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• (1545)

[English]

The Chair (Mr. Randeep Sarai (Surrey Centre, Lib.)): Welcome to meeting number four of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to a motion adopted on Tuesday, February 8, the committee is meeting to review the Protection of Communities and Exploited Persons Act.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application.

The proceedings will be made available via the House of Commons website.

With regard to the speaking list, the committee clerk and I will do our best to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

I'd like to now welcome our first round of witnesses, who I believe are from the YMCA in Halifax: Ms. Abiagom, Ms. Gagnon and Ms. Suokonautio. We also have Ms. Joy Smith, founder and president of the Joy Smith Foundation.

We'll give five minutes to each panellist. The YMCA from Halifax can go first, then we'll have Ms. Smith right after. Then you'll have a question and answer period of rounds with every party.

It's over to the YMCA.

Ms. Miia Suokonautio (Executive Director, YWCA Halifax): Thank you, everybody.

First of all, how shocked the YMCA must be that they're not here, because we're the YWCA of Halifax.

The Chair: That's my bad. I'm sorry about that.

Ms. Miia Suokonautio: They didn't get the memo. They're all off having their supper already.

Thank you so much, everybody, for having us. It's really a tremendous pleasure to be here. I'm Miia Suokonautio. I'm the executive director of YWCA Halifax. Temi Abiagom and Charlene Gagnon are with me. We come to you as a team.

I want to start by saying that we're very much carrying the stories and experiences of survivors and victims, thrivers and victors. We were talking quite humbly about what a great responsibility this is.

I will do our five minutes here, but any one of us can answer questions. Temi manages our youth exploitation team, which provides direct services. Charlene is the manager of our systems ap-

proach to exploitation, working with our government and community partners.

I begin also by highlighting [*Technical difficulty—Editor*], but also something really remarkable that is happening in Nova Scotia. It's a movement. It's the Nova Scotia trafficking and exploitation services system—we call it TESS—partnership. It includes more than 70 partners across the province, including the YWCA. These partners have worked together for more than five years. Although this thoughtful and committed group has built consensus around practice and human rights as related to exploitation, there is no consensus among the group about the decriminalization or legalization of the industry.

We will focus our testimony or our comments on Bill C-36 itself, but will not be commenting on the broader question of decriminalizing or legalizing the sex trade, because we feel a real responsibility to our partners.

With that, in watching prior testimony from last week, we understand that there are in fact really two questions before you now. The first is this: Does Bill C-36 protect people who are being exploited? That's a very important question. Is it protecting people? The second is this: Does it cause harm to vulnerable Canadians?

On the first question, if Bill C-36 protects people who are being exploited, the short answer is no. Bill C-36 is not protecting people who are being exploited. Again, we know that you've heard expert testimony from our colleagues from across the country. In our experience, people continue to be exploited. Even when there is no pimp, they are still being assaulted when engaged in transactional sex. Even though we have special Crown prosecutors and special policing units and there are no licensed strip clubs in Nova Scotia, the issue of exploitation is rife in Nova Scotia. It permeates the child welfare system. It is a crisis among indigenous women and girls. School administrators and teachers are at odds over how to stem the tide.

In Nova Scotia's youth correctional facility, Waterville, as well as in the adult system, almost without exception girls in detention have been exploited. We are also seeing increasing cases among boys and trans women. Among the dubious distinctions of our Atlantic province is that we have the highest per capita rate of human trafficking in the country.

In short, we have no evidence that would support the claim that Bill C-36 has prevented or ended the exploitation of vulnerable Canadians in our province.

On the second question, on whether Bill C-36 is causing harm, again, our experience is very similar to what has been described in previous testimony presented to you, in that Bill C-36 has prevented people from coming forward if they've been assaulted by a john. The bill has also pushed the sex industry further underground, into increasingly unsafe conditions.

In fairness, I want to add that, at the same time, as we understand it, there have been some benefits of Bill C-36 in the courts. If there is a case in which exploitation by a third party does not meet the standard of a human trafficking charge as defined by the Criminal Code, Bill C-36 has been used instead to hold perpetrators accountable. The bill can subsequently be assistive to the Crown and police, but whether it harms or helps victims has not been proven. That a small proportion of cases makes it to the point of prosecution may in fact make this potential benefit less consequential. We must consider the balance of harms.

I know I'm going to run out of time, but maybe the YMCA comment will give me just a minute more. I have a couple of further considerations.

- (1550)

One is that we have to understand and be transparent about the fact that this discussion is deeply affected by our values about sex and commercial transactions for sex. Whether we care to admit it, our values are squarely in the middle of this discussion. We urge you to prevent morality from infringing upon the rights of Canadians, including sex workers. Although you may personally hold views about the impropriety of sex work, we must not allow the human rights of those involved in the sex industry to be denied because of it.

Secondly, we remind you that there are already a host of prohibitions and laws on a variety of related matters, including sexual exploitation of youth, assault, sexual assault and human trafficking. Revisiting C-36 does not mean these laws are no longer in force.

Lastly, exploitation is in fact a very difficult thing to pin down. For example, young people are being exploited in many ways in our community for simple things like housing, food or access to substances. While this act of trading is technically covered by Bill C-36, it is very rarely applied in these cases and does not address the underlying needs of youth that precipitated their vulnerability.

Finally, what do we recommend? According to one of our local colleagues, there is no way we can arrest our way out of this problem. There is no silver bullet for addressing exploitation. There is no quick fix. Pretending that we can bring an end to the sex industry is a chimera.

Instead, if we are serious about addressing exploitation, we must understand that commercial sexual exploitation preys on vulnerability, and fundamentally vulnerability is best addressed in the context of the social determinants of health, not the legal system. It involves adequate income, good housing, food security, support for families, education, self-determination and much more. These more than anything else will give us the best hope to address exploitation.

The Chair: Thank you.

I will be using little cards for any other witnesses. I'll give a 30-second warning and an "out of time" warning. Just keep that in mind. I don't like interrupting.

It's over to you, Mrs. Smith, for five minutes.

Mrs. Joy Smith (Founder and President, Joy Smith Foundation Inc.): Good afternoon, Mr. Chair and distinguished members of this committee.

I want to recognize and acknowledge that our offices are located on treaty territory, the original lands of the Anishinabe, Cree, Ojibwe, Dakota and Dene peoples, and on the homeland of the Métis Nation.

I am a former member of Parliament. I worked hard during my time as an MP to bring the human trafficking issue to the public radar screen here in Canada. The Joy Smith Foundation was founded in 2011 to combat human trafficking. Since then, I volunteer every single day at my foundation to continue the work to bring awareness about human trafficking in Canada and to help survivors and their families restore their lives.

Last October, we launched the National Human Trafficking Education Centre, the first of its kind in Canada. The centre provides free education for parents, teachers, law enforcement, service providers and others. We have 64 instructor-led modules that are currently being put online so that Canadians can receive much-needed information about how traffickers operate and what they can do to protect themselves from these predators.

We have worked on over 6,000 files of victims and their families, to restore their lives and help the victims reintegrate into the communities and back into their families. Our prevention and intervention programs at the NHTEC will be online for easy access for Canadians as soon as we get the translations completed in French and English and into some indigenous languages.

A five-minute presentation at committee today does not give justice to the complex issue of trafficking in persons and how important Bill C-36 is to the safety of our youth. It was the catalyst that set the groundwork for so many victims of human trafficking to be able to speak out and bring their perpetrators to justice. It helped me, when I was a member of Parliament, to bring the survivors' voice to the public radar screen.

When I was in Parliament, I had two bills passed to combat human trafficking: Bill C-268 and Bill C-310. They are embedded in the Criminal Code of Canada today. I had widespread support from all sides of the House at the time I was passing these bills, and I give credit to the survivors for telling their stories.

Members from all sides of the House supported these bills, and that was critical, because it opened a nationwide conversation about human trafficking and how its victims were suffering. More than that, Canadians, including the survivors themselves, started their own organizations to combat human trafficking.

Bill C-36 must remain, and parliamentarians must do more to protect their constituents from these predators, because the traffickers are in every constituency in our country. Victims of human trafficking are the recipients of horrid abuse and often lose their lives. To legalize prostitution would be a travesty of massive proportions against our most vulnerable populations, our LGBTQ, our immigrants and our youth.

I see it over and over again every single day: the suffering of young victims of human trafficking and what they endure at the hands of human traffickers, traffickers who seek to make copious amounts of money off their victims, as much as \$260,000 to \$280,000 per victim per year. That is why they do it. Most of the victims enter the sex trade at a very young age, as young as 12 to 14 years, and some even younger.

