House of Commons
CANADA

Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness

SSLR • NUMBER 026 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Wednesday, April 20, 2005

Chair

Mr. John Maloney

Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness

Wednesday, April 20, 2005

● (1835)

[*English*]

The Vice-Chair (Ms. Libby Davies (Vancouver East, NDP)): We'll call the meeting to order. This is the 26th meeting of the Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Our apologies for starting late, Ms. Downe; we were in the House voting.

We have one witness tonight—Ms. Downe, who is a professor in the Department of Women's and Gender Studies at the University of Saskatchewan.

Welcome. We invite you to make your opening comments for about 10 minutes, and then we'll travel around and ask questions and have you respond to that. We'll probably have a meeting for about an hour. So if you'd like to begin, thank you.

Professor Pamela Downe (Department of Women's and Gender Studies, University of Saskatchewan): Thank you very much. It's an honour to be here. I'm very privileged to present to you.

I've been doing research into the area of prostitution and sex work for approximately 13 to 14 years now. Much of my research has been international in scope, although within the last eight years I've been doing more and more research that is Canadian based. To begin, I would like to briefly sketch through some of the major research projects that I have done to give you a sense of the kind of information I might provide you with, as you proceed in your task.

As you noted, I am a professor of women's and gender studies at the University of Saskatchewan. My PhD is actually in anthropology. I also have training in epidemiology and biostatistics. So much of my research has focused very specifically on health-related matters dealing particularly with young women's involvement in prostitution.

My work is anthropological, which means that I focus very much on the daily realities and challenges of young women involved in various sex trades. I'm interested in how they describe the challenges that they face. I'm interested in the ways in which cultural heritage figures into their experiences on the street and in other venues of sex trade. I'm interested in what they see as the rewards of their work, some of the positive aspects, as well as that which they see as being particularly violating.

My methods have involved very intensive interviewing techniques. I tend to interview the women at least twice, and usually our interviews extend six to seven hours each. So we spend an entire day, or several days, together.

I spend a lot of time with them in their recreational off-work time. I spend a lot of time working in the organizations that offer services to these young women. I also want to say that I have met several—I wouldn't say many, but several—young men working in the area of prostitution. But my research has focused primarily on the young women, largely because of access. They are the ones who are most interested in working with me, and we have developed a good rapport.

I began my work in 1992-93, and I did a study with 53 young women in San José, Costa Rica. As I'm sure you know, the legislation having to do with prostitution in Costa Rica is that prostitution is legal. It's under the guise of legalization there, with very strict controls. So I worked with 53 young women, three of whom were working as registered sex workers—so they were working legally—and 50 of whom were working as unregistered or illegal prostitutes at the time. Their ages ranged from 16 to 27 years.

In 1994-95 I worked with 72 young women in San Salvador, El Salvador. The 1994-95 period was in the post-civil war period in El Salvador. I was invited to do this work by the Government of El Salvador, the ministry of health, looking very specifically at the way in which the civil unrest had marginalized so many young aboriginal girls particularly, and they found themselves working the streets in San Salvador.

From 1998 to 2000 I worked with a group of young Métis women, who have Métis heritage, aboriginal heritage, in Saskatoon, Saskatchewan.

From 1999 to 2001 I worked with 54 adult women who had experienced youth prostitution or had been youth prostitutes in the Prairies—Manitoba, Saskatchewan, Alberta. I was primarily responsible for the Saskatchewan component of that research. That research was funded by Status of Women Canada, the “Girl Child Project”. I was the one responsible for developing the Saskatchewan protocol for that. The women we worked with were 18 to 36 years of age. I personally worked with 11 organizations throughout Saskatchewan, 13 young women, all of whom were aboriginal, and they shared with me their experiences of life in prostitution.

From 2001 to 2005 I worked with 11 young women aged 14 to 23 years in the eastern Caribbean. These women migrate from island to island, some because they're being trafficked, others because they are under more subtle forms of coercion, still others because they choose to work the lucrative sex tourist trade at various cultural festivals or carnivals.

● (1840)

One that I've been particularly interested in is the Crop Over Festival in Barbados. This work has been funded by SSHRC since 2003, and the study is ongoing. I'm involved in another project funded by Status of Women Canada, entitled “Intersecting Sites of Violence in the Lives of Girls”. My component of that research is to focus on the experiences of young aboriginal women who find themselves in marginalized situations that often, particularly in the Prairies, involve sex work and prostitution.

