 213 of the Act.  
This section criminalizes women for being prostituted in the vicinity of a school, playground or daycare. It is more effective for law enforcement to focus on the sex buyers who cruise these locations.
2. Expunge criminal records of the women charged or convicted of being prostituted. Asian Women for Equality supports individual women to apply for suspensions of criminal records for being prostituted. We have provided education to frontline service groups and Crown lawyers in B.C. about the lasting impact of a criminal record on women's efforts to exit prostitution.
3. Grant permanent resident status to women who are trafficked into prostitution from elsewhere.  
This provides the exploited with the same legal protections and entitlements available to their exploiters. This can reduce the massive power imbalance that keeps women compliant to the pimps and sex buyers.

### **Focus the justice system on the source of harm - the exploiters**

1. Develop and deliver a comprehensive education campaign to train the justice system and inform the public about PCEPA and how it works.  
This program must include an analysis of power that dismantles racist and sexist assumptions that frame racialized women as willing or eager to be prostituted to reveal the inequalities and oppressions that draw women into prostitution. The public disapproves of men buying sex and is sympathetic to prostituted women.<sup>2</sup> Misinformation about the Act keeps power in the hands of the pimps, human traffickers, and sex buyers who fear monger with fake information that the Act criminalized dependent children and service providers (hairdressers, taxi drivers etc.).
2. Display approval and support for the Act so that the justice system is more likely to enforce the law.  
Lack of political will to challenge the pimps, advertising platforms and sex buyers delivers a message to racialized and poor women and girls that the Canadian justice system does not see us as worthy of protection. Instead, Asian women in prostitution

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<sup>2</sup> <https://www.ipsos.com/en-ca/news-polls/LAWC-and-CATW-Prostitution-Poll-July-2018>

experience the police as intrusive, racist, and dangerous rather than as a source of help or safety. In particular, a lack of investigation allows organized crime to freely enjoy prostitution revenue gained in most major Canadian towns. Countries that take a similar Nordic-style approach are not as popular with organized crime as countries that have legalized sex buying.<sup>34</sup> Informed and adequate enforcement of the Act would change women's experience of Canadian police and have an impact on organized crime.

3. Define the phrase "sex work" to exclude pimping, brothel management, advertising of sex as a service, prostitution recruitment and all other activities that promote and grow the prostitution industry. Exploiters should not be allowed to hide behind this phrase.

### **Prevent exploitation before it happens**

1. Institute a guaranteed liveable income also known as Basic Income that is universally available.

Addressing women's poverty will reduce much of the vulnerability that enables pimps, advertisers and sex buyers to recruit women into prostitution. Criminal law alone is not enough to prevent men from growing prostitution or to prevent women from being drawn into the industry. Countries that have experienced the highest degree of success with a Nordic-style law also enhanced their social safety net and reinforced their commitment to women's equality and women's engagement in democratic society at formal levels and at the grassroots<sup>5</sup>.

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<sup>3</sup> Hunt, S. (2013). Deconstructing demand: The driving force of sex trafficking. *Brown Journal of World Affairs*, 19(2), 225-242.

<sup>4</sup> Asian gangs exploiting prostitution law, Copeland says, *New Zealand Herald*, <https://www.nzherald.co.nz/nz/asian-gangs-exploiting-prostitution-law-copeland-says/RSDTAXVNXDLLMNIAUWVUG24WYM/>

<sup>5</sup> The Swedish Institute, Prostitution policy in Sweden - targeting demand, [https://sharingsweden.se/app/uploads/2019/02/si\\_prostitution-in-sweden\\_a5\\_final\\_digi\\_.pdf](https://sharingsweden.se/app/uploads/2019/02/si_prostitution-in-sweden_a5_final_digi_.pdf)