Before Bill C-36 came on the scene, there was nothing that effectively reduced the demand for the exploitation of underage girls and boys from traffickers, and in criminalizing the johns who create the demand for sexual services, Bill C-36 has helped curtail the human trafficking.

Human traffickers are the third parties who promote and capitalize on the demand for sex by facilitating this practice. They initially pose as benevolent helpers, providers or protectors to those innocent victims, who are lured into the modern-day slave trade. Bill C-36 addresses this issue as one of the objectives that has helped greatly in bringing these perpetrators to justice: It recognized trafficked victims as individuals who are lured and live through the horrid human trafficking experience with horrendous physical and mental traumas on their shoulders.

For the first time in Canadian criminal law, the purchase of sexual services is illegal. This helps in bringing traffickers to justice, because this offence makes prostitution itself an illegal practice, but this is a balanced law, because these adults who choose to sell themselves for sex are protected by law and can do so with no ramifications.

• (1555)

Recently, in Winnipeg, we were able to lobby to shut down the licensing of massage parlours and strip clubs. This is where human traffickers often place their victims.

Thank you so very much for this time today, because I have to say loud and clear, Bill C-36 is very helpful and very successful in doing these kinds of things.

In conclusion, parliamentarians must strive to keep Bill C-36 and do so much more to ensure trafficking in persons is no longer a factor in Canada.

Meegwetch.

• (1600)

The Chair: Thank you, Ms. Smith. We appreciate your testimony.

I'll now go to our first round of questions, beginning with a six-minute round with Mr. Morrison.

Mr. Rob Morrison (Kootenay—Columbia, CPC): Thank you, Chair; and thank you to both the YWCA Halifax and the Joy Smith Foundation for being here this afternoon.

Ms. Smith, I have a fairly extensive background in crime prevention and crime reduction. I want to get into crime reduction a bit later, but for prevention, especially, we're talking with youth, 12 to 14 years old, and I know how difficult it is to get into prevention. It takes 20 years, in some cases, for a cycle to go through to actually have an impact, and I think a lot of people just get to the point where they give up. It's so important for us to really look at focusing on the prevention; in other words, deterring the 12- to 14-year-old girls and boys now from getting into that particular predicament.

Reading through your review, it looks like you really are trying to do that. Can you help us in the panel here to understand what your plans would be and how you could start working on the prevention? That, to me, is the Holy Grail.

Mrs. Joy Smith: You're totally correct. Education is our greatest weapon to combat human trafficking, and we need to work together to end that. We go into schools all across this country, from coast to coast to coast, with our prevention programs. In those prevention programs, we talk about how the traffickers work, how they can be lured over the Internet, all the factors to prevent this from happening. Our youth in Canada are very smart, and if they get this information, they do very well.

We have countless evaluations. We evaluate all our presentations and we have thousands of them. Over and over again, we hear from students, "Thank you for this presentation; I'm breaking off with my boyfriend because he suggested..." and they describe the inappropriate things the individual was suggesting. Once they learn about how traffickers work, the prevention piece is huge, and that's a major part of our programs in the National Human Trafficking Education Centre.

Mr. Rob Morrison: On the prevention side, how are you working? There were some negative comments on law enforcement and their involvement, and maybe they aren't trained appropriately. I know from experience that within the RCMP, for example, there was extensive training and trying to work with youth groups and help out.

You mentioned a bit about that. Are you actively involved with the training of some of the law enforcement agencies in your area?

Mrs. Joy Smith: We are, and not only in our area but all across Canada. We just finished a huge amount of training with the RCMP in the Windsor area. There's a lot of trafficking that happens off the Great Lakes.

We work hand in hand with law enforcement. Policing is changing in this day and age. It's changing so they look at how they can connect with the community, how they can connect with youth to prevent bad things from happening. Therefore, we do a lot of training of RCMP and also municipal police forces across our country, and it's very well received.

We're in a new era now, and I'm very hopeful. I think we can end human trafficking with the knowledge that students get to protect themselves, as well as with the training of the judiciary and of law enforcement, and we're very active in that area.

Mr. Rob Morrison: Okay, and on Bill C-36 in particular, in terms of penalties, how can we improve the legislation, and is there an opportunity there to also address prevention?

Mrs. Joy Smith: There should be greater emphasis, if there is any improvement on Bill C-36, on imposing the prevention piece and getting the prevention piece out there. There's little said about the prevention of human trafficking, so we've made that one of our major focuses at NHTEC.

For Bill C-36, my very strong recommendation is that a fulsome prevention program be put in place. We can talk about partnerships with the different jurisdictions. Having been an MP for 12 years, I have found that there's little connection between the federal, provincial and municipal governments. There needs to be more liaison between the three on the prevention side, and we could have a recommendation put in Bill C-36 to address that issue.

• (1605)

Mr. Rob Morrison: In closing, I want to thank you so much for your volunteer work. What a great project.

The Chair: Thank you, Mr. Morrison.

I'll go to Ms. Brière, for six minutes.

[*Translation*]

Mrs. Élisabeth Brière (Sherbrooke, Lib.): Thank you, Mr. Chair.

I want to welcome the witnesses and thank them for being with us today.

My question is for the YWCA Halifax representatives.

You said that Nova Scotia had the highest per capita rate of human trafficking in the country, according to the most recent figures from Statistics Canada.

Do you think a multidisciplinary approach is a better way to raise awareness and more effectively support victims?

[*English*]

Ms. Charlene Gagnon (Manager, Advocacy, Research and New Initiatives, YWCA Halifax): I can take that question, as I'm doing a lot of work around the systemic responses to human trafficking and sexual exploitation in Nova Scotia.

We are definitely implementing an interdisciplinary approach to dealing with this issue. In addition to our wonderful partners within law enforcement, the public prosecution service and victims services in Nova Scotia, we have brought education and health to the table. In the last year, we've been able to embed a core learning component around human trafficking and sexual exploitation in the grade 7 curriculum across the province of Nova Scotia. We also, of course, work with our numerous grassroots on-the-ground service providers, which are working with and providing supports to survivors, victims and those who identify as sex workers. It's important to note that not everybody uses the same language as we do in terms of how we talk about and label this issue, so we try to be inclusive of all experiences of people who are sex trade-engaged, whether they identify their experiences to be exploitative or trafficking or not.

Yes, we are very much of that opinion and are creating a community of practice here in Nova Scotia that is interdisciplinary. It is bringing a number of different stakeholders, systems and partners to the table for us to really take a holistic approach to this issue and not just focus on it as being a problem with pimps and perpetrators. The underlying root causes of human trafficking and exploitation are key to prevention, in our view.

[*Translation*]

Mrs. Élisabeth Brière: The United Nations definition of “trafficking in persons” refers to the following elements:

...threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability....

Could you give us some real-life examples of what that looks like in your area and, if you can, other areas?

Lastly, could you talk about the subtle ways used to exert control over victims?

[*English*]

Ms. Temitope Abiagom (Manager, Nova Scotia Transition and Advocacy for Youth (NSTAY), YWCA Halifax): Control comes in a variety of forms, so there is no single way by which youth are being controlled. We are seeing trading, which was highlighted in our presentation. Trading, for youth and young people, means trading basic needs—housing, income and food—for sex. That's one of the forms we see. Also, we are seeing a number of cases of trafficking, in which they are tricked and lured. They are being controlled, and we are also seeing the issue of power dynamics with the people they trust.

Those are some of the things that go on in terms of sexual exploitation and human trafficking with the youth in Nova Scotia. We see many cases in rural communities. We see them in marginalized communities. We see it in the school system, and most especially we see it in the child welfare system. In the work I do on child protection, I see that many of the youth who come through our doors have either been involved in child protection themselves as youth or have parents who have had involvement in child protection.

These are some of the underlying, root causes of the control. It goes back to the vulnerability, which we talked about in the presentation, which is most often the root cause of control.

• (1610)

[*Translation*]

Mrs. Élisabeth Brière: Thank you.

I have 30 seconds left.

I'd like to know whether the Canadian Human Trafficking Hotline has made a difference, from what you've observed.

If Ms. Smith could provide a brief answer, it would be appreciated.

[*English*]

Mrs. Joy Smith: I believe all partnerships across this country are extremely important, and the hotline, of course, is one of those partnerships and an extremely important component. You know, it takes a nation working together, everybody working together, to stop human trafficking and prevent this kind of horrendous crime from happening. As far as the hotline is concerned, there are a lot of really good things that are happening there as well.

The Chair: Thank you, Ms. Smith.

Now we go to Madame Michaud.

[*Translation*]

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

Thank you to the witnesses for joining us and sharing their expertise.