Not all of the young women and girls who are working with me on this project have experience in the sex trade, but many of them do.

I want to stress some issues having to do with the young aboriginal women and girls with whom I have worked. First, their involvement in the sex trade and prostitution is very racialized. They have unique experiences that come out of a history of colonialism, and it is wrong-headed to attempt to disentangle their personal experience from the history of their people.

They tend to be younger than most other workers on the street, and this makes for special needs. They are more likely than their non-aboriginal counterparts to face challenges of addiction, and their involvement in prostitution is often associated with an addiction.

Aboriginal girls are less likely than other girls involved in prostitution to have left a family of origin. By this I mean that aboriginal girls usually enter prostitution very casually and sporadically, and generally from foster homes, secure care, or other state custody accommodation.

Aboriginal girls often view prostitution not as a problem but as a solution—a solution to cultural disenfranchisement and addiction. However, the problems associated with their involvement in prostitution are usually recognized at an older age. It is not that they see it as a problem-free solution; it is that they see it as a preferable one.

I recently got in touch with many of the young women from my research project. I told them I was going to this committee and asked what they wanted me to say and how they wanted me to represent them. They all wanted to stress that changing the laws surrounding prostitution or decriminalized it will be of only marginal benefit unless such changes are accompanied by a shift in policing strategies and better race relations between aboriginal and non-aboriginal peoples.

Again, I want to emphasize that I'm bringing forth a prairie perspective. I come from Saskatoon, where the history of policing strategies has been well known to be quite racist on occasion. There are some wonderful officers who work with the girls. But we have the legacy of the “twilight tours”, where aboriginal men were driven out of the city in the cold and left to die. These stories are not lost on young girls who often come into conflict with the police officers.

I'll stop there and be happy to answer any questions.

● (1845)

The Vice-Chair (Ms. Libby Davies): Thank you very much.

Mr. Hanger.

Mr. Art Hanger (Calgary Northeast, CPC): Thank you, Dr. Downe, for your presentation. I find it interesting that you have some experience in the Caribbean and Costa Rica. I would imagine that down there the question is treated somewhat differently. I don't know if I want to get into all that, though, since our committee is looking more at the Canadian problem.

In your opinion, should all areas that surround prostitution in the Criminal Code be repealed?

Prof. Pamela Downe: Are you asking if it should be decriminalized?

Mr. Art Hanger: Yes.

Prof. Pamela Downe: My problem as an academic is that I say “on the other hand” far too much; I tend to see the grey and be mired in that area too much to give really clear-cut answers.

I often am asked if prostitution should be decriminalized, and I tend to stammer, as I am right now, because I believe it should. I think it will help more than it will hurt, but that's not to say it won't do some hurt as well, because I don't believe decriminalization is the grand solution to the problems these young women face in prostitution. Decriminalizing it without a lot of other initiatives existing right alongside it may not offer any real tangible benefits, particularly to the young aboriginal girls.

Very often, decriminalization leads to freer, safer work environments for many women. However, I don't think it leads to freer and safer environments for all women. When you decriminalize it in that way, you can often remove some of the informal systems of support the women have on the street; many older women, for example, look out for the younger ones. When you decriminalize it, and probably put age restrictions on it, and continue to make the sexual exploitation of youth a criminal activity, it often drives the youth even further out of view. When they're further out of view, it also means they're further out of reach of their informal support networks on the street, in massage parlours, and so on.

If you were to twist my arm, I would say yes, that I do lean more towards decriminalization than not.

Mr. Art Hanger: Well, first of all, the act of prostitution is already legal.

● (1850)

Prof. Pamela Downe: Yes.

Mr. Art Hanger: I'm talking about solicitation laws, common bawdy house laws, where someone is found in, or living off, its avails, and everything associated with that aspect of it, which are laws that would certainly be directed at those behind the scenes, if you will—the pimps, the organized criminals and even, to some degree, the johns.

So do you feel all of that should just be open so those levels of activity could exist with little or no restriction?

Prof. Pamela Downe: I believe there should be sanctions against managing or pimping.

Mr. Art Hanger: What kinds of sanctions?

Prof. Pamela Downe: That activity should still be considered criminal, but I'm not quite sure how you would legislate that; I don't know that.

Mr. Art Hanger: So bawdy house laws then, and living off the avails, would be...?

Prof. Pamela Downe: Living off the avails is fine, because it would allow women to live off the avails of their own sexual labour and to pool that money cooperatively, if need be. So I think that would be fine.

