

The Standing Senate Committee on Legal and Constitutional Affairs

Study of Bill C-36

Servants Anonymous Society of Calgary Submission

September 3, 2014

Intro

Dear Members of the Senate,

Thank you for this opportunity to contribute to your review of Bill C-36, *The Protection of Communities and Exploited Persons Act*. The Servants Anonymous Society Calgary (SAS) offers this submission on behalf of the over 700 women and children who we have supported in exiting prostitution and sexual exploitation over the past 25 years. It is also reflective of the voice of this community and the SAS society of 50+ members, all intent on seeing an end to the violence, trauma, and commodification of vulnerable people, predominantly children and women. We would like to thank the Canadian Government for Bill C-36 and the recognition of the evidence of prostitution as inherently violent and primarily an issue of violence against women¹. We support the abolishment of prostitution in Canada and urge you to support this bill.

Servants Anonymous Society Calgary (SAS) has operated for the past 25 years, providing voluntary, comprehensive services for girls and women aged 16+ (with or without children) who are seeking an exit from prostitution, sexual exploitation (including other sex industry experiences), and healing from the related violence and trauma. We have service data on over 700 girls and women. 100% have experienced violence; approximately 40% are Aboriginal; 75% are 24 years and older however over 90% were introduced into the sex trade around age 14. We believe we are the most comprehensive service in Canada and have provided care to women and their children from across the country. We work closely with local law enforcement including the Calgary Police Services Vice and Organized Crime Unit. For many years we have provided training for new recruits of the Calgary Police Services with regard to providing sensitive and compassionate law enforcement approaches to prostituted people. We also work in collaboration with our Provincial and Federal correctional services facilities, with the RCMP, and on occasion Canada Border Services.

Servants Anonymous Society Calgary provides a SAFE House program which allows for an immediate exit for girls and women from prostitution. The SAFE program is professionally staffed 24/7, and provides access to medical care, detoxification and addiction services if required. Trauma recovery work also begins here. The SAFE program is a 30-45 day program. A recent review of our outcome statistics of over 100 women accessing SAFE shows that women staying in the SAFE program for one week experience a 40% increase in successfully exiting to safe and stable environments; women staying in

¹ Spalding, D., (2014) *The Prostitution Pipeline*, (June 15)

SAFE for a minimum of two weeks experience a 50% increase in this success; and women remaining a minimum of four weeks in SAFE experience a 90% success rate in exiting to a safe and stable environment. Following SAFE, the Servants Anonymous Society program offers transitional supportive housing in five houses located throughout the city where the women live communally with a “live-in” volunteer/supportive room-mate. We also own a number of fully self-contained apartments that serve as permanent independent supportive housing, with a “live-in” volunteer unit on-site to ensure safety and to provide any additional support the girls and women may require; and permanent, affordable housing in the community through our formal partnership with the local housing authority.

Once their housing needs are met, women participate in an extensive daily life skills program in the Servants Anonymous Society’s (SAS) classroom. The entire curriculum has been written by SAS Alumnae and women with lived experience of prostitution and sexual exploitation. All of the women are assigned a keyworker/counsellor, who is a professional social worker or addictions counsellor, for personal case management and support. SAS employs a number of Alumnae who have gone on to complete their education in the social services. We offer an on-site, professional child-minding service, and a child development, parenting skills, attachment/bonding therapy and in-home support program for women with children. SAS has a very high rate of children being returned from Child Welfare/Child Protective Services to their mothers who are in our program, and a very high rate of pregnant women being allowed to keep their children upon delivery due to their participation in our program. Indeed, the catalysts for many of the women who exit prostitution and come to SAS include either an episode of violence where they directly feared for their life, or the discovery that they were pregnant, and a desire to not lose their child to “the system”.

