

**Brief Submitted to:**

**The House of Commons Senate Committee on Legal and Constitutional Affairs**

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

Submitted by:

Larissa Crack, Founder, Northern Women's Connection

Sept. 10, 2014

**1. The Northern Women's Connection recognizes the amendments that were made to Section 213, but recommend it have further amendments as follows:**

- a) The portion of Bill C-36 subsection 213 (1.1) that was amended from broadly criminalizing as stated by "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 place where persons under the age of 18 can reasonably be expected to be present."
- b) Bill C-36 Subsection 213 was amended to specifying the areas in which a summary conviction would be taken to "213. (1.1) 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 daycare center.
- c) The Northern Women's Connection recommends that subsection 213 is further amended by retaining the criminalization of buyers and profiteers (pimps) next to school grounds, playgrounds or daycares, but completely removing all criminalization and summary convictions from women who are found in the same areas.

**Rationale for recommendation:**

- (a) The preamble contained in Bill C-36 states that the government is shifting its understanding of prostitution to one of exploitation and inherent violence aimed towards women, children and men. It is also identified that prostitution increases the objectification of women due to the commodification of sexual activity.
  - (i) The governments need to protect all people from the harms that are involved within prostitution
  - (ii) Government's desire to increase exploited person's ability to report sexual violence
  - (iii)The recognition of the power imbalance between those purchasing and those selling sexual services
  - (iv)Government recognizing social barriers that can remove alternative choices from people's lives.

The Governments shift in thinking towards the structural oppression and power imbalances that often lead those involved in prostitution to exploitation, recognizes the inherent violence that is involved within prostitution. This recognition allows government to place all of the criminalization and blame on those that are benefiting from the sale of sex such as the johns and the pimps and traffickers while removing all criminalization

and responsibility from those who are exploited whether due to force of structural barriers and inequality.

- (b) The criminalization of those involved in prostitution will decrease the probability that violent occurrences will be reported to the police.
- (c) The criminalization of those involved in prostitution will create barriers in the form of criminal records for exploited people to exit and obtain education and employment opportunities.
- (d) The connection between prostitution and trafficking cannot be ignored, and the preamble and other beliefs promoted through Bill C-36 conflict with criminalizing individuals who are experiencing violence and exploitation

**2. The Northern Women's Connection recommends that an increase in funds is offered in regards to the \$20 million offered over a five year span.**

**Rationale for recommendation:**

- (a) Individuals who have experienced exploitation within prostitution are in high need of education opportunities and employment retraining in order for successful reintegration to occur.
- (b) Many areas are in need of funding for the successful exiting of individuals involved in prostitution. Housing, employment, education, addictions treatment, mental health diagnosis and treatment, prevention, rehabilitation, education and police training.
- (c) In order to build rapport and start the beginning process of exiting, funds must also be made available to front line agencies working with individuals still involved in prostitution.
- (d) Exiting prostitution is a long term process that involves different stages of recovery, each being as important as the last in order to create healthy reintegration abilities.
- (e) \$4 million dollars a year for 5 years will not be sufficient in supporting all of the services and supports needed to successfully help individuals heal from the experiences involved in prostitution and create new choices within their lives.

Successful treatment and life skills programming in Canada are multi-dimensional programs that take into consideration a holistic approach and accounts for a multitude of issues and barriers faced by individuals within prostitution. Servants Anonymous, based out of Calgary Alberta is a successful agency that has created an 85% success rate for women that complete 4 weeks of programming, with this percentage constantly raising the longer a women remains within the facility.

