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Chair

Mr. John Maloney

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• (1740)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): I'd like to call the meeting to order.

For committee business, the first item is routine motions. You have before you the list of motions that were adopted by the predecessor committee on December 9, 2004. They cover the standard routine motions that we always have. Has everyone had a chance to look at them? If so, can we have a motion to adopt them as presented, or does someone have amendments or suggestions?

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): Could we read through them quickly?

[English]

The Chair: Okay.

In the meantime, we'll hear from Ms. Davidson.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Mr. Chairman, I just have a couple of questions. Being new to this committee, though, I'm not sure whether they're appropriate or not.

On the other committees on which I've sat, we did pass a routine motion that 24 hours' notice was required on the tabling of all motions. I don't see that on here. It might be here, but I think it's important that it be tabled.

The other thing I was wondering about was the third motion down. It talks about "when a quorum is not present", but I don't see anywhere that it says what a quorum is. How many are a quorum. Does there have to be a government member to constitute a quorum?

The Chair: Yes.

Mrs. Patricia Davidson: It says "when a quorum is not present". It does not say what a quorum is.

The Clerk of the Committee (Mr. Eugene Morawski): Quorum is the majority plus one.

Mrs. Patricia Davidson: Okay.

The Clerk: There's no specification of opposition or government. Quorum is majority plus one. In this case it would be four.

Mr. Art Hanger (Calgary Northeast, CPC): We have six in total. We're just missing Hedy.

Mrs. Patricia Davidson: So four is the number?

The Clerk: We technically have a quorum already. Four is a quorum.

Mrs. Patricia Davidson: Mr. Chairman, if I might, is it not necessary to have that in the standard motions?

The Chair: You want to stipulate what a quorum is? I don't think it's necessary.

The Clerk: It's in the Standing Orders.

Mrs. Patricia Davidson: Thank you.

And on the other one about 24 hours' notice on tabling a motion, I'd like to see that in the standard motions, please.

The Chair: Not a problem.

Réal.

[Translation]

Mr. Réal Ménard: Will the quorum go from three to four? Unless I'm mistaken, last time around, three members constituted a quorum. Are we agreed on that? Is this a reduced quorum?

The Clerk: According to the Standing Orders, a majority of subcommittee members constitutes a quorum.

Mr. Réal Ménard: We can work with three members, but according to the Standing Orders, four members constitute a quorum.

[English]

The Chair: Is there any further discussion?

Do you want to move your motion adding the...?

Mrs. Patricia Davidson: Yes, I'd be glad to move that it be required that there be 24 hours' notice on the tabling of all motions.

The Chair: Can we adopt the standard routine motions, including Ms. Davidson's?

(Motions agreed to [See *Minutes of Proceedings*])

The Chair: The next item is the scheduling of meetings. That would include how we want to pick up from the previous committee and move on to a finalization of the report.

Réal Ménard.

[Translation]

Mr. Réal Ménard: The fact that meetings were scheduled for 5:30 p.m. on Monday was a bit of a problem. Since the Justice Committee will no longer be meeting on Tuesdays beginning next week, but on Mondays and Wednesdays instead, shouldn't we consider meeting on Tuesdays at either 3:30 p.m. or 5:30 p.m.?

• (1745)

[English]

Mr. Art Hanger: Mondays and Tuesdays?

[Translation]

Mr. Réal Ménard: Do we want to have one or two meetings per week?

[English]

Mr. Art Hanger: Twice.

[Translation]

Mr. Réal Ménard: The subcommittee would meet twice a week?

[English]

The Chair: Yes, we were meeting twice a week when we were dealing with the report, just to get it finalized. We have a deadline of December 8, so we should try to put in as many meetings as we can in order to make that deadline.

[Translation]

Mr. Réal Ménard: Perhaps on Mondays and Tuesdays? Is 5:30 p.m. on Monday a problem for everyone? Could we meet at 5:30 p.m. on Monday and after Question period on Tuesdays?

[English]

The Chair: Ms. Davidson, you said you had difficulty with that.

Mrs. Patricia Davidson: I have a committee meeting from 3:30 to 5:30 on Tuesdays.

Ms. Libby Davies (Vancouver East, NDP): I also have the House leaders meeting at 3:30 on Tuesdays, and it can go for an hour.

Mr. Art Hanger: Why don't we make it 5:30 to 7:30, Mondays and Tuesdays, and at least get it out of the way prior to the end of the week. It would just be a continuation of our justice committee meetings.

[Translation]

Mr. Réal Ménard: So we're talking about Mondays and Tuesdays from 5:30 p.m. to 7:30 p.m. Correct?