I've never seen a positive model of managing or pimping that could benefit, in any way, the women involved in prostitution.

Mr. Art Hanger: What about the johns?

Prof. Pamela Downe: They should be decriminalized.

Mr. Art Hanger: So if I understand you correctly, those who run a “stable of girls”, if you will, which is often the term used by those in the so-called business, shouldn't be allowed to do that?

Prof. Pamela Downe: Right.

Mr. Art Hanger: They should be hit with the law and taken off the street and out of existence.

Prof. Pamela Downe: Well, I think those who run a stable of girls, as you put it, should definitely be criminally sanctioned. As for the actual form of that sanction, I'll leave that to legal scholars who know more about it than I do.

I do know that for the girls themselves, it never benefits them to have a manager constructing the circumstances in which they work. They should have the autonomy to do that for themselves.

Mr. Art Hanger: You mentioned in your presentation that it would be safer if all the laws were decriminalized, or that if the act of prostitution and acts around it were decriminalized, it would be safer for them. Give me an example of where you know that to be the case.

Prof. Pamela Downe: I'm not sure I actually said that in my presentation.

Mr. Art Hanger: You did.

Prof. Pamela Downe: That it would be safer if it were...? I think I said that aboriginal girls with whom I work said that they would support decriminalization if it were to coexist with shifts in policing strategies and in aboriginal and non-aboriginal relations.

Mr. Art Hanger: I was referring to further on in your presentation. Be that as it may, I guess I'm trying to just get a picture of how you see all of this unfolding. Many of the young women who actually would never make it into this room here to testify are drug-addicted; they're exploited from one point to the other. I guess I would like you to explain to me how one would deal with the young women that are being exploited. It has been very clear to this committee through those presenting elsewhere, other examples, that this does not end when we decriminalize; it gets worse.

Prof. Pamela Downe: I'm not sure it gets worse, but—

Mr. Art Hanger: It gets worse.

Prof. Pamela Downe: —I absolutely agree with you that it does not necessarily get better. That's why I said I don't see decriminalization as the magic bullet here, not by any means. And I don't think decriminalization would be an automatic solution for the vast majority of young women and girls with whom I have worked in Canada, because they are aboriginal girls who are racially marginalized and face all kinds of challenges of addiction.

I do think that creating an environment in which they feel less stigmatized and less vulnerable to police apprehension based on their involvement in sex work and prostitution may actually enhance their abilities to seek official help with things like their addiction, like the health care problems that I've studied in other projects that are forthcoming, with unwanted pregnancies and so on.

The Vice-Chair (Ms. Libby Davies): Thank you, Ms. Downe.

We'll now move on to Madam Brunelle.

Actually, your time is up. We'll come back again.

Mr. Art Hanger: Yes, I know. But on a point of order, I have to leave, Ms. Chairman, and I just want to apologize to the presenter. I have to leave for another reason.

● (1855)

The Vice-Chair (Ms. Libby Davies): Okay. Thank you for letting us know.

Prof. Pamela Downe: Thank you for your questions.

The Vice-Chair (Ms. Libby Davies): Madam Brunelle.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Good morning, Madam.

Prof. Pamela Downe: Good morning.

Ms. Paule Brunelle: It's a pleasure to welcome you to our committee. Have you just arrived today from Saskatchewan?

Prof. Pamela Downe: Yes.

Ms. Paule Brunelle: Thank you for coming. I'm fascinated by your experiences and studies, particularly by your accounts of El Salvador.

[*English*]

Prof. Pamela Downe: I'm sorry, I just got on the right channel. Could you try it one more time? Thank you.

[*Translation*]

Ms. Paule Brunelle: I'm especially interested in your research, because you have worked in El Salvador. You stated that civil unrest has had a major impact on young aboriginal women. The study that you are currently doing on behalf of Status of Women Canada takes into account your experiences with young aboriginal women and highlights some of the problems stemming from racism and colonialism.

This committee is particularly interested in issues affecting aboriginal women who are doubly victimized and marginalized, first because they are native women, and secondly, because they are prostitutes. It would like to see an end to this violence. Have your studies enabled you to establish similarities between the current situation in Salvador and that of our aboriginal women? Is the common thread colonialism or racism? Have your studies provided you with any additional insight into the situation?

[*English*]

Prof. Pamela Downe: Thank you very much for the question.