The final phase of the Servants Anonymous Society Calgary (SAS) program is a 6-month employment/education support service. We offer follow care support and outreach for any of our past Participants to help them access continuing services in the community or return to SAS if required. We also help them to develop resume, job search and interview skills, offer on-site and in-community paid work experience programs, and scholarships for continuing education. In fact, a number of our Alumnae have gone on to university or other post-secondary to advance their educations and improve their long-term employability. Women who complete the entire SAS program experience an 88% success rate in remaining free of prostitution, sexual exploitation, and in safe, stable housing for a minimum of two years post services. An independent “Social Return on Investment” evaluation of our services was commissioned by the Government of Alberta, Ministry of Justice & Solicitor General and conducted from 2009-2012. It showed that SAS services result in a social return of \$8.57 per every dollar spent by government². These are reflected as savings to the tax payer with regards to decreased costs of homelessness, law enforcement responses, and inappropriate use of ambulance, emergency medical services, hospital stays, incarceration, child welfare interventions, and homicide investigations. Clearly, comprehensive services that support women in exiting prostitution are of great benefit to both the women involved and to our communities. Servants Anonymous Society Calgary applauds the

² Simpson & Associates: SimPact Strategies Inc (2012), Servants Anonymous Society Calgary: Servants Anonymous Facilitated Exit (SAFE) Social Return on Investment Study. Safe Communities Initiative Fund, Government of Alberta

Government of Canada for recognizing the need for such services and including financial provision to support survivors of prostitution to exit and create safer lives.

Servants Anonymous Society of Calgary supports Bill C-36 and the focus on the criminalization and fining of pimps/traffickers and purchasers/"johns". We have all too often seen the long term effects of violence and trauma associated with the sex trade. This legislation is a first and necessary step in deterring those who prey on the vulnerable people in our society.

We believe that this legislation will require some small adjustments; however, for the first time in Canadian history women exploited by the sex industry are being viewed with dignity – as people worthy of support to exit violent and exploitative situations, rather than as a public nuisance. What we want to ensure today, is that the voices of experience from survivors of exploitation and prostitution do not get lost.

What is vitally important for the Committee and for Canadians to remember is that the majority percentage of women and girls *are* exploited, *are* forced or coerced into prostitution and *are* trapped by violence and threats³. Legalization should NOT be an option. This is NOT a job. Evidence shows that there are large numbers of women and girls who would leave prostitution if they had the means to do so. We know this because we operate one of the most comprehensive exit programs in the country and sometimes we have to turn women, girls and children away because we don't have space. The average wait to enter the SAS program is between one and two months, and we constantly have a wait list of women seeking our support. Those days could mean the difference between life and death for someone's daughter, mother, or sister.

It is also clearly evidenced in the research that focusing on criminalization of sex purchasers and pimps/traffickers, helps vulnerable women exit exploitive situations and begins to develop public understanding of prostitution as an issue of gender inequity and violence against women⁴.

Human Rights Review in relation to Bill C-36

With regard to criticism of Bill C-36 and the potential for future Supreme Court challenges, SAS believes the preamble in the legislation offers the strongest defence. Namely, it refers to prostitution as contributing to a "social harm", which we believe is the objectification of women and young girls. This reference to the harm prostitution inflicts clearly demonstrates that Bill C-36 does not take its impetus from a socially conservative agenda but from a sincere desire to promote fundamental human rights. It should be noted that the Supreme Court has previously been sympathetic toward severe criminal penalties for the sake of preventing or eliminating "social harm"⁵.

³ McIntyre (2002)., *Strolling Away* – Federal Government of Canada

⁴ Sweden's Inquiry Evaluation (1999-2008), *Swedish Government Report SOU 2019:49*; www.government.se

⁵ R v. Mara (1997) <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1530/index.do>

With regard to the substantive clauses of Bill C-36, the text is very well formulated, instituting penalties that will be much more of a deterrent to 'pimps' and 'johns' than, for example, the Swedish legislation. In particular, we appreciate the changes described in Section 19. Previously, the Criminal Code had a very narrow understanding of coercion. A person could be punished for forcible confinement or for holding someone captive at gunpoint. However, traffickers employ other means of coercion; it's rarely anything so overt as pointing a gun at a trafficking victim. Under Section 19, coercion now includes seizing or destroying a passport or other form of identification. This should give prosecutors more options when going after traffickers, since seizing a passport is very common among traffickers while outright kidnapping is not. This further supports and adds reinforcement to the current human trafficking legislation in Canada.