I'm trying to educate myself more on this far from straightforward issue. I've started reading an essay on the subject by a Quebec author. I haven't gotten that far yet, but I did read that even feminists are split into two camps: those who want to abolish prostitution and those who support sex workers. All that to say, finding solutions isn't easy.

Ms. Gagnon, you said that you weren't necessarily going to take a position on the matter, and I understand, but you said that we, as committee members, needed to consider two questions. One, does the bill adequately protect people who are being sexually exploited? Two, does the bill cause them harm?

You answered both of those questions. Your recommendation to address sexual exploitation is to work on a number of fronts at the same time, including social housing and education. It might not be possible to put an end to the sex industry, in your view.

I'd like you to talk about the other fronts we can work on to address this issue.

If legislation is one of the solutions, what can we, as parliamentarians, do to make a difference?

[*English*]

Ms. Charlene Gagnon: Here in Nova Scotia, we are really trying to adopt a public health approach to dealing with and addressing this crisis that we have here in the province. A public health approach can look at this issue more holistically and centre the experiences, the victimization, the violence and the trauma that can happen within the context of the sex trade when it is coming about through exploitation and trafficking.

I really appreciate your position of trying to balance out the variety of opinions on the legal status of sex work in this country. As a partnership, we have reached consensus on how to approach the issue, what we need to do in terms of prevention and how we should be providing supports to individuals on the issue, but we have not been able to reach consensus on the legal status of sex work. We feel that we don't really have to. Sometimes that stalls the work that needs to be done to support people who are coming to us for services, programs and assistance, however that looks, so by implementing a public health approach to the issue [*Technical difficulty—Editor*] upstream again.

I totally agree with Joy Smith that prevention is key in order to have any kind of effect in stemming the tide of people who get involved in this. It helps us take a holistic approach, because here in Nova Scotia as well, we're dealing with an issue of what has been referred to as peer recruiting, which is where victims also hold the position of being what the criminal justice system would define as an offender. When you have youth who are influencing and encouraging other youth to participate in the sex trade and we take a justice-based approach, it can be really difficult to pull apart who's a victim and who's an offender.

By taking a public health approach, we can deal with all of the trauma and all of the issues that are presenting themselves to us and focus in on supporting youth and young adults who are engaged in the sex trade.

• (1615)

[*Translation*]

Ms. Kristina Michaud: Thank you for your answer.

When it comes to prevention, do you think communities and organizations like yours have all the tools they need not just to promote prevention at the community level, but also to keep victims of sexual exploitation safe?

They could fall through the cracks in terms of the system or this legislation, which doesn't seem to have lived up to expectations since it was passed.

[*English*]

Ms. Miia Suokonautio: Thanks for these very thoughtful questions. What I would say is akin to what Charlene was saying.

I'll tell you that I was an emergency crisis social worker in the pediatric hospital here in Halifax, where I would see children and adolescents in all sort of crises. There was a small but very significant group of young women coming in who were doing blow jobs in trailers to get tickets to the midway. This type of exploitation happens in all sorts of contexts, and it's part of what we talked about in terms of legislation.

For me, it's a complicated question around what the true root causes of this are and why, although it's not a silver bullet, the public health approach that we're talking about is.... We really want to be able to support people where they are, and this goes back to what Temi was saying around child welfare and whether our children who are growing up in child welfare are adequately supported around these issues, because they're especially vulnerable.

There are a couple of things. We need peer outreach workers across the country. We have an amazing team who themselves had been exploited and who are now our staff. They are the number one resource that we have as a community. They are the ones to whom I would send my children if, God forbid, I were in a situation. They understand the harm.

To answer the question on our resources, we as a community have to understand the welfare of our young people broadly writ.

The Chair: Thank you, Ms. Michaud.

We have Mr. Garrison for six minutes.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Mr. Chair.

I want to thank the Halifax YWCA for their appearance today and their testimony, which is so grounded in the real experiences in their community.

At the beginning—I apologize if I mispronounce your surname—Ms. Suokonautio had answers to these two questions, which I think are the most important questions in front of us. They're not the philosophical questions. Of course, in the Criminal Code you can't legislate prevention—that's hard to do.

I want to go back to those two questions. You said there was no evidence that the bill, as it exists, is protecting people who are exploited. Could you give us a little more about what that conclusion is based on, from your experience?

• (1620)

Ms. Miia Suokonautio: I can speak to that quickly, and then maybe Temi can follow up.

Across the province the service providers we are working with on the ground are reporting numerous instances of not only exploitation, but violence that is happening in the context of the sex trade. Part of the reason we say there's no real evidence to support it is that very rarely do people come forward with that, because of the effect that the criminalized nature of participation can have on their livelihoods and getting those basic needs filled.

Then, when something does happen, there are a number of things that will come into play in terms of whether or not someone reports that to the police. We haven't seen an increase in charges from the

Criminal Code point of view against purchasers or against perpetrators of bad dates when violence occurs. That's part of it.

Maybe Temi can give an example of what we've seen.

Ms. Temitope Abiagom: I would say that in the last month we've seen cases of sexual assaults...tricks on them...people who don't even have pimps. I will say to you that out of all the numbers of young people who have been assaulted, only one of them is willing to move forward with the charges. What that tells us is that this bill does not encourage people to move forward, because it stigmatizes them. It tells them they are at fault. They are the problem. It prevents them from seeking the support they need.

We see many young people who don't want to come forward because of this bill. They don't trust the system. They don't trust the police system. They don't trust the criminal justice system, for reasons best known to them. Those are some of the things we have seen.

Mr. Randall Garrison: Closely related is the second question: Does this bill, as it exists, actively cause harm to those who are involved in sex work?

Maybe you could say a bit more, since the conclusion you reached is that it does actively cause harm.

Ms. Temitope Abiagom: Yes, I can speak to that as well. When we talk about harm, what do we mean by that? It means people not coming forward to seek the support they need at the time they need it. We say it's causing harm because it's pushing the sex industry [*Technical difficulty—Editor*] penalizing them, and it also dehumanizes those who are involved in it. It's making supports really hard for them, making them more vulnerable to violence. The violence is increasing, and they're not coming forward to say, "This is what is happening to us." In that way, we would say it's causing harm.

Mr. Randall Garrison: At the beginning, there was some mention of the fact that there are many other laws around exploitation that would continue to exist if this law didn't exist. The experience in my community is that those other laws quite often are not used. Instead, there's an over-reliance on the provisions of C-36. In your experience in Halifax, would you say that's the case?

Ms. Miia Suokonautio: That was part of our presentation as well. In fairness, we also spoke with some of our local Crown prosecution here as we prepared this presentation.

First of all, where so few cases make it to the courts, it's an important.... It's this balance of harm. In some cases, Bill C-36 may be used, but we're balancing it against those who don't come forward.

We're also balancing it against the fact that other laws exist around exploitation. We've been talking about human trafficking here, but human trafficking is also its own criminal offence. That does not go unchanged if we talk about Bill C-36. Child pornography laws.... These types of things can still exist separately, even if we revisit Bill C-36. They remain there.

What's really vital for us is the evidence base. What is the evidence base when we make claims? Did this bill truly limit the number of people coming forward? All we can tell you is what we're seeing. If we rely on court data, it's only those who went to that point.

This is where I'll do a two-second plug. YWCA Halifax, together with our test partners, is doing work. We've currently wrapped up the second round of a provincial survey of people with lived experience. It is extremely high quality. It's excellent. This is what we should be using to determine our policies, not our opinions.

● (1625)

Mr. Randall Garrison: Is that report available at this point? If it is, could you be sure to table it with the clerk of the committee, so that we can look at it directly and make it part of our deliberations?

Ms. Charlene Gagnon: We are currently in the process of doing the data entry and analysis. We're hoping to have a report ready by May of this year.

The Chair: Thank you.

Next, for our five-minute round, is Mr. Moore.

Hon. Rob Moore (Fundy Royal, CPC): Thank you, Mr. Chair.

Thank you to all of our witnesses. It's great to hear from you and to hear about the work you're doing, both the YWCA Halifax and the Joy Smith Foundation. I appreciate your input into this very important study we're doing.

My question is for Joy Smith. You mentioned two private member's bills that you were able to pass as a member of Parliament.

It's good to see you again. I served at the same time as you. I also appreciated.... I guess you were far less partisan than I was, so you were able to get strong support across the aisle for your private member's bills.

Can you speak a bit to the tie-in with what you're doing now and Bill C-36? What do your private member's bills do and what is their tie-in to Bill C-36?

Mrs. Joy Smith: I appreciate that question, because Bill C-36 was the basis that I built my bills on. We have evidence every day of Bill C-36 being very effective.

