



EFC

The Evangelical Fellowship
of Canada

**Submission to the Standing Senate Committee on Legal and Constitutional
Affairs**

*Bill C-36: An Act to Amend the Criminal Code in response to the Supreme Court of Canada
decision in Attorney General of Canada v. Bedford and to make consequential amendments to
other acts*

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Bill C-36: *Protection of Communities and Exploited Persons Act*

The Evangelical Fellowship of Canada (EFC) is the national association of Evangelical Christians, gathered together for influence, impact and identity in ministry and public witness. Since 1964, the EFC has provided a national forum for Evangelicals and a constructive voice for biblical principles in life and society. In addition to 40 Evangelical denominations, which represent 5,500 individual congregations, the EFC's affiliates include 67 ministry organizations and 36 higher education institutions who uphold a common statement of faith. The EFC is a member of the World Evangelical Alliance.

The Evangelical Fellowship of Canada has long expressed concern for those who are prostituted based on biblical principles that compel care for the vulnerable and inform the duty of care we owe one another as human beings.

Over the last two decades, the EFC has presented a number of papers and submissions to Parliamentary Committees on this topic: *Prostitution in Canada: Toward a Christian Response* (1996); a submission to the Standing Committee on Justice and Legal Affairs on Bill C-27 (1996); a Submission to the Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness (2005); *Selling Ourselves: Prostitution in Canada – Where are we Headed?* (2010); and, *Out of Business: Prostitution in Canada – Putting an End to Demand* (2013). In July 2014, the EFC made a submission to and appeared before the House of Commons Committee on Justice and Human Rights on Bill C-36.

In addition, the EFC has engaged on the intricately entwined issue of human trafficking in: *Human Trafficking: A Report on Modern Day Slavery in Canada* (2009); *Not so Ancient: Human Trafficking and Modern Slavery* (2009); *Seeking Justice, Rescuing the Enslaved: Recommendations for a National Strategy to Combat Human Trafficking* (2011); and, a Submission to the Senate Standing Committee on Legal and Constitutional Affairs on Bill C-310: *An Act to Amend the Criminal Code (Trafficking in Persons)* (2012). The EFC also participated in the consultation process with the Minister of Public Safety in the development of Canada's National Action Plan to Combat Human Trafficking.

The EFC also acted as an intervenor before the Supreme Court of Canada when *R v. Bedford* was heard last June.

One of the EFC's goals is the elimination of all forms of sexual exploitation in Canada.

Principles

A central message of the Bible is the call for God's people to be compassionate, because God has been compassionate to us. We are created in God's image and have inestimable worth, not by virtue of what we do or contribute, but because of who we are as humans.

Given the dignity and worth of all, we are called to care for those who lack adequate resources to live, those who are vulnerable to abuse and neglect, those who lack protection or legal standing, and those who have no one to stand for them or with them. In the Old Testament, this is expressed in the call to care for those who are poor, those widowed, those without fathers, the alien or the stranger. The call of the prophet Micah is to do justice, to love mercy, and to walk humbly with God. In the New Testament

these injunctions to care for the marginalized and the vulnerable are repeated in various texts and in the life of Jesus. Yet Jesus goes further and calls his followers to love our neighbours as ourselves. From these, we derive several principles that guide our work as an association of churches. First, we treat everyone with dignity and respect for who they are. Second, we affirm that we are indeed our brother's, and our sister's, keeper, and we have a responsibility for the well being of others and a duty of care for one another. Last, we are called to do what is just and be advocates for those who are mistreated or abused. We note that these principles are also reflected in Canadian law and public policy. It is from these principles of the dignity of all, care for the vulnerable and marginalized, and the pursuit of justice that the EFC engages on the issue of prostitution.

Introduction

Prostitution exploits the vulnerable, violates human dignity, is an affront to equality between the sexes and is harmful to the purchased and the purchaser, to communities and to society as a whole. It perpetuates the view that it's acceptable for women – or boys, or girls – to be considered the sexual property of another, or that it's acceptable for any person to buy or sell another for any purpose.

Prostitution is dehumanizing. Like pornography, prostitution focuses only on the sexual dimension of human nature to the exclusion of all else, creating a distorted perspective of both men and women, and robbing each of their proper place and value in society.

Research shows that the vast majority of prostituted persons enter prostitution by force, coercion, or as a result of constrained choice and last resort. Prostitution is inherently dangerous; it is violence against women and a form of systemic exploitation of many of our society's most vulnerable women, children and men. Prostitution cannot be considered safe or legitimated as a form of work; nor can it be accepted as a solution to poverty and a range of other underlying social issues.