I believe that definitely colonialism underlies many of the challenges that the aboriginal girls both in El Salvador and in Canada face. I would say another important connecting factor is that of dislocation and displacement. In El Salvador, of course, the displacement was due to much more recent military violation, invasion of communities, displacement. But in Canada that kind of displacement and dislocation has been going on since the time of residential schools—child apprehension in the 1960s and 1970s—and the legacy of that is lived in a very real way among aboriginal girls today.

So while we certainly don't have the recent history of the kind of militarization or militarized terror they have in El Salvador, and that is a really important distinction, we do have the history of that dislocation, being ripped from home communities, finding yourself quite alienated, and finding yourself really in environments of racism where, when you are an aboriginal girl on the streets of Saskatoon, Calgary, or Winnipeg, you are treated very differently from non-aboriginal girls.

It is not an exclusive province of one class to be treated differently. It cuts across all classes. I can give you a very personal example. I'm the mother of two young Cree girls—well, they're not that young anymore, but they were once—and I can see that they're treated very differently. They're subjected to more public sexual harassment than their non-aboriginal friends. It's across all classes; it's something they live with every day.

So I really believe there are broader social issues. And the enticement into gangs, the enticement into feeling as if you belong, that you're not the only one physically different from those around you, is really important.

[*Translation*]

Ms. Paule Brunelle: Would it be fair to say that the breakdown of the social fabric owing to the displacement of persons and the fact that women are no longer the anchor—the focal point in a society where the same culture and same language prevail—are the root cause of these painful situations?

My focus is more on the search for solutions to help aboriginal women who are victimized.

Do you believe that strong social initiatives are needed to mend this fabric, and to restore a sense of belonging to society among aboriginal women? What solutions would you suggest to end the violence toward native prostitutes, among many things?

● (1900)

[*English*]

Prof. Pamela Downe: That's a really good question, and I certainly wish I had the answer. I think I would be a very well-known academic if I had the answer, I can tell you that.

I can tell you that many studies have shown—not many, but several, and Michael Chandler's work in particular—that in areas, particularly in British Columbia, where first nations communities have control over their own resources, you see a reduction in suicide among aboriginal youth, you see a reduction of drug use among aboriginal youth, and you see a reduction of involvement in prostitution.

So working with aboriginal governments, I think, is one of the keys. Again, I don't think we want to rush into that as a magic bullet—this will solve everything—because there are many aboriginal women who say, wait a minute, rushing toward self-governance may not serve our needs, because many of the leaders themselves have some problems that need to be worked through.

But we do know from good studies that are done that allowing communities to self-determine their own circumstances really does assist the life conditions of the youth. Otherwise, I really think resources to help deal with issues of addiction, education that is relevant to their cultural heritage, and allowing processes of reconnection with home communities are really fundamental and important. I know it sounds very academic, but I really do support those initiatives.

[*Translation*]

Ms. Paule Brunelle: Do I have any time remaining?

[*English*]

The Vice-Chair (Ms. Libby Davies): You have about another 35 seconds. A short question.

[*Translation*]

Ms. Paule Brunelle: You mentioned the need for the police to adjust their strategies for dealing with prostitutes. What exactly do you mean?

[*English*]

Prof. Pamela Downe: Very specifically, I think there should be more recruitment of aboriginal officers. I think there should be recruitment not only of aboriginal officers, but also of officers who represent the various nations that comprise our provinces.

So in Saskatchewan I think there should be Cree, Métis, Saulteaux, and Dene officers, because there are variances among the various nations themselves. I think there should be more female officers, and I think there should be more active collaboration with aboriginal elders.

The Vice-Chair (Ms. Libby Davies): Thank you very much, Ms. Brunelle.

Mr. Lee.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Thank you.

One of our key objectives here is to source or locate mechanisms that would assist in reducing the exploitation, the violence, or the addiction that's often present among sex trade workers. So right off the top, from your experience, is there any one specific law you might recommend that we should abandon, or decriminalize, with a view to accomplishing those objectives?

Prof. Pamela Downe: I would suspect that living off the avails and communication laws are two that would certainly.... In my research, the women speak most harshly of those two.

Now, whether this is a correct interpretation of those laws or not is something different, and again, I'll leave that to a legal scholar who's much better at this than I am, but they feel that the living off the avails laws prevent them from cooperatively pooling the money they make through sex work and creating a sort of cooperative environment. So that's one.

The other is communication, because they believe that just puts them at risk of police apprehension.