The shutdown of licensing for body rub parlours and escort services, for instance, was very important in the city of Winnipeg. The last victim I pulled out of one of those body rub parlours was 13 years of age. Because of Bill C-36, the emphasis now is on the perpetrator or on the john. They are the ones who get brought to justice. Before Bill C-36, it was the women who were arrested. Now that doesn't happen.

We've had many cases out of the 6,000.... The other day, I had my assistant bring some information to me in preparation for today.

We've had 1,223 cases—I think; I don't have it in front of me—of victims who actually went to police because we were saying to them that this is the law.

The danger is that a lot of people don't know what the real laws are. If people belong to a certain group or to one organization, they all think the same way. We have to think outside the boxes.

That's what I did when I was in Parliament. I had friends on all sides of the House, including Liberal, Bloc Québécois, NDP and everybody who really wanted to end the horrendous torture that some of these young girls went through in human trafficking. No one talked about how a lot of these young people were targeted. They became boyfriends and girlfriends of the perpetrators unknowingly. They didn't realize that eventually they would be trafficked and their lives would be changed forever. The rehabilitation side takes a very long time. The reintegration into families takes a very long time. The girl who left home is not the girl who comes back, if she comes back.

I'm very positive that if we have that education out there and we work together on all sides of the House to support Bill C-36, keep it there and build on it....

When we talk about root causes, since the beginning of time we've talked about housing and education and all of that. That's very valid. I found in our intervention program that providing a pathway to education after coming out of human trafficking and providing a pathway to housing so they can live in a safe place was a game-changer in Canada. It would be a travesty not to have it there, because we've had clear evidence all across Canada.

We are a registered, not-for-profit, national NGO. From all the provinces, and that includes Nova Scotia, we've had evidence of Bill C-36 being a really big asset to the victims of human trafficking. We have to be very careful when we put away a bill that was the basis for the voice of the victims of human trafficking. I think it has to be there and I think it has to be enhanced.

● (1630)

Hon. Rob Moore: Thank you for your testimony.

I have only a few seconds left.

Ms. Gagnon, you mentioned the importance of education. You're doing work in grade 7 and grade 8. I'm sorry it's not a ton of time, but can you give us a couple of highlights of what that work is like?

Ms. Charlene Gagnon: Yes, for sure.

Of course we have our regular healthy living curriculum within the Department of Education here in Nova Scotia. Up until this past September, it never included a component on educating youth on what exploitation can look like and what grooming can look like. We also had a page put into the grade 7 sex book about human trafficking and exploitation.

The Chair: Thank you, Mr. Moore. Thank you, Ms. Gagnon.

Next, we have Ms. Diab for five minutes.

Ms. Lena Metlege Diab (Halifax West, Lib.): Thank you very much, Mr. Chair.

I'm very pleased to have all the panellists with us today.

I represent Halifax West, so Miia, Charlene and Temi, it's nice to see you. I really appreciate all the work you are doing in my home province of Nova Scotia. I know that you're leading TESS, the trafficking and exploitation service system. In fact, having been an MLA back in 2020, I know you held a session for all provincial MLAs. For me that was a real eye-opening experience.

I know you have a partnership with over 70 agencies in the province, working to respond to the commercial sexual exploitation of children and youth. As a couple of my colleagues have referenced, you rightly went to the root of the question here: Does the bill protect people from being exploited, and does it actually cause harm?

You also mentioned that this needs to be evidence-based. Can you talk to me, in the few minutes you have left, about the need for it to be evidence-based? I know you've done extensive investigations, or you've worked with a lot of people who are in the sex trade industry. Can you tell me about who they are, who the victims are and who the other side is? Just give us a bit of a broader reflection of all of that and anything else you would like to add.

Ms. Charlene Gagnon: We've done a number of "first voice" consultations and engagements with individuals across the province of all ages and backgrounds who have been sex trade-engaged. We don't require anyone to identify their experiences as being a victim or a survivor or even a sex worker. We're fairly inclusive in terms of how we consult and who we consult with. While we never want to conflate sex work and trafficking, we also recognize that there are intersections between exploitation and trafficking and the sex trade generally.

Some of those projects have included our 2020 Hearing Them survey, which was the first kick at the can of talking to survivors. We talked to 95 survivors across Nova Scotia. About 70% of those were from urban communities and about 30% were from rural communities. From their responses, we actually made some changes to our policies and on how we move forward. We asked them well over 100 questions—basic demographic information, what was going on in their lives, how old they were when they first engaged in the sex trade, whether or not they were still engaged in the sex trade—and then really focused around services and supports.

One thing that really came out from that 2020 survey, which I think is important to note here, is that it is true that people often come into the sex trade as youth and as being influenced or being trafficked in that Criminal Code sense of the word. However, once they move on and they're entrenched in the sex trade, without having any additional resources or educational opportunities to make a career change, they stay engaged. Many of the people who identify as being adult sex workers in Nova Scotia are both adult independent sex workers and former victims of exploitation and trafficking. We hold that very closely. We try to make sure that we are survivor-informed in our practice and in the policies we put forward.

Really, what everyone tells us is that there are two basic things they want. They want non-judgmental services, which means we have to remove some of the values we might have about the buying and selling of sex to reduce the stigmatization of their experiences. They also really need harm reduction services. They have basic needs. They need housing, they need food, they need income and they need transportation, particularly if they're in rural communities. They need a whole host of things. Often that means that as service providers, we have to set aside the personal or individual values we have on the buying and selling of sex.

• (1635)

The Chair: Thank you.

Madame Michaud, you have two and a half minutes.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

My question is for Ms. Smith.

Ms. Smith, as a former member of Parliament, you can appreciate the position we're in as we try to navigate all of this.

Thank you for the commitment you've shown and the foundation you created. You are doing important work to combat human trafficking through prevention, support and intervention.

Do you think we should be going further in this reform? I said "reform", but what we're doing feels more like a review of the act, which we've often been told has not achieved its purpose.

What changes do you recommend? Do you think we should reform the act or change how things are done?

[*English*]

Mrs. Joy Smith: Bill C-36 is very valuable. I think we could strengthen it even more by putting the prevention piece in it.

Also, something that comes up over and over again, and what we've found at the foundation, is that once you work with survivors, they need a way out. They need education and they need a different path, because when they start out, they're innocent victims, really. Someone lures them into the sex trade. In Canada, 93% of our traffic victims are Canadian born. They need to have a pathway whereby they can get re-educated and find a job to support themselves. That's the reality. A lot of them stay in it because they have no way out.

Then you have the enhanced addictions. You have all the trauma they go through when they can't provide their own children with the necessities of life.

We could go even further as parliamentarians, by adding to Bill C-36 to make that component a reality, bridging among all the levels of government—federal, provincial and municipal—because I think that is neglected in a lot of ways. All these levels of government are very important in the solutions we need for the victims of human trafficking.

The Chair: Thank you, Ms. Smith and Madame Michaud.

It's over to you, Mr. Garrison, for two and a half minutes.

● (1640)

Mr. Randall Garrison: Thank you very much, Mr. Chair.

I just want to say, for the record, that I too was here when Bill C-36 was passed, and despite some implication here that there was broad support for the bill, only Conservatives voted for it. The Liberals and New Democrats did not.

I want to go back to the representatives from Halifax and talking about a public health approach. I'm assuming the situation in Halifax is the same as it is in my community, where you find an over-representation of indigenous people, racialized Canadians and often those who are from my community—the LGBT community—represented in sex work. I wonder if that is in fact the case in Halifax and whether the general causes you're talking about are the same: the lack of access to the basic necessities and to good employment opportunities.

Ms. Miia Suokonautio: I have spent my career in the social services, and this is exactly it.

As we said in our presentation, exploitation preys on vulnerability. All those things, like racism, histories of colonialism and all the marginalization, which heighten especially a young person's vulnerability also heighten their vulnerability to exploitation.

Again, we're not going to arrest our way out of vulnerability. It's really around addressing some of those more complex pieces.

One of our amazing colleagues here in Nova Scotia, Karen Bernard, who is the executive director of the Jane Paul Resource Centre for Mi'kmaw Women in Cape Breton, was in a meeting one time, and she said that colonialism is the perfect groomer, because there is no better way to tell you that you have no value.

For me, that has really echoed with the Nova Scotia Native Women's Association, with funding through WAGE, and we are serving on their advisory committee and working with them. They are currently conducting a provincial strategy and assessment on the situation for indigenous women. I think hearing their perspectives, along with what you have in your own missing and murdered indigenous women and girls report, is really significant. These things are very connected as well.

I feel very strongly that we need to keep in mind that what survivors are telling us will be the most effective tool. Also, does this committee have a lived experience advisory that is also going to be advising it? I would recommend that you do.