In our intervention in Bedford, the EFC argued that prostitution is a practice that arises from the historical subordination of women, and the historical assumed right of men to buy and exchange women as objects for sexual use. We argued that it is a disgraceful assault on human dignity, and that the limitations on freedom and security arising from the *Criminal Code* provisions in question were reasonable in light of the significant human rights violations that flow from the legalization of prostitution and the direct correlation with human trafficking.

When the EFC sought to intervene before the Supreme Court in Bedford, it was not because we believed the existing laws were adequate or effective. Rather, we did so because we believed it was the rightful jurisdiction of Parliament to craft new laws, and we felt it important that they be upheld until Parliament was able to write new ones. Our end goal, however, has always been to see better laws in place that appropriately target the demand for paid sex, focusing on those who exploit rather than those who are being exploited.

Bill C-36: *Protection of Communities and Exploited Persons Act*

Before the House of Commons Standing Committee on Justice and Human Rights and in a variety of other settings, the EFC has expressed its firm, but qualified support for Bill C-36. We affirm that with this bill, the government has taken a big picture view of the issue of prostitution, and courageously challenged the long held assumption that men are entitled to paid sexual access to women's bodies; or

that any person's body can be considered a consumer good to be bought, sold or traded. In so doing, Bill C-36 boldly refutes the notion that buying sex is an inevitable in our society.

In this regard, the bill represents a crucial paradigm shift in law and policy, and eventually, we hope, in public attitude when it comes to prostitution. This is a shift that the EFC has advocated for, and we are pleased to see this reflected not just in the legislation, but in the comments and speeches delivered by the Minister of Justice and others in introducing and framing the bill. It is a shift we believe is critical to achieving real success in successfully reducing – and ultimately eliminating – sexual exploitation.

The preamble of the bill begins with the recognition that prostitution is inherently exploitive and dangerous, that objectification of the human body and commodification of sexual activity causes social harm, and that prostitution violates both human dignity and equality between the sexes. It also acknowledges that issues such as poverty, addiction, mental illness and racialization are contributing factors to individuals entering prostitution or being vulnerable to exploitation.

And perhaps most significantly, the preamble notes the importance of denouncing and prohibiting the purchase of sexual services because it creates a demand for prostitution. This positioning effectively turns the historic treatment and discussion of the issue of prostitution on its head.

Legal and political considerations and treatment of prostitution – as well as public discourse on the subject – have long focused almost exclusively on those who are prostituted and how we might deal with them: as public nuisance, as threat to public health and as a source of community disruption. Sex buyers, who drive the demand that funnels individuals into prostitution and holds them there, have been largely anonymous and invisible in the discussion. In choosing to frame the issue and the legislation in this way, the Government has correctly identified the driving force behind prostitution and trafficking for sexual exploitation: the demand for paid sexual services.

The preamble to the bill, which outlines the objectives for the proposed legislative changes, provides an overall context and framework for any future Charter analysis of the laws' validity. The preamble indicates a clear shift from the treatment of prostitution as public nuisance to treatment of prostitution as sexual exploitation and violence. In *R v. Bedford*, the Supreme Court found that the harms imposed by the impugned provisions were grossly disproportionate to the laws' stated objectives of preventing public nuisance and community disruption. The objectives of Bill C-36, which include protecting those who sell sexual services from exploitation, protecting communities from the harms caused by prostitution and reducing the demand for paid sexual services offer a radically different context for the consideration of the new proposed laws.

286.1(1) Obtaining Sexual Services for Consideration

Bill C-36 proposes a new offence prohibiting the purchase or attempted purchase of sexual services. If passed, the purchase of sexual services would be illegal for the first time in Canada. Under the proposed legislation, a buyer's conduct would be illegal wherever it occurs – whether on the street, in a private residence, massage parlour, brothel, strip club or similar venue.

The sex trade operates according to simple market principles of supply and demand. As long as there is a demand for paid sex, there will be traffickers, pimps and organized crime ready and willing to guarantee

a steady supply. Without male demand for paid sexual access to primarily women and girls, the prostitution industry would not be able to flourish or expand. With this new proposed offence, Bill C-36 responds to this reality, and takes aim at the root of sexual exploitation in Canada.

