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# Standing Committee on Justice and Human Rights

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EVIDENCE

**Tuesday, July 8, 2014**

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**Chair**

**Mr. Mike Wallace**



## Standing Committee on Justice and Human Rights

Tuesday, July 8, 2014

• (1300)

[English]

**The Chair (Mr. Mike Wallace (Burlington, CPC)):** Ladies and gentlemen, I call to order meeting number 36 of the Standing Committee on Justice and Human Rights.

We are here as per the order of reference of Monday, June 16, 2014, for 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.

Madame Boivin, before the meeting started you approached me about speaking. I'll turn the floor over to you, and then we'll get to the introductions of the witnesses.

**Ms. Françoise Boivin (Gatineau, NDP):** “Madame Boivin” and “speaking” in the same sentence, that's so rare.

There seemed to be some confusion on the aspect of criminal record versus no criminal record.

[Translation]

There is some confusion about fingerprinting. I know that many of us, on both sides, asked our analysts questions about this. I don't want to give my opinion on the issue, but I would be curious to see what our analysts have to say to us, so that we can close this door once and for all and move on to other matters.

[English]

**The Chair:** Mr. Dechert, you put your hand up too.

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Thank you, Mr. Chair.

I'm also concerned about this. I think we need to clarify the actual state of the law on this matter, and I think the appropriate people to do so are the justice department officials who are experts in criminal law.

We have asked them to prepare a memo to the committee on this point. I hope to have that soon, hopefully today or at the latest tomorrow morning. I suggest that the committee members then have an opportunity to review it. If they wish to ask questions, we could ask justice officials to come back before the committee to answer any questions.

**Ms. Françoise Boivin:** That sounds all right to me.

It's just that I heard the analysts had already done the work. Unless you're telling me that their views are not sound, usually—

**Mr. Bob Dechert:** No. I just think the justice officials are probably more familiar with—

**Ms. Françoise Boivin:** I will not start a debate on that, but based on some of their advice, sometimes I wonder.

**The Chair:** Here's what I will do based on the information that's been provided. We'll wait until the memo is circulated to all members. Then, based on that memo, if we want to invite the officials to come, we'll set off 10 or 15 minutes at the end of one of the meetings. Of course, our analysts will also be there to provide information at the same time.

**Ms. Françoise Boivin:** Could I add that if you are ready on the issue, maybe you could send us...?

Usually you write a little document. If you could send it to all of the members of the committee at the same time, it would be very interesting—if everybody agrees. The more, the merrier. If there's still some conflict, then we'll decide what to do next.

Thanks.

**The Chair:** Very good.

Is everyone good? Okay.

Let's go on to today's witnesses for our second panel on Bill C-36. We are actually waiting for two folks, and I'm hoping they will arrive.

From the London Abused Women's Centre, we have Megan Walker, the executive director. From Rising Angels, we have Katarina MacLeod, by video conference. There are two people at the same location, though they're two individual presentations. From the Canadian Association of Elizabeth Fry Societies, we have Kim Pate. And from Sisters Inside, we have Deborah Kilroy, chief executive officer and legal counsel.

We'll have the witnesses who are here with us first. Then if our other witnesses join us, we'll introduce them appropriately.

Our first witness, with 10 minutes, is from the London Abused Women's Centre.

The floor is yours.

• (1305)

**Ms. Megan Walker (Executive Director, London Abused Women's Centre):** Thank you very much, Mr. Chairman.

I would first of all like to thank all of you for the kind invitation to attend today. In particular, I'd like to acknowledge that you do have an incredible justice department. I'd particularly thank Ken Bednarek, Nancy Baker, and François Déglise for their kind assistance in helping us through this process. MP Joy Smith has been a great advocate for us, and we appreciate her as well as her executive assistant, Joel Oosterman.

I will be making reference to statistics. Those references can be found in our brief, which you will all have.

The London Abused Women's Centre provides advocacy, counselling, and support to abused women, and has been doing that for the last 36 years. During our last fiscal year, we served approximately 3,300 women and girls over the age of 12. Approximately 10% of the women and girls we serve have disclosed that they were at one time in prostitution. We do provide them with exit supports. Those supports are obviously directed by the women themselves.

We have heard that sex workers have not been consulted. I think that needs to be addressed, because in fact we do know that prostituted women and survivors have been consulted. In fact, many of the women we have served were part of the survey that was online, and in addition participated in a postcard project that we initiated at the London Abused Women's Centre along with EVE and Sex Trade 101. Postcards were sent out across the country, and 10,000 of those were sent back to MP Joy Smith.

I do want to acknowledge the incredible courage of women in prostitution and survivors in speaking out in favour of Bill C-36. It does take a lot of courage to come and speak out.

I've heard here today and yesterday, and also in the past, that prostitution has always been around. I'd like to address that, because so too have domestic violence, rape, harassment, stalking, and even murder, but we don't just say that these things have always been here and as a result we'll just throw up our hands and do nothing about them. In fact we work to change those scenarios for vulnerable people.