Mr. Derek Lee: The communication piece is the core to the enforcement piece. So if we abandon the communication element, we're essentially abandoning the solicitation—

Prof. Pamela Downe: Right.

Mr. Derek Lee: So that's decriminalization.

Prof. Pamela Downe: So that's decriminalization. That's why I say I lean more towards that. I don't see it as a magic bullet, but I lean more towards it.

Mr. Derek Lee: Do you want to recommend any new laws?

● (1905)

Prof. Pamela Downe: No.

I say “on the other hand” too much. I'm sorry.

Mr. Derek Lee: That's all right. We can discard, and we can enact new ones. Anyway, you're not recommending any new ones.

Prof. Pamela Downe: Right.

Mr. Derek Lee: The current legal framework that we have, with all its warts, as you pointed out, is at least somewhat helpful—

Prof. Pamela Downe: Yes.

Mr. Derek Lee: —in allowing sex trade workers to connect or access medical or social services. It's a two-way street, really: society to access them, them to access the social services.

What if I suggested to you that it really doesn't matter what the laws are anymore? This kind of problem globally, around the world, seems intractable. Leave the laws the way they are and simply focus on harm reduction among sex trade workers. Use the laws as the framework and focus on harm reduction in all its complexity or creativity.

Prof. Pamela Downe: Right.

Mr. Derek Lee: How would you react to that suggestion?

Prof. Pamela Downe: I would say that could be a very plausible and possible way forward.

As I said, I lean more towards decriminalization, but I'm not sold on the idea, and perhaps the reason is that I think there can still be a legal structure that allows for criminal prosecution, particularly of those who exploit youth and who are in violation of pimping laws. It does give us a structure, and if we approach that structure a little bit more loosely than is often done, particularly by racially biased officers, then I think what you have is the possibility to inject a really good harms reduction approach to prostitution.

By that I would include things like greater access to immediate health care, more outreach vans that will give immediate relief for injury, that will offer safe places to sleep and adequate nutrition.

In all of my studies, not once have I heard that the number one health concern of prostitutes is HIV/AIDS, hepatitis C, or sexually transmitted infections. Their number one concern is fatigue, malnutrition, addiction, injury—those routinely are listed—and very often, to access services. They know the lines to say. They know to say, “I'm worried” or “ I'm infected,” but really, once they get the attention of a caregiver, that is when they begin to ask for food, for hot coffee—particularly on the Prairies, where we have harsh winters—for things that will help alleviate the cold, frostbite, and so on.

Mr. Derek Lee: That's pretty basic stuff.

Prof. Pamela Downe: Yes.

Mr. Derek Lee: Do most of your comments have to do with female sex trade workers, or will they apply to both male and female, or would you like to differentiate at this point?

Prof. Pamela Downe: I can certainly speak far more knowledgeably about female prostitutes, because they are the vast majority of those with whom I've worked. I think many of the comments apply to the men as well, but I can't say with great certainty, because I've really done most of my work with the women.

Mr. Derek Lee: Are there in existence now, in the part of the country you're working in, harm reduction policies that should be noted as particularly good or useful?

Prof. Pamela Downe: There are no policies supported by the government, but there are programs. It would be nice if it could be elevated to the level of policy, where you take good programs and you actually make it a policy that we are going to provide these services in these kinds of ways.

In Saskatoon we have a street outreach program, a program for street-involved youth called EGADZ. They do absolutely wonderful work.

Mr. Derek Lee: Like what?

Prof. Pamela Downe: They have medical doctors who provide immediate injury relief for those who find themselves with broken arms or broken legs that often don't get set. One of my young participants, for example, gave herself stitches when she got into a knife fight with another worker. She used her mom's thread and literally sewed her face up by herself. They provide those sorts of services and they often do so without requiring a lot of identification, without the young women feeling as if they are being examined, quizzed—how did you get this, tell me how you got this—and without the involvement of social workers, police officers, and so on. That's just one example.

Mr. Derek Lee: I thought social workers and police workers were supposed to be the good guys here, part of the infrastructure.

Prof. Pamela Downe: They're supposed to be.

Mr. Derek Lee: But in your neck of the woods, they're not always.

Prof. Pamela Downe: Not always. And again I want to stress that of course there are exceptions. I can tell you there's a police officer who is colloquially known as Officer Ernie. He's wonderful. The girls trust him. They like him. But he takes a lot of heat from his fellow workers.

The Vice-Chair (Ms. Libby Davies): Thank you very much. That's exactly seven minutes. Very good.