Section 20, which addresses the commodification of sexual activity, is really the heart of the "Canadian Model" of legislation and will be very helpful if enacted. In comparison to the original legislation in Sweden, 'johns' could be punished with a prison sentence of no more than six months plus a fine. This was later increased to a maximum sentence of one year. Meanwhile, in Japan, attempting to obtain sexual services from a minor is punishable by up to three years in prison plus a fine of no more than \$31,000. The Japanese wished to distinguish this from molestation and so created a separate offence for this, but it is clearly a weak punishment for such a crime. By contrast, Bill C-36 sets out serious punishments. 'Johns' can expect sentences of up to five years. Even if tried on summary conviction, the offender can face a sentence of up to 18 months. Even the weakest punishment for a 'john' in Canada is greater than the strongest punishment in Sweden. This has a strong potential as a deterrent, allowing the legislation to accomplish the objectives set out in its preamble - to reduce demand in Canada. Those who exploit and benefit financially from the sexual services of others (pimps) will also be deterred by the punishments described in this section, which is an improvement over the Swedish system. Under that model, there are no separate punishments for pimps, allowing them to essentially operate with impunity.

The amendments to Section 286.2(4) of the Criminal Code will help to address concerns and criticisms expressed by those who claim that criminally targeting people who benefit financially from the sexual services of others will isolate prostitutes and undermine their safety. For example, if a prostitute were to hire a security professional to protect her, would that guard be engaging in a criminal activity and at risk of a very lengthy prison sentence? Is there a way to distinguish within the law the difference between a security guard and a pimp's 'enforcer'? C-36 does provide a distinction - if the service is one that could normally be provided to the general public and is not solely for prostitutes, it can then be considered exempt.

We would like to offer one recommendation for an amending to section 213 (1.1) of the Act regarding communication offenses, particularly in relation to the expectation of the presence of children or persons under the age of 18. SAS supports the legislation's intention to prevent the spread of social norms that treat women as sexual objects and keep impressionable children somewhat safe from the social harms resulting from prostitution; however, we believe that prostitutes themselves must be held immune to this provision given that they themselves are victims. We recommend the Bill be amended to reflect this. We suggest that rigorous enforcement of Bill C-36 and the heavy fines and punishments put in place to target "johns" will offer a strong deterrent in such locations and support the objectives of C-36's preamble without criminalizing prostitutes themselves. We believe this will fortify the legislation against further constitutional challenges.

Conclusion

It is not a “human right” to have sex, or to have access to someone else’s body. We do however have the right to safety and protection. Servants Anonymous Society Calgary knows that Bill C-36 will support more vulnerable people in asking for help from police and in seeking an exit from prostitution.

Our experience, in having helped hundreds of women and girls, is that whether a woman was forced or coerced into prostitution as young girl, or whether she made a decision based on very limited or unreasonable options, violence and trauma are *always* present factors. Once in prostitution, many girls and women become trapped. As one woman from our program explains, “the only way out of being pimped is either death or being sick with HIV, because if you are HIV positive the bikers, [as well as gangs, and violent “johns”] will kill you themselves”. Violence is violence. There is no difference.

For those who would objectify women and commodify their bodies, Bill C-36 sets out real deterrents. The additions to the Criminal Code will give law enforcement and prosecutors the tools they need to protect women and combat organized crime. We should all take pride in this made-in-Canada solution, and we urge you to listen closely to the voices of survivors and to support this important legislation.

Thank you,

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