[English]

The Chair: Mondays and Tuesdays.

Mr. Art Hanger: Mondays and Tuesdays.

Ms. Libby Davies: Just so we know, Tuesdays will sometimes be impacted by voting, so we'll then just do it after the voting and continue on.

On Tuesdays, I often have a panel discussion, so that's going to be a bit of a problem. Often it's at 5 o'clock, so that won't be a problem, but sometimes there's another one at 5:30. Anyway, I'll work around that.

Mr. Art Hanger: I don't think the committee can help it if you're popular and you get all these panel discussions.

Ms. Libby Davies: No, it has nothing to do with being popular. They're just standing panels that happen on Tuesdays. Anyway, I'll try to work around that.

So we're going with Mondays and Tuesdays, from 5:30 to 7:30.

The Chair: Yes, or after any votes.

D'accord? Is everyone agreed?

Some hon. members: Agreed.

The Chair: Now let's get to the real meat of the issue today.

How do you want to pick up from the draft report we had last time? Do you wish to have a meeting to review all the evidence to date? Would you wish to very briefly go through the report again, starting at the first clause? Or do you wish to pick up approximately from where we were, with whatever clause we left off at?

Mr. Hanger.

Mr. Art Hanger: This was a point of contention the last time around, that the committee was dealing with a portion of the content of the evidence submitted and wasn't dealing with all of it.

This was a discussion that we had in the justice committee as a whole. We discussed the idea that this evidence that was submitted—the statements of many others dealing with other jurisdictions and the like—be incorporated into the report. On that basis, the justice committee as a whole agreed to include that material.

I can read the motion if it isn't before everyone right now. I will do that, actually, so that it's in the record:

...that the subcommittee ensure that all [published] evidence submitted to the Subcommittee on Solicitation Laws in the 38th Parliament be [thoroughly referenced] in their report; that the subcommittee consider if additional hearings are needed to clarify previously submitted evidence in the 38th Parliament; that the subcommittee report to the Committee by December 8, 2006; and that the subcommittee have all the powers of the Committee under Standing Order 108(1) a)....

It's basically incorporating some of the evidence that was not submitted the first time around.

The Chair: The concern at the time was that because we were unable to travel outside the jurisdiction, we weren't able to see firsthand or to question or to challenge the evidence given to us from foreign jurisdictions.

What does the committee feel about that? We obviously have instructions from the main committee.

Yes, Ms. Davies.

Ms. Libby Davies: I know we had a lot of debate about this in the last committee, and I think we got about two-thirds to three-quarters of the way through the draft report. We never actually got to begin our discussions and recommendations.

I don't have a problem if we basically agree first off that the body of the report should reflect "references to the testimony", to use the words you used, Mr. Hanger. It's not like we're going to put all the testimony in there. We couldn't do that. But if your point is that you want to make sure every point of view that was represented by a whole bunch of different witnesses is somehow referenced and factored into the body of the report, I don't have a problem with that. Maybe we can agree on that.

Beyond that, though, the question will be whether we should then spend the majority of our time focusing on recommendations and seeing where we agree or not. At that point, there may be members who have a majority opinion and there may be some members who have a minority opinion. I would assume that would probably be the two Conservative members.

The report we had before was written in such a way that it was leading to the recommendations. I don't know if that was a point of concern. Maybe it was.

• (1750)

Mr. Art Hanger: Yes.

Ms. Libby Davies: I would be willing to put that on the table for discussion. We do have a deadline, and I want to make sure we table something. Where there's consensus, there's consensus; maybe there's a majority report, maybe there's a minority report. I don't have a problem with making sure that all of the points of view are in that report.

I don't know if that helps in moving us along so that we can actually focus more energy on looking at recommendations, rather than going line by line. We were getting down to the point of going line by line, and we would never be finished. So if the report is more that this is what people said—this view, this view, this view—I think it will require rewriting, but maybe that's what we should look at doing.

The Chair: Réal and then Art.

[Translation]

Mr. Réal Ménard: We're all very busy and we've devoted considerable effort to this undertaking. It would be a good idea for each one of us to reread the report carefully, so that at our meeting, we can go around the table and find out if we've missed anything.

If Mr. Hanger finds that some viewpoints could be integrated into the report, then we can incorporate them. We all want the views of the witnesses who appeared before the committee to be reflected in the report.

Will the recommendations and action plans take into account these viewpoints and positions? That's another question. In my estimation, we need to determine any omissions in the report in terms of the testimony given.