Madam Brunelle, would you like to ask some more questions?

[*Translation*]

Ms. Paule Brunelle: Yes.

You seem particularly interested in the plight of young women and children. To your knowledge, do young women and children choose to engage in prostitution? Do you believe organized crime is really the root cause of this problem? Did you get the impression that these young prostitutes were associated with pimps?

● (1910)

[*English*]

Prof. Pamela Downe: Virtually all of the young women with whom I have worked in Canada are associated with a pimp or manager, yes. Some are actually coerced into it, not necessarily by the pimp himself—and it is always a "he" who is the pimp—but by friends. Unfortunately, that often gets dismissed as, "It can't be coercion if he's your friend", just as if I'd say to you, "Hey, come on, let's go downtown". No, they actually threaten, "I'm going to hurt you, I'm going to hurt your pet, I'm going to hurt your little brother, I'm going to hurt...". Through that sort of coercion, they get in.

I would say that happens in about 20% of the cases with which I have worked. In the remaining 80% it is a choice, but I want to emphasize it is a last choice. It is seen to be something by which these young girls can get by. They feel like they have no other resources. They really don't, and it's sometimes not for a lack of trying, but simply that the resources aren't there.

[*Translation*]

Ms. Paule Brunelle: You worked in Costa Rica and you stated that prostitution is legal in that country, albeit carefully regulated.

Can you tell us briefly how the industry operates in that country?

[*English*]

Prof. Pamela Downe: Yes. It began first in the mid-1980s with decriminalization. Similar to Canada, prostitution itself was not illegal there, but all the activities surrounding it were. Costa Rica removed those restrictions and found that a lot more of the women who were impoverished, who were working in the coffee plantations under terrible conditions or on United Fruit Company's plantations, again under terrible conditions, left those jobs, came to the cities—particularly in the province of Limon on the Caribbean side and in the capital, San José—and began working. Increasingly, largely because the government was being lobbied by resident organizations made up of people who were building nicer homes in various areas and wanted more and more restrictions put on the women themselves, this situation evolved into a model of legalization.

The government also became interested in taxing the profits these women earned through their sex work, so it required that those working as prostitutes carry a card saying that it was their profession. It also required that they undergo medical examinations. At first these were every six months, and then with the AIDS epidemic in the early 1990s it became every month. The police could stop the sex workers and demand to see their cards. They often did not believe the certification of medical exams, so they would apprehend them, take them into prison, and ensure that the medical exam was done. Very often this led to a sexual assault by the officers themselves who claimed that they had medical expertise to do those exams; they would do them, and the women would be injured.

It evolved into a legalization, but what happened in that situation was that the vast majority of women would not register as sex workers, so they were working illegally as sex workers on the streets of San José, which actually elevated their risk of harassment by presiding officials.

The Vice-Chair (Ms. Libby Davies): Thank you, Madam Brunelle.

Mr. Lee.

Mr. Derek Lee: Your perspective is in large measure a first nations perspective—although I'm sure you have, obviously, experience researching other forms of the sex trade—but I'd like you to comment on the issue from the first nations perspective, where your work is focused now.

I don't want to racialize the issue or the problem, although you've alluded to that, because I don't want to racialize the solution—that may be part of the problem. At the risk of being seen to be getting close to that, is there any facet of the broader phenomenon of the sex trade that you've seen related to the first nations perspective that might be helpful to us in thinking about some solutions?

In other words, has there been a band council somewhere that took a step that proved to be helpful, or unhelpful? Are aboriginal women becoming more aware of the potential of either a problem or a solution? Is there anything like that out there that we wouldn't see from the perspective of large urban communities in Canada?

● (1915)

Prof. Pamela Downe: That is a great question. I really do think the needs of young aboriginal women and boys on the street should be considered quite distinct, because I do believe their colonial history actually does lead to a very unique and distinct experience.

I know of no organized band-level programs of outreach or redress at all, but I do know that the Métis Nation of Saskatchewan has been very active in investigating the problem and is working right now to try to think of solutions.

The Métis in Saskatchewan—and this is from the first study I did in Saskatchewan—face a very particular problem in that many of the programs for first nations youth are Cree- or Saulteaux-based. They actually exclude people of mixed heritage and the Métis, so the Métis really fall between the cracks. They feel the racism of programming with a more Euro-Canadian focus, and they feel lost in the sauce when it comes to the first nations because, with their Métis heritage, they're not accustomed to things like sweat lodge ceremonies, smudging ceremonies, things that are quite distinct from their own cultural heritage.