This new offence is backed up with significant fines and potential jail time. Surveys of men who buy sex indicate that these, along with the risk of public shaming, are the things that would most effectively deter them from persisting in their sex buying behaviour.¹

We recommend that funds incurred from fines under section 286.1 (1) be directed toward exit services for individuals in prostitution.

Before the Justice Committee, we questioned the purpose of section 286.1(1)(b), which gives the option of an offence punishable on summary conviction, with lower fines and possible jail terms. For the sake of consistency of message and deterrence, our preference would be that all offences under section 286.1(1) be indictable and captured under section 286.1(1)(a). However, if there is good reason for maintaining the option of a summary conviction at the Crown's discretion, then we recommend that summary conviction only be an option on first offence. All subsequent section 286.1(1) offences should be indictable.

We also question what will become of re-educational programs such as John Schools if Bill C-36 becomes law. We fully support the proposed prohibition on the purchase of sexual services and the accompanying suggested fines and possible jail time, and believe these will serve as effective deterrents to sex buying behaviour. At the same time, however, we would like to see some room for the continuation of john schools, as they serve an important restorative justice function, re-educating sex buyers about the harms and realities of prostitution. There are no formal studies of the effectiveness of the programs, but feedback from buyers who attend and anecdotal evidence from those who run and participate in the programs suggest that they play an important role in changing how buyers view prostitution, and that recidivism rates among those who attend are relatively low.² In prostitution, everyone is robbed, including the sex buyer and certainly any family they may have. Our interest is that all parties to prostitution be restored, and prostitution offender programs serve an important function in beginning this restoration.

This may be outside the purview of the *Criminal Code*, but we hope that provinces would be encouraged to maintain or establish prostitution offender programs as part of the punishment for offences under section 286.1. Where in many cities the diversion program is an alternative to a first offence criminal charge, it could be made mandatory, so that in addition to a \$1,000 fine on first offence, buyers could be required to attend a diversion program.

286.1 (2) Obtaining sexual services for consideration from a minor

Under Bill C-36, individuals who purchase or attempt to purchase sexual services from a minor are guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years and a minimum

¹ Melissa Farley, Julie Bindel and Jacqueline M. Golding, "Men who buy sex: Who they buy and what they know," Eaves London, Prostitution Research & Education, San Francisco, December 2009, 22.

² <http://ottawaoffcentre.wordpress.com/2009/12/01/john-school-an-effective-education/>

punishment of imprisonment for a term of six months for a first offence, and of a year for each subsequent offence.

We welcome the introduction of a minimum sentence for purchasing sex from a minor.

286.2 (1) Material Benefit from Sexual Services

We are pleased that the bill maintains and enhances prohibitions against profiting from the sexual exploitation of another person. We were also pleased that the wording states “everyone who receives a financial or other material benefit,” since the currency of the survival sex trade includes more than just money, with exploiters often demanding individuals prostitute in exchange for or as payment for food, shelter, drugs or alcohol.

By our reading, section 286.2 (4) responds appropriately to concerns raised by the Supreme Court of Canada in Bedford about women being able to hire drivers, bodyguards and so on. We were pleased to see that subsection (5) clarifies that the exception in subsection (4)(a) which allows for material benefit in the context of a legitimate living arrangement with the person from whose sexual services the benefit is derived does not apply in cases where the relationship is exploitive. This is important because in many cases, the pimp is a boyfriend, husband, sometimes even a parent.

286.3 (1) Procuring

We are pleased that Bill C-36 maintains prohibitions against procuring, or pimping. Under the proposed legislation, everyone who does so is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years. The prospect of no law prohibiting this behaviour was untenable, since an absence of law would not reduce instances of procuring and pimping – rather, it would simply create a more competitive environment for exploiters and criminals, causing them to ‘up their game.’

286.3 (2) Procuring – Person under 18 years

Under Bill C-36, everyone who procures a minor to offer or provide sexual services is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of five years. We affirm the minimum sentence of five years imprisonment for individuals who procure minors for purposes of sexual exploitation.

