



August 5, 2014

As a follow up to Mayor Naheed Nenshi's letter to Minister MacKay on 2014 March 17 advocating for a legislative response to the Supreme Court of Canada's decision on 2013 December 20, in the case of *Bedford v. Attorney General of Canada*, I am writing to acknowledge the work of the Government of Canada in taking action to address this decision. Prostitution results in a complex range of social issues impacting public safety and quality of life in communities and municipalities, especially in Canada's big cities. While all three orders of government are concerned with the impact of prostitution, the harm to those engaged in prostitution, and the harms resulting from it, are often most visible within the municipal context. The introduction of new legislation through Bill C-36 constitutes a positive step towards mitigating the adverse impacts of prostitution on Canadian municipalities.

At the direction of The City of Calgary City Council, Administration convened a multi-departmental Working Group aimed at providing a framework to address potential legislative, regulatory, social, environmental and economic issues related to prostitution within Calgary communities. This Working Group, including representatives from the Calgary Police Service; Animal & Bylaw Services; Community & Neighbourhood Services; Planning, Development & Assessment; and The City's Law department have reviewed Bill C-36 and recommended three key areas which require further clarification. Such clarification will support efforts at the municipal level to ensure public safety, protect vulnerable populations, maintain community standards and inform any potential changes to municipal bylaws that may be required based on Bill C-36.

Areas for Clarification (see attachment for additional information):

- I) A definition of what constitutes "sexual services"
- II) An enhanced definition of what constitutes a "public place"
- III) Additional information regarding the \$20 million in new federal funding announced 2014 June 4 to support the implementation of Bill C-36

The City of Calgary is committed to working closely with the Government of Canada and the Government of Alberta to build and maintain strong, safe and vibrant communities where citizens are protected from the harms of prostitution and exploitation. Clarification regarding these three key areas is needed in order for The City of Calgary to properly address the impact of the proposed legislation on its citizens and communities.

We encourage the Government of Canada to consider these issues and look forward to your response. If you have questions or require further information, please contact me at either Ryan.Jestin@Calgary.ca or at 403-268-3725 at your convenience.

Sincerely,

Ryan Jestin
Director, Animal & Bylaw Services
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Attachment

Bill C-36: Areas for Clarification

A definition of what constitutes “sexual services”

In the current draft of Bill C-36, the term “sexual services” is not defined. This leads to a lack of clarity as to “sexual services” that are prohibited by the *Criminal Code* and aspects of the sex industry that can be regulated by municipalities. A definition refining what activities or conduct is to be captured by “sexual services” enables a municipality to regulate within their jurisdiction. Bylaws regulating escorts and dating services, massage and body rub practitioners, and exotic entertainers are potentially impacted dependent upon the scope of what practices constitute “sexual services”.

Further, a definition of “sexual services” would also serve to determine if current advertising restrictions within certain municipal bylaws, including the *Dating and Escort Bylaw*, would be valid based on the proposed federal legislation.

An enhanced definition of what constitutes a “public place”

Section 197(1) of the Criminal Code defines “public place” as “any place to which the public have access as of right or by invitation”. This definition does not specify if the internet constitutes a public place, and as such it is not clear whether communications over the internet might constitute an offence under Section 286.1. Based on recent statistics which point to between 90-95 per cent of all prostitution-related activities occurring “indoors”, and with online advertising representing a primary source of clientele for the indoor market, the definition of what constitutes a “public place” is of particular importance.

Additional information regarding the \$20 million in new federal funding announced 2014 June 4 to support the implementation of Bill C-36

The announcement on 2014 June 4 of \$20 million in new funding from the Government of Canada indicated a primary focus on supporting individuals exiting prostitution. While support for exiting strategies is important, international best practice research along with the results from a recent City of Calgary survey highlighted the importance of an investment in services and programs across the continuum of needs from early intervention and prevention to harm reduction in order to mitigate potential negative impacts on sex trade workers and communities. Limiting the focus and investment to exiting programs, to the exclusion of others, may not effectively meet the outcomes of Bill C-36 and may limit the opportunity for a coordinated community response.