The leaders of the Métis Nation of Saskatchewan are actually working to investigate the problem and trying to think of unique ways in which they themselves can address this.

Mr. Derek Lee: If this subcommittee proceeds and manages to cobble together some constructive suggestions, would it be your view that we could do it just by looking right across the country as a whole and actually finding some things that would have positive impact on the first nations envelope? Or would you say, no, you haven't got a chance in heck of doing that; you've got to construct or customize something that will address the aboriginal envelope, because it's so different from the rest, and that you have to deal with it directly?

Prof. Pamela Downe: You could think of a pan-Canadian approach focusing exclusively on first nations and Métis issues. Then how those recommendations actually get interpreted by the various and distinct first nations and Métis communities themselves is probably best left up to them, in a self-determined way.

Mr. Derek Lee: Okay, thank you.

The Vice-Chair (Ms. Libby Davies): I'd like to ask a brief question. We've got about 15 minutes left in our meeting.

Relative to what you were saying about Costa Rica, where they went from decriminalization to legalization, involving registration, I must say that we've talked to quite a few sex workers across the country, both in public and in camera, who by and large have not favoured legalization, but decriminalization. In fact, they've talked about the stigma of licensing or medical exams, or some sort of state run brothels, or something like those, so it's interesting to hear about what happened in Costa Rica. I understand your position leaning towards decriminalization, but that it's got to be with a whole package of other measures.

In terms of the actual laws there now, certainly the communicating law has been huge, but the other one is the bawdy house law. I can't remember if you mentioned that, but do you also favour looking at removing that section? We've heard from a lot of people, including sex workers, that if we lifted the restriction on the bawdy house law, it might actually provide for a safer environment. Other people have said there will always be a sex trade on the street, even if we lifted the bawdy house law.

So I would be interested to know if you could share anything from the experiences of these young aboriginal women. If they could go off-street and felt there was a safer environment where they weren't going to get nailed by the police, do you think that is something that would actually happen, or are we always going to be facing on-street prostitution and the problems resulting from it?

Prof. Pamela Downe: I'm going to be an academic again and go back and forth. I think we are always going to have street prostitution, but lifting, or somehow rewriting or challenging, the bawdy house law as it currently exists would be of benefit to many of these young aboriginal women. I do think it would give them an indoor, safer environment to work in, provided that restrictions on pimping and managing could be enforced, so that there is not one grand manager running a house of workers, who are then out of view of the other workers who can offer informal support to them.

The thing about being in an indoor environment is that there are cases where it actually elevates your risk, because you are out of view of the others who offer that system of support. I think that's particularly the case for younger workers on the street; when they are in the public view of other workers, these other workers will step in and take care of the little ones on the street. In a closed environment, that help may be restricted, so I think that offering some restrictions on pimping and managing, but allowing an indoor safe space to go, would probably be of much greater benefit.

● (1920)

The Vice-Chair (Ms. Libby Davies): In some respects, I suppose it's a matter of looking at reducing the risks and the harms, even though we may not be able to create the perfect environment. Certainly from what I've heard, a lot of people see the communicating law as quite dangerous, because if women are getting into cars and basically being driven somewhere else, then there is risk and danger in where they're going. It's one thing for them to be on the street with their co-workers, where they can take down a licence plate number, but once they've gone away, the risks increase.

Prof. Pamela Downe: They do increase, and the 1995 killing of Pamela George in Regina, Saskatchewan, is a very good example of what happens when women get into cars and they are driven somewhere else to communicate.

I can tell you that one of the young women with whom I began working in 1998 has disappeared, and none of us know where she is. I have used all the means I can to find her and I haven't been able to find her. I cringe every time there is a news report of a body being found or of something else, because I just imagine....

And this girl was one of the first to approach me in this research project and ask me to assist her. And I think if she could have somehow positioned herself so that she would have had that informal network of support around her, we'd know where she is today.

The Vice-Chair (Ms. Libby Davies): I think we have time for a couple more questions.

Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle: As prostitutes were being interviewed, it became apparent that the biggest problem was street prostitution. Can you tell me whether in the Prairie provinces, there are problems associated with other forms of prostitution, such as escort services, nude dancing and massage parlours?

I'd also like to hear more about the needs of young prostitutes in the Prairies. Do they have any special needs that should be addressed by this committee? What are their most pressing needs?