Section 213 – Offences in Relation to Offering, Providing or Obtaining Sexual Services for Consideration

Bill C-36 also initiates a critical shift in how those who are prostituted are viewed in law. Historically, those who are prostituted have been treated as public nuisance. Bill C-36 reframes this understanding, recognizing that the vast majority of individuals in prostitution are not there by way of free and fully informed choice, and understands that most of those who are prostituted are vulnerable and have been victimized. Both research and anecdotal evidence tell us that between 88-96% of women in prostitution are not there by choice, and say they would get out if they felt they had a viable alternative.³

³ In a study of 854 people in prostitution from nine countries, 89% said they wanted to escape prostitution. See Melissa Farley, et al., “Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder,” *Journal of Trauma Practice* 2, no. 3/4 (Philadelphia: Haworth Press, 2003), 56, <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>. Similarly, in a study of 100 prostituted women in Vancouver, 95% said they wanted to leave prostitution. See Melissa Farley, et al., “Prostitution in

In its framing of the legislation, the Government has made it clear that in the spirit and intent of the law, individuals who are prostituted are to be seen as vulnerable, as victims, and are therefore afforded immunity from criminal charges, except under specific circumstances. This is an important shift, and it is one we affirm wholeheartedly.

We have noted with concern, however, that sections 213(1)(a) and (b) which deal with stopping motor vehicles or stopping or impeding vehicular or pedestrian traffic remain in the legislation and are unqualified by the new proposed section 213(1.1), which makes it an offence to communicate for the purpose of providing sexual services for consideration in a public place that is or is next to a place where minors might reasonably be expected to be present.

The EFC understands the balance the government has tried to achieve between protecting vulnerable individuals being prostituted and protecting communities, and particularly children, from exposure to prostitution – this is a good thing. The reality is that where there is prostitution, there are johns and pimps, and the objective of protecting children from being solicited or approached by pimps is a good one.

We expressed concern, however, that the wording of sections 213(1) and 213(1.1) left a fairly big loophole that could undermine the intent of the legislation to criminalize the activities of johns and pimps only. Our interest is in minimizing the potential scope of this section for criminalization of prostituted individuals, and the scope of 213(1.1) was far too broad, as it could be argued that minors could be reasonably expected to be just about anywhere in public. The Justice Committee heard this concern, which was raised by most witnesses at the hearings, and has amended section 213(1.1) to specify that the public locations referred to include areas near schools, playgrounds or daycare centres.

The EFC welcomes this amendment. Still, as we interpret the proposed legislation, it appears that the only individuals who risk criminalization under this legislation are those who are most vulnerable – individuals engaging in street level prostitution who are among the most desperate, poverty-stricken and addicted.

Continuing to criminalize vulnerable individuals creates barriers to their exit from prostitution, and serves mainly to further entrench the inequality and marginalization that likely got them there in the first place.

We disagree with arguments that suggest the laws – either the old ones or the ones proposed in Bill C-36 – are somehow responsible for the violence that is inherent in prostitution. They are not. Discussions about reducing the violence experienced by individuals in prostitution should not be centered around the prostituted making better, smarter choices, or choosing safer places, because that puts the responsibility for evading or reducing the violence on the victims, and not on the perpetrators. Bill C-36 does the logical and just thing in targeting the source of the violence experienced by women in prostitution – the buyers and pimps.

Vancouver: Violence and the Colonization of First Nations Women,” *Transcultural Psychiatry* 42, no. 2 (June 2005), 242, <http://www.prostitutionresearch.com/Farley%20et%20al%20Prostitution%20in%20Vancouver.pdf>.

It is worth noting that women's groups and coalitions of former prostitutes in countries like New Zealand and Germany, where prostitution was decriminalized or legalized are beginning to call for legal reform, saying that decriminalization has failed them.^{4,5} They argue that it didn't significantly improve their working conditions or their safety, and certainly didn't reduce the stigma they experienced as prostitutes.⁶ Police in Christchurch, NZ have recently expressed concern over the "fairly common" victimization of prostitutes in the capital.⁷

We suggest this is because the source of the violence and stigma is not the laws a given country has on paper. Rather, it is the belief that men are entitled to paid sexual access to women's bodies and the common perception among sex buyers that those who are prostituted are a separate class of women, distinct from mother, wife, sister or daughter. And unless we challenge those beliefs, the misogynistic attitudes and behaviours that are the source of the stigma and violence will persist.

However, we do feel it is important to note that one possible effect of the legislation as written will be that vulnerable, addicted, Aboriginal women and transgendered individuals who are over-represented in the street level survival sex trade, will be forced into more isolated locations, where they could arguably be susceptible to greater violence. And this could make section 213 vulnerable to constitutional challenge.