The Chair: Thank you to all the witnesses for your important testimony. You can listen on if you want, but the next panel of witnesses will come on. If there are any quick sound checks, I'll ask the clerk to do that, and then we can resume.

We'll suspend for two minutes.

● (1640)

(Pause)

● (1640)

The Chair: We will now have Ms. Lam from Butterfly (Asian and Migrant Sex Workers Support Network) for five minutes. After that, we'll have Ms. Kent for five minutes, and then we'll have questions.

Ms. Elene Lam (Executive Director, Butterfly (Asian and Migrant Sex Workers Support Network)): Good afternoon.

My name is Elene Lam. I am the executive director of Butterfly (Asian and Migrant Sex Workers Support Network). I have a master's in law and social work and have worked on human rights and gender-based violence for over 20 years, nationally and internationally.

Butterfly is a community-based organization that organizes and provides support to over 5,000 Asian workers who work in massage parlours and the sex industry across Canada. It includes permanent residents, refugees and non-status women.

As a sex worker rights organization, we are a defender of human rights and sex workers' safety. Today we will share the voices of Asian migrant sex workers with you, because we would like to tell you that this law does not prevent exploitation and does not protect women. It does the opposite and harms sex workers. It is a lie to say that sex workers can continue to work under this law. I can give you more evidence. We have done a lot of research and collected a lot of stories from sex workers about that.

Racialized and migrant women face violence, bad working conditions and exploitation every day in all industries, including caregiving and factory work. As a response, we do not see calls for criminalization of these industries; rather, we call for migrant and labour protections. Sex work is the way to resist oppression, access income, gain social resources and escape abusive relationships for many Asian and migrant women.

Most migrants dream that they can be free and safe when they move to Canada; however, reality is different. Criminalization of sex work and lobbying to eliminate the sex industry promote violence, racial profiling, discrimination and hate against sex workers. Hotel staff, landlords and even NGOs are asked to monitor sex workers. Cities shut down Asian massage parlours.

In the Atlanta shooting, six Asian women were killed. This is not unique in the U.S.; it has also happened in Canada. Seven Asian workers have been murdered. It's because of the hate of sex work. It's because of the criminalization of sex work. When you label sex work as violence, you don't recognize the real violence against the sex worker.

Criminalization means sex workers are often arrested and deported when they report violence. One sex worker who was seriously injured in a robbery said that she would rather suffer the violence than be arrested. When our Butterfly helpline rings at midnight, my heart pounds because I don't know if our member is being robbed, arrested or even murdered.

Essential systems for migrant sex workers, including friends, third parties and clients, are being framed as traffickers. They are arrested when they help each other. Almost 200 women were charged for procuring and advertising in the last few years. One of the sex workers was arrested just because she helped other workers to advertise, communicate and screen clients.

Instead of protection, law enforcement is the major source of violence. Thirty percent of sex workers report that they have been harassed, sexually assaulted and abused by law enforcement.

Due to the conflation of sex work and trafficking, law enforcement keeps targeting sex workers. The police broke the door with a warrant when a worker was sleeping. She was handcuffed and not allowed to get dressed before answering questions. Her ID was taken; her money and phone were taken away, and she was asked if she was safe. She told the police that she was safe before they came. She was terrified because she didn't know whether she would be deported, charged or outed.

The stereotype about Asian and migrant sex workers is that they are passive, ignorant trafficking victims, yet migrant sex workers have been vocal about the need to decriminalize sex work and remove the criminal law, immigration law and bylaws that invite the police into our lives. This law creates vulnerability. We are not victims. We are workers. We know best about our lives. We know how the law harms us.

In the words of migrant sex workers, you should not criminalize and take away our work. You should not control our bodies. If you really care about the rights and safety of the workers, you should respect our agency and listen to us. You should not put more harm and danger into our lives.

It is not only Butterfly that has witnessed this harm. Many organizations of violence against women and human rights organizations, like the Ontario Coalition of Rape Crisis Centres and the Global Business Coalition Against Human Trafficking, all bear witness and have shown opposition to the criminal law against sex workers.

• (1645)

We urge the government to listen to the community and repeal Bill C-36, which harms and kills sex workers.

Thank you.

The Chair: Thank you, Ms. Lam.

Now over to you, Ms. Kent, for five minutes.

Ms. Lynne Kent (Chair, Vancouver Collective Against Sexual Exploitation): Good afternoon, everyone. Thank you for this opportunity to speak to you.

I am Lynne Kent, chair of the Vancouver Collective Against Sexual Exploitation. We are a collective of organizations and individuals with many years of work and experience in this field.

Bill C-36, in my understanding, is now a law called the Protection of Communities and Exploited Persons Act. It is socially, legally and relationally transformative in its approach to addressing the objectification and commodification of women and girls. It is a leading-edge instrument, recognized globally, and it is focused on protecting the right to life, liberty and the security of persons, which the sex trade violates every day.

Our government has been a global champion of comprehensive health rights and gender equality, and PCEPA provides you with all the opportunities to achieve this. It addresses the most significant factor in the disempowerment of women: the commercialization of women's bodies, which comes from supporting male demand and a sense of entitlement to sex whenever, wherever and with whomever they want. PCEPA says no and, in a recent poll, five times as many Canadians agreed.

Safety for women is what we are all advocating for. Preventing exploitation within the sex trade has proven to be impossible. The harm done to the women and girls being exploited is well documented, and repealing the law will do nothing to change that. In fact, it will increase both the harm and danger to those in prostitution, all women and children, and communities.

It is a cruel lie to suggest that changing this law will make it safer for anyone in the sex trade. The evidence is everywhere. The lobby to repeal this law is more about safety for the exploiters. Don't be fooled; the pimps, johns and traffickers are the only ones to benefit here.

Yes, listen to those in the sex trade, but which ones? Do you listen to the privileged few who claim to be there by choice, or the vast majority, who are there because of lack of choice, who have been lured, seduced and coerced, want out, can't get out, are trapped and have no voice? You won't hear from them. They won't be at this table, because they are not free to speak up.

The closest you can get to the truth is from the survivors, those who manage to get out and care enough about others to endanger themselves—make no mistake—and tell the full story. Those who truly care about the safety and well-being of everyone in the sex trade know there is no meaningful harm reduction. Laws can't be made to serve a few. This law must focus on the protection and safety of the majority.

New Zealand prostitutes protested, campaigned and lobbied for full decriminalization, only to find out that their own agency was reduced and all the benefit, control and power went to the brothel owners, pimps, johns and exploiters. If you repeal, you will increase the harm and danger to all women and children, specifically those who are indigenous, immigrant, poor and racialized, as well as every single child from age 10 to 18.

Do you want that to be your legacy? Do you want that on your conscience? We will be here to hold you accountable, to point the finger and lay the blame where the fault belongs. It is your responsibility to protect exploited communities and persons, not to facilitate the sex trade and the inherent severe harm you have been told about again and again.

We have submitted a brief that identifies what is valuable about PCEPA. However, this gold-standard law will achieve its potential only if it is implemented. We need consistent enforcement across the country. We need training of the police, a public education campaign and robust support for those exiting.

• (1650)

Where will you align yourself, on the side of Canadian citizens and communities or on the side of organized crime? It's not the law that causes the harm. It is the men who buy sex. Until we address the demand, nothing will change.

• (1655)

The Chair: Thank you, Ms. Kent.

I'll go over, for the first round, to Mr. Brock, for six minutes.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Mr. Chair.

Thank you so much, Ms. Lam and Ms. Kent, for attending today and providing us with some valuable testimony as we study this piece of legislation. It's a legislative review of the PCEPA. I want to thank you for your advocacy.

I'm going to start with you, Ms. Kent. I took an opportunity, in preparing for this hearing, to look at your website. You touched upon it in your opening remarks. We've heard so far—and I'm sure we're going to hear more on later occasions and at later dates—witnesses who are proponents of decriminalization. We've heard supporters, such as you, strongly advocating for continuing on with the benefits of Bill C-36.

Can you expand for us a little on some of the disastrous effects of decriminalization in New Zealand?

Ms. Lynne Kent: Well, it's very interesting, because just a couple of years after their new law was brought in, they appeared for the first time on the TIP, trafficking in persons, report. They have been alerted in every report since that they have a problem with trafficking.

Here's what's really interesting. They claim they don't have a trafficking problem. In fact, I've seen from the sex workers organization that they're actually insulted at being told they have a trafficking problem. They reframe trafficking as a sex-work holiday, a wonderful opportunity for individuals to come to a beautiful location to work.

In fact, we have testimonies from sex workers in New Zealand who really feel betrayed. After all they put into it, they found themselves, as I said, lacking any agency. Really, the exploitation continued, but they had no recourse and no result because this was a legitimate business. Who was even looking for them? They certainly did not feel as though they could go and report to police.