[*English*]

Prof. Pamela Downe: Concerning the other types of prostitution in the Prairies, certainly street prostitution is the most visible. It is often the most debated. But there is indoor prostitution as well. There is what they call trick-pad prostitution, where the girls work in quite dilapidated houses that very often don't have indoor plumbing and so on. We do have an escort service trade, and I have to admit I don't know too much about that at all.

I don't know if Eleanor Maticka-Tyndale, from the University of Windsor, has been a witness here. She has done a lot of work in Ontario on escort service workers and has done national surveys of them. I don't work with the escort service workers, but I do know they are there and I do know they are very vocal and very adamant that decriminalization should actually proceed forward.

I had the fortune of meeting a couple of workers, though I didn't do any systematic work with them, and these are women who are very self-actualized. One is a 26-year-old PhD student in a science field, who is making far more money as an escort worker than she is ever going to as a microbiologist, quite frankly. She is really adamant that she should have the right to do this with her body if she wants to.

It's a very different scenario from the young aboriginal women with whom I have worked. It's in fact night and day, and sometimes I get frustrated because we conflate the two and treat them as if they are the same. This 26-year-old woman is making more money than I am; she is very happy with her life; she drives a beautiful car. She is not in any way a victim, certainly no more than many women are in workplaces where they too are subjected to sexual harassment. So I do think that's something quite different.

Concerning the needs of prostitution, again very specifically, I'll talk about what's often called the low stroll...which is the work I do. And these are the young women who face challenges of addiction. These are the young women who are more likely to be on the street or in the trick pads that have no indoor plumbing, and they're living in their own excrement.

I'd have to rank their number one priority...they need sleep and they need food. Very often what happens is their sleep cycle gets so disturbed that they suffer from chronic fatigue. And that's actually this SSHRC-funded research I've been looking at: how fatigue exacerbates all other existing health problems.

Even when you put in long days—and you've put in a long day today—you're going to go home and you'll probably have roughly the same amount of sleep as you did last night and the night before. Humans are actually biologically programmed to do that and to have that so our brains function properly. Without that, your entire body gets thrown off-kilter. You're far more susceptible to infection, to injury, to bone disease, to malnutrition. Even if you're eating properly, if your body has not had a chance to rest, you're not going to absorb those nutrients efficiently.

Certainly sleep is a big priority—a safe place to sleep—and then, of course, they need food, and they need decent food. They don't need McDonald's fries; they need food that is going to give them some nutrients. Again, the greater risk of injury, of bone disease, happens because they're malnourished.

They need opportunities to exit the trade if they want to do so. And those opportunities should be real opportunities. I think there should be some sort of residence, some sort of schooling opportunities that can be made available to them.

And thirdly, I think always threatening that “we're going to send you back to the family”, whether it's a foster family, to go back into state care, or to go back to an abusive home is not what they want. They're just going to run again.

That's what happened to this young woman I was telling you about who we can't find now. Every time she was apprehended by the police, she'd be sent back up north to her family of origin and she would run again. It was an abusive situation.

● (1925)

The Vice-Chair (Ms. Libby Davies): Thank you very much.

Just so you know, and for the other committee members, the person you mentioned from the University of Windsor will be appearing before our committee in a couple of weeks, and we will have the opportunity of hearing her testimony.

Mr. Lee, do you have a final question? Madame Brunelle?

Okay, maybe I'll pose a final question.

You did raise at the beginning of your presentation the issue around the police, which we've heard very frequently. With regard to this situation in Saskatchewan, what can you offer in terms of what needs to be done there in improving that relationship, whether there's law reform or not? It seems as if it's a very serious situation. Are there suggestions you would like to make about that? It seems very contradictory that the police are there to enforce and therefore they're often the last people to be turned to when issues of safety and violence are taking place. Any suggestions you have there would be very helpful.

Prof. Pamela Downe: Again, I really think that recruitment of aboriginal officers who represent the diversity of the first nations and Métis populations would probably be one of the very first strategies to use. I know there is a lot of interest, particularly among young men on reserves, in police work. They're really quite interested in it. I do think that some well-designed recruitment strategies could take advantage of that interest. I think it would be a wonderful way to liaise between particularly on-reserve situations and off-reserve policing.

The Vice-Chair (Ms. Libby Davies): Thank you very much for coming today from Saskatoon. We really appreciate your travelling that distance to speak with the committee and for your very thoughtful presentation and answers to our questions. Thank you for being here.

That will conclude our meeting.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
http://www.parl.gc.ca