I suggest that each one of us rereads the report one last time so that we can make some very pointed comments at the next meeting. Obviously, we can't add another 50 pages to this document but personally, I think we can make some changes, if Mr. Hanger thinks that there are certain omissions.

After that meeting, I expect that we will focus on future directions that we hope to see set out in the report.

[English]

The Chair: Art and then Hedy.

Mr. Art Hanger: I can support Réal's position, in part. I know we have to look at the report. We can do that quickly. For those who were on the committee before, it's just a matter of giving that briefing that puts things back into perspective.

But the report took a certain direction. There were some preconceived points. The terms of reference seemed to be established before all evidence was supported. In part, the report still may take that bent, if you will. But there's going to be some question of doubt, because you're looking at two philosophical points of view.

If you look at some of the things that are happening in other jurisdictions, then the recommendations in that report—not all of them—are going to fit that viewpoint. They're going to go off in another direction, and the recommendations could very well be substantially different.

How we are going to handle that, is the question. The minute you start incorporating another point of view, which was expressed from witnesses—and not just as a passing reference, they were substantial points of view—you're going to have a report that probably will be inconclusive, because there are two further positions that need examination. That's my concern about where we're at.

Now if we start incorporating all of the presentations and all the evidence, are we going to stay with the same trend that the report focused on, or are we going to incorporate other things? If so, then what is that report going to look like? If not—and this is going to have to be an agreement with the committee—then is a minority report going to be substantial? I know there are two points of view here that will be split.

• (1755)

The Chair: That's probably a given. But that's the way the report was going the last time as well. If there is additional stuff, I don't think it will change the focus of a report, and a minority report with it. So no matter what comes into the mix....

Mr. Art Hanger: So what you're suggesting—

The Chair: I'd love to see a consensus report, but I'm not sure that's doable.

Dr. Fry, then Libby.

Hon. Hedy Fry (Vancouver Centre, Lib.): I see us doing exactly what we were doing the last time. We're getting onto the same railcar, where we're already beginning to start polarizing.

If we're going to have a report, it would seem to me that we may end up with a minority report as well, as you've just said, Mr. Chair. However, I like to believe that if we're going to consider all the evidence we heard, and if we're going to do that in as objective a manner as possible, then we will go with where that evidence leads us in order to come up with recommendations based on objective evidence and what we think of the evidence we heard.

If we start off with a conspiracy theory, if we believe there is some sort of predisposition to move in a certain direction purely because people are going to write a report that's going to go in that direction without referencing the evidence, then we're never going to get anywhere. We're going to be exactly where we were when we left off. We're just going to be facing off on each other.

There has to be some kind of decision that we are going to have a report, and that we're going to come up with a report by December 8. If that report doesn't seem to fit everyone's decisions and recommendations, then there will have to be a minority report. But if we start getting hung up on this before we even start, we won't even have a report.

We should go for a report. If there's going to be a minority report, there will be one. The references of everything we heard—all witnesses—will have to come into play, and based on all of those references, on all of the witnesses that we heard, obviously we will form opinions and recommendations. Those may differ or they may agree in some instances.

Libby's right. There are going to be things on which we're all going to agree. There are going to have to be a few recommendations that we all think are fairly straightforward and are going to agree on, and then there are going to be the ones that we don't agree on.

We've had committees before on which this has happened. I think all three of us—Réal, Libby, and I—were on one, on the report on the non-medical use of drugs. We ended up actually not having a consensus, but we ended up agreeing on about two-thirds of the recommendations.

So I think we should head into this by saying that if we all heard the same information, and if we're all going to reference it and are going to come up with recommendations, we should try to come up with the things we can agree on. Where we disagree, we will then have a minority report. But let's just get on with it.

The Chair: Libby.

Ms. Libby Davies: I agree with that, but it's really a question of what instructions we give to the researchers. We have this massive thing sitting here. What I remember is that as we were going through that, there were members—Mr. Hanger in particular—who felt that the way the body of the report was written, it was leading to the recommendations, especially where it said, “The committee believed that”, or “The committee, by majority”.

So what I'm suggesting is a different situation, where the report itself is written in a way that it just says, “Here's what the police said. Here's what the sex trade workers said. Here's what the people who support the Swedish model said. Here's what...”—and there might be others. You just lay those things out; you summarize them without saying the committee believes this or that, or that we concur.

We would just basically summarize the main viewpoints that we heard so that they're on the record. We would do so as quickly as we can so that we don't get bogged down in it paragraph by paragraph, line by line, and in whether we should say, “The committee is led to believe”. We just present it there as a more factual thing, knowing that some of it is contradictory. That would be one thing.