Again, this comes back to why we can't even say our law creates harm, because it hasn't been implemented consistently in the country. There's a lack of training of police, a lack of public education. There has been no understanding of what's needed there. You can't claim harm from the law.

I do want to say that all of those harms exist, but we are laying all of those harms at the foot of this law when they more appropriately belong to many of our social services systems, definitely including child welfare. It throws children out on the street at age 19, and—guess what?—they end up in the sex trade. We know there are a lot of foster kids in the sex trade.

With regard to our health care system, indigenous people, LGBTQ people, and women in general complain that they are not treated well. They are discriminated against in medical treatments and in health care. For financial services, it's the same thing. We can't say that this law is causing harm—this harm and those harms—to sex workers.

Mr. Larry Brock: Thank you for that.

You referenced the bill and commented that it's a gold-standard law; it's transformative; it's a leading-edge instrument. Can you propose any changes we might want to consider, by way of amendments, to this particular legislation, or areas we could consider as part of a potentially newer law to offer more protections for individuals trying to remove themselves from the situation?

Ms. Lynne Kent: The first thing I want to say is that I think there probably are some things that can be done to reduce the harm to sex workers, particularly educating the police and everyone. Sex workers should not be charged at all. That's what the law's intent was. We were going after the exploiters. We were going after the perpetrators of harm, not the people who are being harmed.

That, I think, is something that needs to be looked at. How do we ensure that the intent of the law is what is actually delivered? The only way will be through educating and training the police, educating the public and rolling out those supports to those who want out.

The law addresses all of that, but we have not been following it.

• (1700)

Mr. Larry Brock: Ms. Lam, just quickly, please, can you offer any suggestions by way of any potential amendments to Bill C-36 to offer greater protection to Asian migrant workers?

Ms. Elene Lam: I think it is very clear that repealing the whole law is the way to protect Asian and migrant sex workers. Ms. Kent said that only the privileged and pimps are asking to repeal the law. No: Thousands and thousands of sex workers in Canada are telling you that this law kills us. It needs to be repealed.

The Chair: Thank you.

Ms. Dhillon, you have six minutes.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Mr. Chair.

I'd like to thank our witnesses for coming in today.

Ms. Lam, you mentioned something that really struck me. When I was practising criminal law, it would be the same sentiment I'd get sometimes from my clients. You spoke about how your heart pounds when you hear the phone ringing at night.

Can you please tell us a little more about what you mean by that? What kinds of situations arise to make you feel this way? How do you yourself cope with it? We can experience vicarious trauma, and from the way you have spoken and testified today, I can sense it from you.

Could you please answer these three questions? If you want me to repeat them for you, I will surely do so.

Ms. Elene Lam: Thank you so much, and I think you asked a very important question. This is what we witness in the community every day, how sex workers are being harmed by the law. Why are they being targeted by the perpetrator? It's because they know the law does not protect them. They know the law is targeting them.

I have to very sadly say that [*Technical difficulty—Editor*] attend a Parliament meeting. One other thing I organize most is funerals. Every time I see the dead body of a sex worker, I ask why. Why do we still have this law? We know this law keeps killing people. We know the law makes it so the sex worker cannot work safely. When sex workers protect each other... For example, some sex workers cannot speak English. The other sex worker helps them to communicate with clients. That sex worker is then put in jail, and the original sex worker has to work in a very vulnerable situation.

Why do we still do it? I really don't understand why so many people say... Particularly, I see lots of people say it's not sex workers, it's not racialized, and it's not migrants. They keep saying that they know better than the community. If you really, really care about the exploitation and the safety of the worker, the answer is very simple. Repeal this law.

I have been working with a lot of sex workers in New Zealand. I have worked with a lot of support [*Technical difficulty—Editor*] country they have criminalized sex workers less. They are less vulnerable. They are able to seek help. The whole conflation of sex work and trafficking has increased policing and increased the vulnerability of the worker.

I really hope that, after this meeting, we will have a report that really reflects the reality of how this law harms sex workers and cannot protect them from exploitation, because many organizations—not only sex worker organizations but human rights organizations and violence against women organizations—keep telling you. We really hope the law can be changed, that no sex worker will die because of the hate of sex work, because this view provokes hate of sex workers. We remember the six Asian women murdered in Atlanta because the murderer said they wanted to eradicate sex workers.

When I hear so many people here say they want to eliminate sex workers, for me, this is no different. They die because of your hate of sex workers, but these are the bodies of sex workers. Whether you like it or not is your decision, but you do not have the power to exercise your power over other women. When you say that men should not use the bodies of women, I have to tell you: stop using the bodies of sex workers to benefit your career and to get more funding.

Sex workers keep telling you this law kills us. Sex workers say this law does not protect us. This is a very important message. I want you to hear this, and I also want all the people who advocate for the end-demand model of criminalizing sex work to hear this. You need to really think about what you are doing. We really don't want to see more sex workers killed.

Thank you.

• (1705)

Ms. Anju Dhillon: Thank you, Ms. Lam, and you are absolutely correct. We don't want to see more sex workers come to harm.

Can you talk to us a bit about interactions with the authorities? In your opinion and your experience, what have you seen when there are interactions between sex workers and the authorities, especially when they're racialized or don't speak English? Can you tell us what the difference of treatment is between the way they are treated and the way other people, other sex workers, are treated, or is there no difference? Are they all—racialized or not—just seen as the same? Could you please make these distinctions, so we can better understand? Thank you.

Ms. Elene Lam: Yes. You have raised a very important question. Criminalization of sex work also provides strong powers for law enforcement to conduct racial profiling. We have so many Asian sex workers who are being arrested. The police say that when they go on the Internet, they search for the Asian section, so they are being targeted because they are Asian. There is the assumption that they are victims, which leads to their arrest.

Also, because of the conflation of sex work and trafficking, any sex worker working for or helping other sex workers will be arrested. It is criminalized. It's very clear that this law gives lots of power to law enforcement to target the sex worker. Police cannot be trained, because this law is designed to target sex workers. Thank you.

The Chair: Thank you, Ms. Dhillon. Thank you, Ms. Lam.

Next I have Madame Michaud for six minutes.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

Thank you to the witnesses for being here.

As I told the previous panel, I'm trying to navigate my way through all of this. The discussion is an extremely important, but unique, one. Usually, when the committee hears from witnesses, everyone more or less agrees on the solutions, and a consensus emerges to some extent. In this case, however, opinions are divided. This is seen as a black and white issue, and we have heard good arguments from both sides. On one hand, we're being told that the way to protect victims of sexual exploitation is to repeal the act. On the other hand, we are being told that we should strengthen the act in order to protect them.

I'll start with you, Ms. Kent.

You said repealing the act would not make victims of sexual exploitation any safer. You said we need to focus on the demand.

How can we do that?

I know you touched on it, but I'd like you to elaborate, if you could.

[*English*]

Ms. Lynne Kent: Well, the law actually does that. The law is focused on the demand.

I absolutely hear Ms. Lam's testimony. I want to say that I've heard this from survivors as well. I've heard the same things. They are saying that they're tired of burying their friends, but they recognize that it is not the law that has buried their friends. It is the buy-

ers and the exploiters who have caused the harm that has buried their friends. Sometimes it's suicide, because of the work.

As an organization, we have no funding. We are all volunteers. We include sex workers, past brothel owners, survivors and multiple people who are working with sex workers. That's what we're hearing from them.

The law is not about criminalizing sex work. When I say it's not being implemented, that's the problem. It's very fulsome. It gives us all the tools to do exactly what Ms. Lam is asking for. Within this law are tools to protect sex workers. It comes back to this: Why are people being harmed? Why are people afraid of the police? We are not educating and training the police to implement this law the way it was intended.

We also know that the exploiters are educating the sex workers—the individuals—to be afraid of the law, to be afraid of the police and to not go to the police because it puts them in danger. They don't want it out there that they have harmed them in some way or that they've been assaulted.

We're laying a lot of blame on the law that doesn't belong on the law. As a result, as long as we do that, we really are ignoring the underlying issues that are leading to harm within sex work and violence against women, period.

I just want to say to you, Ms. Michaud, that I have listened to the testimonies and your questions. I really appreciate the extent to which you are seeking information and looking at all sides of this issue in trying to deal with a very complex issue in a kind and supportive way. I certainly appreciate how difficult it is for legislators to wend their way through this issue to really address what the law is trying to address.

• (1710)

[*Translation*]

Ms. Kristina Michaud: Thank you.

