

# *DefendDignity*

**Brief on Bill C-36 “Protection of Communities and Exploited  
Persons Act”**

**For**

**The Senate Standing Committee on Legal and Constitutional  
Affairs**

September, 2014

By

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## **Brief on Bill C-36 “Protection of Communities and Exploited Persons Act”**

### **For the Standing Committee on Legal and Constitutional Affairs From Defend Dignity of The Christian and Missionary Alliance in Canada**

September 1, 2014

#### **Introduction**

We believe in a Canada that recognizes that every person has intrinsic worth and value and should be treated with dignity; every person whether rich or poor, whether male or female, whether living in a mansion or on a street corner, no matter their race or colour.

We believe in a Canada where it is not the norm to be able to purchase sex.

We believe in a Canada that protects all women, men and children from the inherent violence and oppression of prostitution.

We believe in a Canada that does not see prostitution as a solution to female poverty.

We believe in a Canada that works to end the systemic issues of poverty, homelessness, addictions and mental health concerns that are tied to prostitution.

We believe in a Canada that works collaboratively, with all people, to end prostitution.

We believe in a Canada where future generations will grow up knowing that no human being should be bought or sold.

Prostitution is not the glamorous and desirable vocation that some in Canada make it out to be. A high percentage of people entered prostitution as young teens, and they did not choose prostitution as we think of the word “choice”; it chose them. Choice is a word of privilege. Is it truly choice if it means staying in a dysfunctional home, abusive relationship or group home, or leaving with a man who fools you into thinking he cares about you, but later exploits you? Poverty, homelessness, abusive relationships, mental health issues and addictions all leave these young girls and boys vulnerable to exploitation.

It is the pimps, traffickers and purchasers who need to be penalized and held accountable for their actions, and not the prostituted.

Human lives are at stake as the Senate committee gives consideration to the amended version of Bill C-36. Thank you for your careful deliberation.

In order to understand our position and following recommendations, it will be helpful to understand who we are and what we do as an organization.

## **Who We Are**

Defend Dignity is a justice initiative of The Christian and Missionary Alliance in Canada<sup>1</sup>. The Christian and Missionary Alliance has 431 churches from coast to coast to coast in Canada, with a combined total of 129,452 members and adherents.<sup>2</sup>

## **What We Do**

Defend Dignity acts as a catalyst for individuals and churches to abolish prostitution in Canada, by:

1. Creating awareness through hosting events across Canada in churches and community centres. We have held twenty-seven events in the last two years. We have also developed resources in print and visual media for people to use as they learn and educate others on the realities of commercial, sexual exploitation.

2. Advocating for prostitution law reform with Members of Parliament. Defend Dignity encouraged Canadians to write, email, phone and visit their MPs about their concern for sexually exploited people and the need for prostitution law reform. Defend Dignity and The Evangelical Fellowship of Canada co-hosted two events on Parliament Hill for MPs, senators and senior staff in June 2012 and October 2014. These events featured a survivor telling her story and the screening of the National Film Board film, “Buying Sex”.

Defend Dignity has also met with a provincial justice minister on the issue of prostitution legislation, and with a city council on city by-laws surrounding strip clubs and massage parlours.

3. Aiding churches through resources to help them in their local involvement to end sexual exploitation.

To date, one church of The Christian and Missionary Alliance in Canada, in Winnipeg, MB, has established a second-stage recovery home, Dignity House. Another C&MA church in Newmarket, ON is helping to start a safe house in York region of Ontario, “u-r home”. Other churches are seriously exploring ways to provide services to victims.

## **Position of Defend Dignity on Bill C-36**

### **Defend Dignity’s Endorsements of Bill C-36**

Defend Dignity is extremely pleased to see that purchasers of sex will be held accountable for their actions (Section 286). It makes a statement that in Canada it is not acceptable to objectify or commodify women’s, men’s and children’s bodies. We believe that considering these acts as an offence will help to create societal change. It will create a legacy for future generations that every person has value, every person has dignity.

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<sup>1</sup> [www.defenddignity.ca](http://www.defenddignity.ca)

<sup>2</sup> [www.cmacan.org](http://www.cmacan.org)

Along with the fines and penalties for purchasing or attempting to purchase sex, *Defend Dignity recommends that Prostitution Diversion Programs (John Schools) be mandated in cities across the country.*

Defend Dignity has met with the facilitator and counselor of the “John School” in Saskatoon, which has been in operation since 2002 and has had excellent results. To date, 699 men and one woman have gone through the program. The program serves its purpose well, as the participants leave having a greater understanding of the harm that has been done to those they purchased, to their families and to themselves. In Saskatoon, there have been only eight reoffenders, to the knowledge of the facilitators of the program. Along with the minimum fines that Bill C-36 imposes on purchasers of sex, participation in Prostitution Offender Programs should be mandatory. These programs need to be continued and expanded to cities without such programs, and funds collected should go directly to local exit services. In the past, some cities have also published, in local newspapers, the names of johns who have been caught, as another means to deter them.

### **Defend Dignity’s Challenges with Bill C-36:**

Section 213(1.1) amended version states that, ““Everyone is guilty of an offence punishable on summary conviction who communicates with any person — for the purpose of offering or providing sexual services for consideration — in a public place, or in any place open to public view, that is or is next to a school ground, playground or day care centre.”