Secondly, it may be possible for the researchers, because they did a fabulous job, to say from there where it is that these different points of view actually agreed on some things, that there are these five things that everybody actually agreed on—or maybe it's only two, I don't know. So we would try to establish that.

And the third thing we would do is actually go directly to a debate on the recommendations, because I think that's really where it's going to sort itself out. What I'm really reluctant to do is to get into a huge debate over who said what. I will say right now that there were people here who said, “Don't do this, because it's going to be harmful. Adopt the Swedish model.” That's fine, put them in there. I don't have a problem with it. But I'd rather get into a debate amongst ourselves.

We could start with the ten recommendations and see how far apart we are on those ten recommendations, and then move back from that point. Within those ten recommendations there might be some agreement overall on some of them, and we might then end up with five of them on which there are very different viewpoints. I think that's where we could say a majority will go with these, or some variation of that, and a minority will go in a somewhat different fashion.

To me, that's a different tack from what we took before. Otherwise, I think Hedy's right. We're just going to get on this same track and we'll never finish this. If possible, I do want to see something finished that reflects what we heard. And if there's a split in this committee, then we'll respect that.

• (1800)

The Chair: Mr. Hanger.

Mr. Art Hanger: Thank you.

I don't disagree with you, Libby.

Ms. Libby Davies: Is that written down somewhere?

Some hon. members: Oh, oh!

Mr. Art Hanger: I don't. I think you may have hit the nail on the head when it comes to sectioning the report off, as far as content or points of view are concerned. I think there are just two, basically. I'd be willing to go at it in that fashion—at least it's all upfront—and then we'll go after the recommendations afterwards.

But to go back to what Hedy said, don't get me wrong, in my opposition and my statement when it comes to the formulation of this report, I don't look at it as some sort of conspiracy. I don't think it's a conspiracy. I think it's two opposing points of view that are shaping the law. So we go either with that one or with another one. That's basically where it is. I don't think because you may look at things from a certain point of view, or all of you together, that it's a conspiracy. I just think you adhere to that philosophical point of view. Even amongst the feminist movement, it's definitely a split. The feminists look at the position you might take, one half of them, and the other half says, “No, it's exploitation of women and it is abuse”, and they look at it from that point of view. I think those things should be pointed out. I'm not saying there's a split there, but those points of view should be pointed out, because one supports and one does not. Maybe there isn't enough evidence just yet to say this is the way we should go, and that may be a recommendation in the report too.

I think what's confusing this issue is some direction where Mr. Ménard wants to take this whole thing. I don't understand where he's coming from on this thing, because we started out with solicitation and now the whole gamut is up for grabs here, including the issue of bawdy houses and the whole bit. I know what his—

Ms. Libby Davies: We did hear testimony on that, though.

Mr. Art Hanger: Yes, we did, but I guess that's sort of on the other side of the issue too.

The Chair: Dr. Fry and then Réal Ménard.

Hon. Hedy Fry: I'm very glad to see that Mr. Hanger doesn't believe there is a conspiracy, so that's a great start. We're now ready to roll. But I do think Libby is making the point I was trying to make. There is objective data we heard; there is data. Let's put the evidence down and say this is what we heard. Many of them conflict with each other, but we're putting them down and not drawing any conclusions from them, but then come the recommendations. I think we should focus on that. We might find there are one or two that we agree with, and we may find there are a whole lot that we don't, and then that will lead us to make decisions about where the recommendations will go. But I think if we're going to be objective about the testimony we heard, we will place the evidence and the witnesses, we will just put them there, and we will say, look, these were conflicting; there were different points of view, and here they were, and so on.

Maybe we heard evidence from only one group of people in a particular place, like in Sweden, where we just heard from one group. We didn't hear from anyone else. But that's neither here nor there. That's what we heard; here it is. The readers of the report will be able to draw their own conclusions, and then the committee will draw its conclusions—that is, through recommendations, which they will agree on or disagree on.

But we have to get this thing finished by December 8. I think it's an injustice to the communities and to the women out there if we don't get this done. We need to get it done and finished just in terms of the fact that this, the whole idea of this whole thing, was to ensure the safety of communities and of women in the sex trade. Let's just make sure we don't drag our feet on it any more, because we've seen that more and more women are dying in the sex trade in Edmonton and now in Saskatchewan. So I think we need to just get on with it for their sakes.

• (1805)

The Chair: I see a consensus slowly developing.

Mr. Ménard.

[Translation]

Mr. Réal Ménard: I have two comments.

I have not read the report recently, but I plan to do so over the weekend.

From what I recall, I agree with the thrust of the report, the themes explored and the recommendations made, with two exceptions.