You said that police need more training or that their training should cover additional components. I agree with you on that. I'm on the Standing Committee on Public Safety and National Security, and we are forever coming across new areas where police training is needed. It's an ongoing effort. It's clear that their training could be more extensive.

I can understand why victims have not had positive experiences with police and are afraid. The act puts them in an awkward position because they are afraid to speak out. They operate in an illegal world, but they are still trying to work, to do their job. Marylène Levesque, a young woman in Quebec City, was killed last year by a repeat offender. She was probably afraid to go to police.

Even if police do receive more training, how do we deal with those other factors?

I didn't leave you much time to answer. My apologies.

[English]

Ms. Lynne Kent: I'll be really quick. Certainly we have [*Technical difficulty—Editor*] here in Vancouver. There needs to be a combination of the police and a social worker, so that these women are not only faced with the justice system, but also have a social worker with them who is looking after their benefit.

Certainly, our police here have done that with family services. They have worked very closely with family services to have an advocate with them when they are dealing with an issue of a sex worker.

The Chair: Thank you.

We'll go over to you, Mr. Garrison, for six minutes.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

I want to turn back to Ms. Lam and first of all thank her for her very important testimony. It is clearly based on work with the sex workers rather than opinions about sex workers.

Ms. Lam, I want to just explore in a bit more detail the problems created for those without legal status in Canada that potentially result from this law. When you talk about a reluctance to go to the police because people may not have legal status, what exactly are you talking about there, Ms. Lam?

• (1715)

Ms. Elene Lam: I would say it is a mistake or an illusion to say that this law allows sex workers to continue to work. Particularly for Asian and migrant sex workers, even some who are permanent residents, because of the language barrier and also because they do not have enough income, a third party or the client is often their very important support system. For example, they may need someone to help them advertise or communicate with clients, but everything has become illegal.

I think there is an extra layer because the anti-trafficking investigation always involves the CBSA. We see many anti-sex work investigations turn into anti-migrant. With the immigration policy now, even people with temporary work permits are not allowed to work in the sex industry.

That's why for us it's very important to have the law protect the sex workers' safety, but at the same time, we keep saying this is also about their work and their livelihood. It's also about the agency of the worker. They should have the right to make decisions about their life and about their work. When we hear other speakers say how they are so happy to shut down a massage parlour, we have so many workers crying and so many workers feeling so helpless and frustrated when they've lost their income.

This whole criminalization has put the sex worker in a position from which they cannot seek any help. Very importantly, help is not only from the police. A lot of mutual support systems are being criminalized, and they cannot protect them.

We also need to recognize whether people really, truly want to end violence against sex workers or whether they want to end sex work. Ending sex work will not bring safety to the sex worker. Removing the criminal law can help the sex worker work more safely.

This is the law that makes people feel afraid to move forward, because we have seen so many workers arrested and investigated when they contact the police.

One of the workers has been assaulted four times, and she does not even want to scream, because she is so worried that the police will come. The police just arrested her friend, and her friend got deported.

Mr. Randall Garrison: What you're really telling us is that it's not just a fear of deportation, but that deportation actually takes place very frequently for sex workers.

Ms. Elene Lam: Yes, we have a lot of [*Technical difficulty—Editor*] and we document it. Also for people with permanent residency, because this is a criminal charge, they will also lose their immigration and they are deported. This is not a fear. This is what actually happens. We have lots of documents about that.

Mr. Randall Garrison: You say you've done a report on that. I would ask that you table that report with the committee so we have the benefit of that for our deliberations. That would be much appreciated.

Ms. Elene Lam: This is also in police statements. They explicitly say that they call CBSA and deport the sex worker.

Mr. Randall Garrison: In your original presentation, you said something very similar to what the representative from Stella said. It goes something to the effect that if you treat all sex work as violence, you miss the real violence.

Could you say some more about how that plays out in reality?

Ms. Elene Lam: We really want to differentiate. It's just like domestic violence. Not all husbands abuse women. Some husbands abuse women, but we do not call for criminalizing marriage. We really need to differentiate that sex work itself is not violent, but people take advantage of sex work being criminalized to use violence against sex workers. That's what we really need to address.

When there is the conflation, you cannot differentiate who is the good boss or who is the bad boss, and you cannot differentiate what is a good client and what is a bad client. Actually, there are a lot of clients who are important in sex workers' support system. When they need to go to the hospital, they give them rides. They also provide different social supports and connect them to different social services organizations. Of course, income is also a very important part.

This is very important. We need to differentiate: Sex work is not violence. The stigma and the criminalization make sex workers become targets of violence. That's why it's so important to differentiate. When you see them as the same, you cannot see the real violence.

• (1720)

Mr. Randall Garrison: Would you say the same is true of conflating sex work with trafficking, and that therefore you will miss people who are actually being trafficked and have lost their agency?

Ms. Elene Lam: Yes, as I said, trafficking or exploitation and violence happen in different industries, like farming or factory work, but we do not criminalize that. We know that labour protection, migrant protection, is the way we can address the violence. This is very important. We don't conflate sex work with human trafficking. That's how we really need to differentiate it.

The Chair: Thank you, Mr. Garrison.

Next is Mr. Morrison for five minutes.

Mr. Rob Morrison: Thank you, Chair.

Ms. Kent, an interesting answer came up. I just wonder if you can expand a bit on it. It's about the exploiters who are convincing especially the youth to fear the police. I know that youths who are 12 and 13 years old are extremely impressionable and have a very difficult time making a decision on their own. They're convinced that the police are going to be the "bad person". I'm just wondering if you can expand upon that statement.

Ms. Lynne Kent: It's even bigger than that. Certainly, we have seen cases in which the exploiter has engaged that youth in other crimes, such as smuggling guns or drugs, and in one case even murder, where they were being considered as an accessory to murder. This is then held over their head. Even simple theft is held over their head: "You don't want to go to the police. You'll go to jail because of what you did."

It's intentional. It's very intentional. They don't want those sex workers going to the police. They don't want to be exposed for the harm.

You know, I absolutely agree with Ms. Lam on so many points. I have seen and heard testimony directly from individuals on what is happening to them, but I just want to go back and say that it isn't the law that is creating a fear of police. It is being told that you can't trust the police and that you can't go to the police.

I'm not totally defending the police. We also know that the police have been complicit. When we look at the profile of the buyers, we see lawyers, doctors, teachers, professionals, police officers—people with influence and power. They are a big part of the demand and the exploitation. So it's understandable that people are afraid of them.

What I come back to is that all of us need to look at what the intent is of the law and make sure it is addressing and meeting its intent. Its intent is very wonderful. Addressing the demand is important. When you decriminalize, when you grant impunity to the buyers and the exploiters, they become more violent. We see it. We have evidence of that all over the world. I can say we have evi-

dence of that in Vancouver. It's really political will that has held our police back. They recognize, they value, and I think they have guidelines that are very compassionate. They understand how to address the issues of exploitation in the most careful and supportive way, but there's no political will to support them, fund them and provide the resources to make sure that our police, all our enforcement services, are addressing the intent of the law.

There are the provisions and then there is the operation. We need to marry those.

• (1725)

Mr. Rob Morrison: You brought up another issue. It is important that everyone understands the difficulty there is, even in law enforcement, of different cultures in different areas. The Lower Mainland has a variety. It is very difficult.

I've worked with the Surrey crime units and the Surrey human trafficking units. When they have a social worker helping them when they go out to talk to especially the girls, it is just so much more powerful. Trust is built. I think going to the public safety committee to address some of the training.... I know the police are trying their best. It is really difficult.

The Chair: Thank you, Mr. Morrison.

Mr. Anandasangaree, it's over to you.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Thank you, Mr. Chair.

I'd like to thank the panellists for being here, and I want to start by acknowledging that I'm speaking to you from the traditional lands of the Algonquin people.

Ms. Lam, I'd like to probe a bit further with regard to undocumented sex workers. Can you maybe talk about your experience with both the IRCC and the CBSA, and about the enforcement or threats of enforcement that undocumented workers have faced? Maybe you can share your experience and perspective on what impact that has on reporting.

Ms. Elene Lam: Many non-status people already have lots of challenges working with law enforcement, but for sex workers, because of the sex worker law, there are more and more opportunities to have unwanted contact with law enforcement. For example, often the undocumented sex worker is arrested because there is lots of training about identifying trafficking victims, so their neighbours will call CBSA or the police to say there is an Asian next door. Then when the police come and check their ID, they are arrested. Of course, they have also been asked if someone has taken their money, if someone has answered their phone. Sometimes sex workers will work together, so some people may help one person answer the phone, then the other may help other people transfer money to the bank, so all of this increases the issue of vulnerability.