## **Personal Experiences:**

### **Cheryl Link**

At the age of 16, I found myself living on the streets for a variety of reasons. Some of this time was spent in youth homeless shelters, women's shelters, tents, or any "safe" place I could find on the streets or in parks. At my lowest point I was residing in Sudbury Ontario when a man offered me a no strings attached place to stay until a room opened up at the women's shelter up the hill. The first day I refused, but the second day when he saw me coming back down the hill, having found no open bed at the women's shelter yet, he asked again. This time I agreed after asking a couple of times that he was sure there were no strings attached as I had no money. He assured me it was fine. Part of me knew this was really stupid of me to do, but the other part saw a warm bed to sleep in and that part over-took my common sense. I really don't know how long I stayed there for, the days sort of blended together. I never bothered to go back to the women's shelter because I actually enjoyed being in this house. There were other women there just like me, and they treated me well too. I would notice them come home early in the morning, often looking very ragged and sometimes with bruises or other such wounds. Some women had various men over. I don't know if I was in denial or if I just didn't realize at first what was happening. I still didn't admit to myself what was happening after the man I lived with told me I had to sleep in his bed as a new girl was coming in. He assured me we would stay on our own sides of the bed. I reluctantly agreed. A new girl did come in, and she was 14. I was sitting at the table eating dinner when it dawned on me what was really happening around me. As I ate, one of the other women came in and she had a sad look on her face and said I was wanted in the hall. I knew something wasn't right, but I thought he was just kicking me out. Before I could go to the hall, the man I lived with and another dirty unkempt man came in. I was about to be sold. The man I lived with laughed lightly as he asked if I really thought I could stay for free. The dirty and unkempt man looked me over and said "she will do". The light bulb in my head went on and I ran. I'm not sure why they let me run, but they did. I look back now and I can't believe I was so naive, but I was. I look back and think of that 14 year old girl and I wonder if she ever made it out like I did. I didn't go to the police because I was what people called a "street rat" and I honestly didn't understand how bad what I had witnessed was. With further education and maturity I now see the full picture and how awful it all was. My hope is that through Bill C-36, more young girls like me, will never have to go through this and much worse. I am not a commodity and neither are my fellow women. We are not born with price tags and we should not be forced to live or die with one either. Bill C-36 will help stop the purchase and commodification of the human body and reinforce the value of all women on a human level instead of a profit level.

### **Larissa Crack**

I entered prostitution at 14 years old. I was groomed and recruited by a pimp. I was a young runaway who left a home that was emotionally abusive and picked up by a trafficker within 48 hours of having left home. I was introduced to a world where I felt that I was accepted. My pimp bought me nice clothes, introduced me to people who were kind to me and introduced me to crack cocaine. The very first "date" I had, I didn't even realize what was occurring. While

high on drugs I had sex with a much older man whom I later found out had, without my knowledge, paid my pimp in order to have the interaction. This continued for a short while, with my eventual understanding of what was happening. I went along with what was happening because for the first time in my life I had people that accepted me and at 14 years old selling my body was worth the feeling of acceptance. When the day came that I began to refuse to have sex, and became blatantly more defiant about my situation, my pimp broke me. I was tied to a bed, injected with mind numbing drugs, while men paid to rape and beat me. I still carry physical scars on my body from this experience. I spent the next year being exploited through legal establishments, including strip clubs. I was sold in the back rooms and within private bachelor or sporting parties.

With the amount of drugs that were used in order to submit me, I quickly became unacceptable for the high class prostitution that I was currently involved in. Even though I was no longer controlled by physical force, my addiction kept me prisoner and without choice in Vancouver's lower east end. I remained exploited and continued in prostitution for approximately another year. During his time I was picked up and sent to juvenile detention several times with no attempts at offering me rehabilitation or support. At the end of my experience within prostitution I was red-zoned from the lower mainland and sent to treatment in Calgary where I was offered the multi-dimensional support that I so highly needed. I have now been out of prostitution for thirteen years and have achieved a diploma and I am in my fourth year of study for my degree. This was made possible through the support of Servants anonymous Society and their ability to offer solutions to social barriers that remove choices from individual's lives.

As a survivor of sex trafficking, and the co-founder of The Northern Women's Connection; which is an agency that directly works with women who have experienced oppression, marginalization and trauma as a direct result of the sex trade; we are in full support of Bill C36, The Protection of communities and Exploited Persons Act which works to offer solutions to women and at the same time targets johns, pimps and any other party that would benefit from the exploitation of vulnerable women while also keeping our children and communities safe from unwarranted solicitation and harm (Bill C-36).