We also note that offences under section 213 (1) and (1.1) are punishable on summary conviction. Summary offences can carry fines up to \$2,000 and jail time up to six months, or both.⁸ Before the Justice Committee, we suggested that the punishment for these summary convictions be set at a very low threshold with no potential for imprisonment and defined in the legislation, in order to ensure that the most vulnerable do not continue to face undue punishment or hardship, as indicated by the Parliamentary Secretary to the Minister of Justice during debate in the House of Commons on June 12, 2014.⁹

And we questioned what the punishment will be for minors caught under section 213. As worded, it applies to "every person" who comes in conflict with this section.

Our greatest concern with section 213 has to do with enforcement: how can we be assured that the spirit and intent of Bill C-36 will be upheld when it comes to enforcement of the laws? We can't simply assume that all police chiefs and officers across the country will read the preamble to the bill and take it to heart, and commit to then reflecting the views the Government has embraced in Bill C-36 when enforcing the legislation.

⁴ <http://www.stuff.co.nz/national/politics/9428778/Ex-prostitutes-call-for-law-change>

⁵ <http://www.dailystar.com.lb/Culture/Lifestyle/2013/Nov-20/238344-germany-having-second-thoughts-on-legalized-prostitution.ashx#ixzz2lB98B02q>

⁶ <http://www.nationalpost.com/news/story.html?id=6f3f724d-3cda-4f51-be91-b87e2638e915>

⁷ <http://www.stuff.co.nz/the-press/10200534/Sex-workers-deserve-protection>

⁸ <http://www.duhaime.org/LegalDictionary/S/SummaryConvictionOffence.aspx>

⁹ <http://www.parl.gc.ca/HousePublications/Publication.aspx?Pub=hansard&Language=E&Mode=1&Parl=41&Ses=2&DocId=6672449&File=0>, (at 1630)

The Attorney General of Canada can give direction to the provincial Attorneys General, who then give guidance to law enforcement within their jurisdiction. But in reality, the manner in which particular police departments enforce the laws is determined by the department itself, as evidenced by the number of police forces across the country who have been policing in a manner consistent with the proposed legislation for a number of years.

The EFC will look for assurances that the Government will do all it can to ensure the law will be enforced as intended. We suggest that standardized training be developed for law enforcement, provincial Attorneys General and Crown Attorneys about the new treatment of prostitution under Bill C-36, to support enforcement that is consistent with the intent of the legislation.

Advertising 286.4 – Advertising Sexual Services

Bill C-36 proposes a new indictable offence for anyone who knowingly advertises an offer to provide for consideration the sexual services of another person. We appreciate that this will give law enforcement a useful tool for addressing the proliferation of online advertising and trafficking for sexual exploitation. In 286.5, however, there is an exception which allows the advertising of one's own sexual services. We caution that it might prove difficult in practice to determine when a girl or woman is in fact creating and posting an ad herself and when she is being controlled.

Programmatic Measures to Address Prostitution

We are very pleased that the legislative changes proposed in Bill C-36 are part of what is to be a two-pronged approach taken by the Government of Canada. When the legislation was tabled, it was announced that the Government would commit \$20 million to supporting programs that assist women in exiting prostitution. This is to be commended. We hope though that this commitment will translate to longer term, sustained and increased federal funding to help victims of exploitation. The availability of services and supports will be critical to the success of the legal framework set out in Bill C-36.

It will be vital that the Government engage the provincial, territorial and municipal governments, the non-profit and private sectors, NGO's, frontline service providers, Aboriginal women's organizations and faith communities in the development of a comprehensive national plan to ensure that the social policies and programs are in place both to prevent vulnerable individuals from entering prostitution and to support those who are in as they exit. We suggest that such a plan could be integrated with the National Action Plan to Combat Human Trafficking.

While the objective of the programmatic measures is to see individuals successfully transition out of prostitution, it is important that services offered be non-coercive; meaning that they be available to individuals without requiring a commitment to exit.

The EFC has appeared before Parliamentary Committees in the past advocating for coordinated national action plans to address the need for safe, secure, affordable housing and to address poverty. We emphasize again the importance of addressing these underlying social issues that drive individuals to prostitution or make them vulnerable to sexual exploitation, because preventing entry into prostitution is just as important as helping individuals who are already in with exiting.

Public education/awareness

When Sweden first introduced its ban on the purchase of sexual services in 1999, Swedish citizens were lukewarm to the idea. When the 10-year independent inquiry was carried out to evaluate the effectiveness of the ban, it was found that there had been a marked change in attitudes about buying sex, and that there was strong public support for the law.¹⁰

One of the keys to the success experienced in Sweden was the public education campaign that was initiated when the laws were changed. This campaign, consisting of posters, advertisements and so on, was devised to deliver the message loud and clear to citizens of all ages that in Sweden, buying sex was not just illegal, it was unacceptable, it was violence against women and contrary to gender equality.