One of the recommendations concerns aid provided to drug addicts. I want to be certain that jurisdictions are being respected. I want to be clear on my position, in so far as Mr. Hanger is concerned. I have no problem whatsoever with the report's tone.

I'm not outraged that people hold different views. That's a good thing. However, can we agree on a common denominator, on the lowest common denominator?

On the drug issue, we have agreed on two or three common denominators. On the other hand, prostitution continues to be problem in major urban centres. This is something that falls under federal jurisdiction. More needs to be said about this problem.

Mr. Hanger, I don't think we're going to be able to sway you, as far as the tone of the report is concerned. I'll be making a presentation to my caucus on this issue. However, as an individual and as a parliamentarian, I can say that the philosophy underlying the recommendations and the tone of the report are quite consistent with my position on this matter.

In 2001, I headed up a party working group, From Anathema to Dialogue. Prostitution was a big problem at the time in Montreal. Our findings were similar to the ones contained in this report.

Although I still must make a presentation to my caucus, the Bloc Québécois agrees with the philosophical tone of this report.

[English]

The Chair: Is there any further comment? I think there's a growing consensus on the approach we're going to take, and that's very positive.

Ms. Davies

Ms. Libby Davies: I think we need to hear from our very able researcher, who did an incredible job, on what we're suggesting in how to deal with the body of material. For example, on page 19 it says, "Thus the subcommittee refuses to accept the idea that sex workers are victims simply because they sell sex", and that's what we'd be taking out. We would just be listing these points of evidence or points of view. Then when we get to the recommendations, we would figure out where we agree or not.

So if you now have to take this and redo it, how is that, from your point of view? Are we asking you to do something impossible, or is it something manageable in terms of categorizing things? I think we need to know what we're putting on you or not.

Ms. Lyne Casavant (Committee Researcher): If the next meeting is tomorrow night, then it's impossible and I'm not going to do it. We can go to all the pages and take out all the information that puts the committee in a position on the material we heard. The material we heard is there, but some of the information from Sweden and New Zealand is not. That could be put into another section.

What we can do at the beginning is just clean it up and bring forward the evidence. In the meantime, I suggest that the committee start discussing the recommendations, because it could take some time. I don't see our being able to do it in one week. If we have two weeks.... There's translation involved in this and the publication process, so it's going to take a while.

• (1810)

Ms. Libby Davies: I think that's a really sensible idea.

The Chair: Art.

Mr. Art Hanger: To weigh the content in some sort of balance is the only thing we're asking. I know that's a chore, because you'll have to sift through what many of those people said and sort of condense certain comments. They may be tied in with the police, or the folks out of Vancouver—part of the feminist movement that testified. I think you know them all, Hedy. I know you don't have full agreement with your position, even within that. I think that's what we're asking for, or what I would like to see in there.

From what Mr. Ménard has said, I think that's what we're going to get. So it will all come into a form so we can sit back and debate it and then look at what's going to come out at the other end in recommendations. I'm satisfied.

Ms. Libby Davies: Do you agree that while they're doing that we can go to the recommendations and start debating where we're at? If the body of the report is going to be, "We heard X, Y, and Z", without interpreting it or saying, "We refuse to accept", or "We do accept"—

Hon. Hedy Fry: That's subjectivity.

Ms. Libby Davies: But it's much more straightforward.

Mr. Art Hanger: We might be able to come up with agreement on some of those recommendations and reject the others.

Ms. Libby Davies: I think that would be the way to go.

Mr. Art Hanger: We can start there. It would be a bit of a refresher. I'm hoping it won't necessarily be cast in stone until we look at everything, but I think there are some things we can agree on.

The Chair: Can we start that exercise tomorrow night?

Mr. Art Hanger: I think so.

The Chair: Without our researcher, who will be working on cleaning up the...?

Mr. Art Hanger: We can do that.

Ms. Lyne Casavant: We'll be making it shorter.

Mr. Art Hanger: No, broaden it.

The Chair: So let's look at the recommendations tomorrow night.

Patricia, you probably don't even have a copy of the report.

Mr. Art Hanger: It's 6,000 pages long, and we expect you to read it all by tomorrow.

Some hon. members: Oh, oh!

Mrs. Patricia Davidson: If he can send me a copy of the recommendations, that would be great.

The Chair: Is there anything else? We're all agreed then.

We have votes tomorrow night if we can find a room.

Mr. Art Hanger: At least our committee is not too big.

The Chair: It will be after the vote, so there won't be anything else.

Are there any other comments?

The meeting is adjourned. Thank you.

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