In Hamilton, for example, we see that CBSA, the City of Toronto and bylaw officers often have joint enforcement, with no trafficking being identified but the sex worker being arrested and deported. This has also happened in other cities. We also see how racial profiling plays out in this process, and many law enforcement members keep saying they assume Asian workers are vulnerable, so they target and identify Asian sex workers' advertisements and go there. The impacts are on not only the undocumented but also those who are documented.

Mr. Gary Anandasangaree: What is the impact on those who have documents?

Ms. Elene Lam: It's like racial profiling. Also, when we talk about the fear of the police, they are not being told to fear the police. They really are fearful of the police, because the law can be used against them and to arrest them. We see that this is happening. Often, the police use criminal law to detain the worker, and they call CBSA to arrest them. Even those who have documents, who have immigration status and who are allowed to work in Canada are still illegal because of immigration prohibition, and they will be kicked out of Canada even if they have a temporary status. Because this is a crime, those who have permanent residence can also be deported. People are not just listening to others' fears about law enforcement. It's their experience and they know that the police are not helpful but dangerous to them. In our research and a lot of the research on sex workers, police and law enforcement are among the major perpetrators against sex workers. They also use the law to take advantage of sex workers and to abuse them.

• (1730)

Mr. Gary Anandasangaree: On undocumented workers, can you talk about the types of services that are available, things like health care? I know, for example, that the City of Toronto has a don't ask, don't tell policy with respect to status. Can you elaborate on the types of supports available, particularly relating to health and in terms of STDs or any other types of medical supports that may be required during their work?

Ms. Elene Lam: Social supports, including health, social services and legal clinic support, are very important for undocumented workers. Despite the City of Toronto having the access without fear policy, we see that it is not often enforced, and we still have workers who, when they call because they're experiencing violence, are arrested. It is very important to note that this law and the criminalization of sex work create a barrier for sex workers, whether documented or undocumented, to accessing service providers, including health services.

Butterfly is playing an important role instead of police. I am also an instructor of the social work program. Social workers do not help sex workers by working with police this way. It's very important that members of the sex worker community help each other. That is the solution to addressing the imbalance and the exploitation of sex workers.

The Chair: Thank you.

Madame Michaud, go ahead for two and a half minutes.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

I want to start by clarifying something.

I'm already getting tweets from people telling me that more police training is never the answer. I'm not saying it's the best or only solution, but it is one of the solutions.

My last question is for Ms. Lam.

Ms. Lam, I'm not sure whether you're aware that New Zealand decriminalized prostitution. The question now is whether that did much to help the situation. According to studies, the change hasn't put an end to abuse, child prostitution, drug use or violence.

Do you think we should consider a model like New Zealand's, even though it may not have had all the desired effects?

[English]

Ms. Elene Lam: The criminal law gives the power to the police and the law is designed to eliminate sex workers, so no matter how you train law enforcement or how good law enforcement is, it is still designed to target sex workers. That's why we say training police is not helpful. You can see this with the Black Lives Matter movement and the defund the police movement. They keep saying that the police are not the solution to many social issues. Police are the harm and problem for many marginalized communities, including racialized, LGBTQ and poor people.

Thank you so much for raising the issue of New Zealand. Personally, I have done outreach in New Zealand, and we have also worked with a sex worker group in Sweden. It's very clear that the end-demand model that Canada is using makes sex work more dangerous and creates a barrier for sex workers trying to access all kinds of resources. Of course, the New Zealand model has a disadvantage because they still have immigration laws targeting migrants and still have racism. Decriminalization—removing this from criminal law—is the first important step in making sex workers safe. It is not only sex workers who keep saying it. There are many, many sex worker organizations all over the world, not only in Canada, that talk about this.

The Chair: Thank you, Madame Michaud.

Mr. Garrison, you have two and a half minutes.

Mr. Randall Garrison: Thank you, Mr. Chair.

Ms. Lam, I think you must have noticed something I noticed today in the presentations from some of the speakers and in some of the questions. There's a denial of agency to those involved in sex work. Some have talked about the need for education among sex workers and said that sex workers are taught to be afraid of the police. All this seems to me to deny an agency to sex workers. I think that's what you're talking to us about: What makes things safer is for sex workers to have agency. Would that be correct?

Ms. Elene Lam: For many sex workers, saying that sex workers do not have the brains to make decisions about their life is also violence. It is taking away their agency and not respecting what they want in their lives. For example, in Toronto, when the City of Toronto wanted to shut down massage parlours, 200 workers went to city hall to say that this was their work and they were not trafficking victims. They are not brainwashed, but unfortunately, because they're racialized and are sex workers, their voices are not being heard.

It is the same with this committee. We have seen so many sex workers come to you and directly tell you how this law is harmful and they don't want this law, but we still do not listen and we keep thinking this will be good for them. The assumption that sex workers are ignorant, naive, have no brains to make decisions about their lives, don't know what they're doing or are being lured is something that really violates their rights.

In addition to working with Asian and migrant sex workers in Canada, I also have long-term experience working with youth sex workers. The approach is also affecting how sex workers.... No matter what age, criminalization is not the solution, so when we talk about how some people may not have agency, we also need to question ourselves and ask whether we impose a lot of assumptions on other people rather than really listening to the community.

• (1735)

Mr. Randall Garrison: Ms. Lam, thank you very much for the work you do with sex workers and for your very valuable testimony here today.

The Chair: Thank you, Mr. Garrison.

Mr. Moore, we have about five minutes. Do you want to split it into two and a half and two and a half? If it's the will of the committee, we can carry over by three or four minutes, if that's okay.

Hon. Rob Moore: I'm fine to split.

The Chair: Okay. Go ahead, then, for two and a half minutes, Mr. Moore.

Hon. Rob Moore: Thank you, Mr. Chair.

Thank you to both of our witnesses for their appearance today. I think this is very helpful for us in this study.

Ms. Kent, I appreciate the work you are doing in your collective. We're hearing a lot about Bill C-36, and I note that you raised the issue of survivors and said that listening to people who have had dealings in this industry would be advantageous for us.

From their feedback, what do you think would happen if Bill C-36 was completely repealed, meaning we have no criminalization whatsoever in this area?

Ms. Lynne Kent: Well, we all acknowledge, and we've heard from many here, that we have significant exploitation happening. In fact, the multiple studies tell us that those with agency in this business are between 2% and 10%. The rest have no agency. Then is the answer to that to throw out the law and have no law at all? What would happen if we were to do that?

We don't have to look very far to see what would happen. Overnight, Canada would become the brothel of North America—there is no question about that—and we would be the best sex tourism destination for the world. We know right now that Kelowna, in our province, is very much seen as a great sex tourism destination.

Yes, there are pros and cons about Sweden, but if we compare Sweden, which brought in the Nordic model at the same time that Germany decriminalized, wow, there's no comparison in the exploitation of women. Germany now has more than 400,000 women being prostituted, and the harms are out of sight. The stories are unimaginable in terms of the ways in which these women are treated.

Sweden hasn't eliminated sex work, and that's really not the intent. The intent is to make it safe. When you decriminalize the exploiters, how do you really think that will make it safe or safer?

This is—

• (1740)

The Chair: Thank you, Ms. Kent. I'm sorry. We just ran out of time.

Lastly, we have Mr. Miao for two and a half minutes.

Mr. Wilson Miao (Richmond Centre, Lib.): Thank you, Mr. Chair; and thank you for the opportunity to be here today, substituting for Yasir Naqvi.

I'll address this question to Ms. Lam with regard to the benefit of decriminalization or legalization of sex workers. Coming from an Asian background, I understand there's a lot of stigma behind this. Would you mind sharing that?

Ms. Elene Lam: I think decriminalization, one, is very helpful to not make people think sex workers are something wrong or to not think they are evil. This is very helpful to eliminate the hate against sex workers and to promote respect for the sex worker.

The other piece, as we keep saying, is that the criminal law itself is creating the vulnerability of sex workers, which makes them become the target of violence. Particularly we see how anti-Asian hate can intersect with anti-sex work hate and make so many sex workers the targets of assault or murder.

By decriminalization, by taking away this criminal law so the sex worker can use all of this—and even now the legal system is not perfect—they can access those legal systems or support as other people can. As recommended by many sex worker organizations and by some legal and human rights organizations, providing social support is very important to reduce the vulnerability, exploitation and violence towards the sex worker.

Taking away this criminal law, the sex worker does not have to fear when they need to access those systems. It also plays an important role in removing the stigma, and that is a very important step.

The Chair: Thank you.

I thank the witnesses, Ms. Kent and Ms. Lam, for coming out today. It's very gracious of you, and your testimony has been very informative.

I will adjourn the meeting and see all the other members on Friday.

Thank you.

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