The day Bill C-36 was announced, was a momentous day for women's rights and equality within Canada. For the first time Canada has offered legislation that acknowledges the gender inequality and inherent violence that is aimed towards women within prostitution. Bill C-36 equals Canada taking a stand, and demanding that women are treated with the respect and dignity that they deserve instead of being looked at as a nuisance.

Bill C-36, a made in Canada model, has made it clear that the government of Canada "recognizes the social harm caused by the objectification of the human body and the commodification of sexual activity" (Bill C-36, pp. 1). The protection of communities and exploited persons act has created a solid platform on which equalizing and protective laws can be formed in order to identify the leading cause of the sex trade as identified as the demand for paid sexual services.

Bill C-36 has found that it is important to protect human dignity and the equality of all Canadians by discouraging prostitution, which has a disproportionate impact on women and children. As a women that know all too well the horror involved with sexual exploitation and the impact it has on women and children, we believe that it is also important for the government to understand, and recognize the disproportionate representation that First Nations women have within the sex trade (Waltman, 2014). In Canada, First Nations women represent 60% of all women involved in prostitution (Assistant Deputy Minister's Committee, 2001), yet they only account for 4% of all Canadian women (O'Donnell & Wallace, 2014). This becomes an important fact if Bill C-36 is going to protect the dignity of ALL Canadians. It must be understood that portions of the available funding is directed towards First Nations healing support and that Bill C36 recognizes the colonialism that has created a disproportionate representation of First Nations women involved within the sex trade.

The Northern Women's Connection (NWC) is a grass roots organization in Sault Ste. Marie Ontario. The NWC was founded by survivors of the sex trade and professional allies. Together we are working to create healing opportunities for women that have experienced trauma due to their involvement in the sex trade. We are currently sponsored by the Canadian Mental Health Association of Sault Ste. Marie for the purpose of obtaining funding and grants.

Currently, we offer a weekly support and activity group for women who have experienced any form of sexual exploitation and wish to heal from their experiences. We are also available for educational purposes which can be aimed towards students, professionals, youth or high risk populations. The NWC also offers a crisis line which can be utilized by the women using our services. Finally, we are available for outreach services within our downtown area on occasional evenings and once a week during business hours.

The Northern Women's Connection has many upcoming projects which include 12 session therapeutic groups, a street level safe bed program for women, life skills programming, and a John School diversion program

## References

- Assistant Deputy Ministers' Committee on Prostitution and Sexual Exploitation of Youth. (2001). Sexual Exploitation of Youth in British Columbia. Victoria: Ministry of Attorney General, Ministry for Children and Families, and Ministry of Health. Retrieved from [http://www.mcf.gov.bc.ca/youth/pdf/sex\\_exploit.pdf](http://www.mcf.gov.bc.ca/youth/pdf/sex_exploit.pdf)
- Embassy of the United States. (2013). 2013 trafficking in persons report: Canada chapter. Retrieved from <http://canada.usembassy.gov/key-reports/trafficking-in-persons-report/2013-trafficking-in-persons-report-canada-chapter.html>
- John Howard Society. (2001). Prostitution. Retrieved from <http://www.johnhoward.ab.ca/pub/pdf/prostitu.pdf>
- Kramer, L, A., & Berg, E, C. (2003). A survival Analysis of timing entry into prostitution: The differential impact of race, education level, and childhood/adolescent risk factors. *Sociological Inquiry*. 73(4) pp. 511-528. Retrieved from <http://onlinelibrary.wiley.com.libproxy.auc.ca/doi/10.1111/1475-682X.00069/pdf>
- O'Donnell, V., & Wallace, S. (2014). First nations, metis and Inuit women. Stats Canada. from <http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11442-eng.htm>
- Waltmen, M. (2014). Assessing evidence, arguments and inequality in Bedford v. Canada. *Harvard Journal of Law and Gender*. 37 (2) pp. 459-544. Retrieved from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2091216](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2091216)