Defend Dignity believes that the amendment is an improvement to the original version, but we still believe that the new offence targets the most vulnerable in prostitution, street prostitutes. Most street prostitutes only sell themselves to survive. They see themselves as having no other options, due to poverty, homelessness, mental illness and addictions. To add the penalty of a conviction and possible fine to someone who has no means to pay it would be adding more burden to those already weighed down. We do not believe that this reflects the intent of the law as described in the preamble.

Defend Dignity believes that it is unreasonable to state, on the one hand, that prostitution is inherently exploitative, with most prostitutes facing the risk of violence, and then, on the other hand, to lay charges against them. Since most prostitutes are victims of violence, no charges should be laid against them. In our work with prostitutes and with survivors, violence is a recurring theme.

Beatrice Littlechief is a woman from the Muskowekwan First Nation of Saskatchewan. She is part of Defend Dignity’s team and a regular speaker at our Information Forums. These are her words:

"At 14 years old, I was forced to sell my body to a middle-aged white man who said, as I wept, that he would take it easy, and then proceeded to have sex with me. I was also in fear of my life if I didn't follow through. I was alone and scared and only wished that there was someone there to help me. He thought this was okay to do this to me, but somehow mainstream society thought I was the one in the wrong.

We are vulnerable and left to fend for ourselves with pimps and evil just lurking and ready to grab us and eat us alive.”

In no other instance are the victims of violence charged. Only the perpetrators of violence should be charged. *Defend Dignity recommends that Section 213 (1 and 1.1) be amended so that no prostituted person is charged for communicating for the purpose of offering or providing sexual services.*

In our work with survivors, we hear of how their prostitution-related charges have kept them from finishing education and securing good employment. In one such instance, a young woman exited prostitution as a single mom, was furthering her education and needed a criminal check to secure a required placement in order to graduate. Upon learning of the prostitution charges, no employer would place her, and consequently, she could not graduate from her program. She was re-victimized due to her criminal charges.

*We recommend that the criminal records of all prostituted people be expunged once the new law is in place.* This will provide prostituted people greater ease as they exit prostitution.

In discussion with the Office of the Justice Minister, Defend Dignity has been given the rationale that these offences will be handled at the discretion of the police. This causes us great concern.

In our interaction with police across Canada at our 27 events, we discovered that there is great inconsistency in how police view prostitution, deal with prostitutes and enforce criminal offences relating to prostitution. In some locations, police services are already operating under the new paradigm described in the preamble of the bill. They see prostitutes as exploited victims of violence and work to help them and offer access to exit services. However, in some locations, police denied prostitution’s existence and did not know until it was pointed out to them that there were online ads for women for sale in their city. In this same location, youth workers were dealing with underage girls selling themselves for drugs and yet the police said that prostitution was not an issue. Other police at our events described charging the women and putting them in jail as their method of dealing with prostitutes. The arrest rates for prostituted women are currently much higher than for people who purchase sex in many areas of Canada. In order for the new legislation to succeed, then there must be consistent training of police officers from coast to coast on the realities of prostitution and the inherent exploitation and violence involved. It is essential that this training begin as soon as the new law is implemented.

*Defend Dignity recommends that as the new legislation is implemented, there be standardized education and training for police, judges, and crown attorneys that would explain the paradigm shift in how prostitution is viewed. This should include all federal, provincial, regional and city police.*

## **Recommendations and Conclusion**

Canada stands on the cusp of creating a better country for countless children, women and men currently being sexually exploited and also for those at risk of exploitation as new laws are put in place. All of Canadian society will be better as the normative aspect of the law on a society is well known; it will be a Canadian society where people are not commodities, where men are held

accountable for their actions and where all are safe from predators. Therefore, it is crucial that the new prostitution legislation recognizes the social and individual harm of prostitution, that it aims to discourage it and that it works to abolish it.

Defend Dignity strongly supports most of Bill C-36, but suggests that the following recommendations be considered to create the best legislation and policies possible:

1. Amend Section 213 (1 and 1.1) so that no prostituted person is charged for communicating for the purpose of offering or providing sexual services.
2. Mandate crime diversion Prostitution Offender Programs, also known as “john schools”, sending program fees directly to exit services for prostituted people.
3. Provide standardized education and training for police that would explain the paradigm shift in how prostitution is viewed, as part of the implementation of the new law. This should include all federal, provincial, regional and city police.
4. Provide standardized education for judges and crown attorneys that would explain the paradigm shift in how prostitution is viewed, as part of the implementation of the new law.
5. Develop a strong public education campaign to help communities understand the paradigm shift in how prostitution is viewed as part of the implementation of the new law.
6. Develop standardized school curriculums that teach about the inherent dangers of prostitution, the risk factors for exploitation and awareness of how pimps lure children.
7. Work to prevent sexual exploitation by addressing the contributing factors of poverty and homelessness through a National Action Plan to End Poverty and a National Housing Strategy.
8. Work collaboratively with provinces, faith communities and frontline agencies to provide exit services to prostitutes.
9. Increase the amount of new funding for exit services to proportionately match what the Government of Manitoba spends to address sexual exploitation each year (\$10,000,000).

Respectfully submitted,

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