One thing that has always excited me has been the importance of public education and awareness campaigns and the effectiveness of those. We don't need to look much further than the effectiveness of such public awareness campaigns as MADD Canada and at how effective those have been in changing the attitudes of Canadians about impaired driving. I think we can do that with prostitution as well.

Through our work at the London Abused Women's Centre, we have seen a strong link between domestic violence and prostitution. In fact many of the prostituted women who come to see us report that their intimate partners are also their pimps. It is a coercive, controlling, and abusive relationship. The tactics that are utilized by a woman's partner and pimp, in that combined role, add to the complexities of their lives. We need to recognize that relationship in order to understand the issues and the realities faced by these women.

We've also heard a lot about how prostitution is work and should be considered legitimate employment. Catharine MacKinnon, a feminist and a legal scholar, has often stated the following:

...in an unequal world, a law against men purchasing women is called for together with no law against the people, mainly women, being bought for sexual use: "ending prostitution by ending the demand for it is what sex equality under the law would look like."

I think we need to remember that as we go through some of your deliberations. Prostitution is fundamentally men's violence against women. Although we do recognize that there are some men in prostitution, overwhelmingly it is men who are buying women, and women who are being prostituted.

Prostitution is a human rights violation. Legitimizing prostitution as work normalizes this as an employment option, and it ignores the link between prostitution and sex trafficking. It sanctions the inequality of women and girls, and it increases the demand by promoting social acceptance of sexual exploitation.

● (1310)

For many years, the Province of Ontario has held a program called "take our kids to work day". It's for grade 9 students who are about age 14, who have the opportunity to go and explore employment options of their parents. I can't imagine taking a 14-year-old girl to work that day with their mother in prostitution, nor can I imagine a father taking their child to work and having him say, "Hey, son, it's lunchtime; we're off to buy sex from a woman". These are not options that should be made available to children or women.

The London Abused Women's Centre does not recognize prostitution or sex trafficking as work. We refer to this as "prostituted women" or "women in prostitution". I would ask that today you respect that language when you are addressing questions to me or any of the panellists.

We've also heard that prostitution is consensual sex between adults. Fundamentally, the London Abused Women's Centre disagrees with this statement.

There's an infamous quote by former prime minister Pierre Trudeau that's often used to support this message, that "There's no place for the state in the bedrooms of the nation". That's from 1969. That quote is not relevant today in the prostitution discussion, or in most discussions today. In fact, Trudeau himself knew that the state had a place in the bedrooms of the nation when he passed Bill C-127, making sexual assault against one's wife an offence. He was prime minister of the day when that happened, in 1983, and it was his government that initiated and passed that bill.

We've heard many times that women enter prostitution as children. The Canadian Women's Foundation reports, through consultations with 260 Canadian organizations and 160 survivors of sex trafficking, that many girls in Canada are first trafficked into forced prostitution when they are 13 years old. I think we can all agree that children are too young to consent. If we follow that, then, a child of 17 or younger who turns 18 cannot all of a sudden be a consenting adult given their background as children in prostitution.

We often hear about power imbalances between adults in positions of power, like coaches, for instance, or teachers, who lure children into sexual relationships with them. We're appalled as a society when these things happen. How is it, then, that those same teachers or coaches can buy youngsters—young women who are 20 or 21 years of age—and because all of a sudden they're paying to have sex with these young women, it's consent? It's the exact same thing as those teachers and coaches luring those young women without paying them.

We've heard a lot about public communication for the purpose of prostitution and how it's important for prostituted women to be able to have that sense of security. Well, that is a false sense of security. The prostituted women we work with us tell us that no amount of communication with a john will make their lives safer. In fact, they often are given only 5 or 10 minutes—or even at the outset 30 minutes—to communicate with a john. At that point, really, there's no opportunity to interview properly for safety. Prostitution, as we know from the government's preamble, is inherently violent and dangerous, and it is johns and pimps who place the lives of women in danger.

We believe that Bill C-36 is very powerful in its preamble. We believe that if you look at the New Zealand model, which has been much touted, it promotes increased prostitution, increased numbers of children being promoted for prostitution. We know that it puts women into unfortunate situations of underground prostitution because they don't have to be regulated in their homes where there are fewer than four women. We know the prostitution collective in New Zealand has reported, in Christchurch, two women dead in a six-month period of time, murdered by johns, and increased violence—147 women violated brutally. When you compare the model they are promoting, I would suggest that is exactly the reason we don't want that model in Canada.

There are three recommendations that I would make to you with respect to Bill C-36.

- (1315)

One is that we would like to see women decriminalized in all situations. We know johns and pimps are criminalized under all circumstances, and in fact face additional sanctions when purchasing women where they ought to know there are children. I think that is enough of a deterrent. We want to end demand, and by ending demand it will allow prostituted women to exit. I think criminalizing women is inconsistent with your preamble. I also know from running exit programs that criminalizing women, detaining women, or arresting women are barriers to exiting.