We urge the Government to develop a similar educational campaign, geared to all ages, beginning with children in schools, based in the principles outlined in the preamble to Bill C-36. The Government has developed excellent resources already dealing with human trafficking, and these could be adapted or expanded to address the issue of buying sex.

Conclusions

Criminal laws are not merely penal. They give expression to the social norms that undergird a society. They both express and reinforce the basic commitments that bind a society together. Gunilla Ekberg, one of the authors of Sweden's ban on the purchase of sexual services, says of the approach taken in Sweden, "As with all laws, the Law has a normative function. It is a concrete and tangible expression of the belief that in Sweden women and children are not for sale. It effectively dispels men's self-assumed right to buy women and children for prostitution purposes and questions the idea that men should be able to express their sexuality in any form at any time."¹¹

In a very real sense, the law is a teacher. And Bill C-36 will teach coming generations of boys that buying sex is not just illegal in Canada, it is unacceptable, because at its core, prostitution is exploitive, violent and a manifestation of social and gender inequality.

No model is perfect, but the approach taken in Bill C-36 strikes an important balance and best recognizes the abuse, danger and harm inherent in prostitution. We remain concerned with the potential that exists within the legislation for vulnerable individuals to continue to be criminalized. However, in directly targeting the demand for paid sexual services, this legislation begins a monumental shift in law and policy that we affirm wholeheartedly, and for this reason, the EFC has offered its support for the bill.

Before the Committee, the EFC had recommended that a 'sunset clause' be added to the bill, allowing for a mandatory review in two years time of the legislation, its impact and effectiveness. We were pleased that the Justice Committee amended the bill to require a Committee review of the legislation's impact after five years.

Ending prostitution will not happen simply – or quickly – because of a change in law, but the changes proposed in Bill C-36 will help reshape attitudes about prostitution, making a strong statement that in

¹⁰ <http://www.government.se/sb/d/13420/a/151488>

¹¹ Gunilla Ekberg, "The Swedish Law That Prohibits the Purchase of Sexual Services," 1205.

Canada we will not tolerate or condone sexual exploitation. We understand that a long view of the issue of prostitution is necessary; one that asks what kind of society we hope to create for and leave to our children and grandchildren. We suggest that we should strive for a society where all women and girls enjoy greater equality, greater safety and freedom from abuse and exploitation, and where our boys and girls grow up with a healthy respect for themselves, for the other, and for their sexuality. The changes proposed in Bill C-36 will create such a legacy for generations to come, who will grow up understanding that human bodies are not commodities to be bought and sold.

The EFC respectfully requests that the Senate support and help ensure the passage of this important bill by the deadline imposed by the Supreme Court of Canada.

Recommendations

(As submitted the House of Commons Standing Committee on Justice and Human Rights, July 7, 2014)

1. Funds paid for fines under s. 286.1(1) should be directed toward exit programs and services for individuals who are prostituted.
2. Summary convictions under s. 286.1(1)(b) should only be available for first offences. All subsequent offences should be indictable, as under s. 286.1(1)(a).
3. Continued diversion programs (john schools) for first time prostitution offenders should be encouraged or made mandatory.
4. If section 213 is not amended to minimize the potential for continued criminalization, we recommend the punishment for these summary convictions be set at a low threshold with no potential for imprisonment and defined in the legislation, in order to ensure that the most vulnerable do not continue to face undue punishment or hardship.
5. We ask for clarity on the application of this legislation for minors caught under s. 213.
6. We suggest that a measurement and data collection mechanism be developed to determine the law's impact.
7. Standardized police education and awareness, including clear communication with provincial Attorneys General and Crown Attorneys, should be undertaken so that the spirit and intent of the legislation is well understood and every encouragement is made to ensure that this is upheld in enforcement of the laws.
8. We suggest a sunset clause be written into the legislation, allowing for a full review in two years time of its' effectiveness and ways it might be improved.
9. Initiate a public education and awareness program to accompany implementation of the law to ensure that Canadians understand the guiding principles behind it.
10. The government should make a long term funding commitment to exit programs. Given the significant overlap between prostitution and trafficking for sexual exploitation, we suggest this could be integrated into the National Action Plan to Combat Human Trafficking.