I would also suggest that as much as I am grateful for the funding of \$20 million over four or five years, that you give some consideration to increasing that funding. As we place that funding across the country, it may not be sufficient to provide women with the provisions they need to exit safely.

Finally, I would like to address an issue around torture—this is 30 seconds, Mr. Chairman, and I appreciate it. The Criminal Code, section 269.1, currently defines torture as “any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person”. Unfortunately, it is specific only to officials. We would suggest to you that prostitution is torture in

every sense of the word, and we would ask that you amend that clause by stating every person, not just officials, would be held criminally responsible for torture.

I appreciate the extra time you have given me.

Thank you very much, Mr. Chairman.

**The Chair:** Thank you, Ms. Walker.

Our next presenter is the Native Women's Association of Canada. We have Michèle Audette with us, and Teresa Edwards.

I'm assuming, Ms. Audette, that you're taking the lead.

[*Translation*]

**Ms. Michèle Audette (President, Native Women's Association of Canada):** Thank you very much, Mr. Chair.

[*Witness speaks in her native language.*]

I want to thank the Anishnabe nation for welcoming us on its territory, which is now shared.

I will deliver part of my presentation in French, and then I will continue in “franglais” and English.

Good afternoon, everyone. It is a pleasure for me to meet with you again, and I hope we will be able to debate this topic with the utmost respect. This matter may be painful for many people around the table and across Canada.

Thank you for the invitation. This issue affects us daily on a personal and professional level, as you will note during my presentation.

The Native Women's Association of Canada was incorporated in 1974, and that translates to 40 years of fighting, hope and debates on social issues that affect all of us here, in Canada.

Since the beginning, we have been fighting to improve socio-economic conditions of aboriginal women and their families, as well as aspects involving justice, public safety and human rights.

This reality affects aboriginal women in particular. We have gained this expertise through our organizations across Canada. NWAC's membership consists of 12 associations, which are all affected by those injustices. Those groups are made up of first nations women, as well as Métis and Inuit women. I do not claim to be speaking on their behalf today. I rather want to ensure that the amendments truly take into account aboriginal women's voice and living force.

Our goal today is to make you understand that the NWAC supports and promotes the human rights of aboriginal women. This is extremely important.

As you know, after so many years, Canada finally signed the United Nations Declaration on the Rights of Indigenous Peoples. It is from that perspective we want to show the importance of the role the Canadian government can play in resolving this situation, which I find sad and unfortunate.

We must ensure that Canada will sincerely take into consideration the provisions of this declaration, so that true reconciliation can be achieved between those two great nations. It is important to put our comments into context. This declaration on the rights of indigenous peoples stipulates that it is important that states, including Canada, ensure that improved living conditions for women are taken into consideration from a socio-economic perspective. Housing issues must also be addressed, and it must be ensured that women have access to education without any fear of violence—be it family, conjugal, economic or lateral violence.

Aboriginal women have dreams. I am one of those women, and I am proud of that fact. We do not want to contribute to statistics on murdered, missing, incarcerated or impoverished women.

In my view, there is a fairly simple common thread here. However, our organization alone cannot change things. Federal, provincial, territorial and municipal governments have show their political will to bring about change.

We dream of having access to the same economic opportunities as our Canadian sisters. There is a huge amount of catching up to be done in that area. In our prosperous country, aboriginal women are not part of this dream, and that is unfortunate. However, we share this country with other Canadians.

Our men, children and seniors are taken into account when we adopt positions and make recommendations. We, as aboriginal women, have a big heart. You have to be part of this big dream.

Another dream I treasure for my five children and for the women I work with every day, is to be able to walk in safety, be it in Vancouver, Montreal or Thunder Bay. Our women are also subjected to racial violence.

• (1320)

I also want to be able to walk in a place where peace is part of daily life and where violence, racism and abuse have been eradicated.

Prostitution is often viewed as a choice people have a right to make and as the oldest profession in the world. I have heard from many women in Canada—friends, family members, as well as women I have never met—and I can say that none of them have told me that prostitution was a choice. None of them. I am talking about aboriginal women. The benefit of working for NWAC is the opportunity we have to meet many people. I am not trying to say that this is in line with the position of all aboriginal women.

We asked those women what they would do if they were offered the same wages and a decent job in a violence-free environment. They all clearly indicated that they would accept such a job.

Based on what we have learned from our meetings with those women and from research that has been conducted, most of them are victims of human trafficking. You can imagine the rest.

We feel that the bill has its issues, but it also has some positive elements. It is important to point this out, and I hope that my colleague, who works as a lawyer for the Native Women's Association of Canada, will talk more about the legal aspect.

The criminalization of aboriginal women, who will be part of the major project at the end, is a big source of concern for us.

• (1325)

[English]

I'll try to read in English now.

More than 40% of aboriginal women in prison have been to Indian residential schools. More than that have been placed in care or have parents who went to Indian residential schools. Trends that have been identified show that aboriginal girls are forced into situations or into using coping strategies that increase their vulnerability to violence. These include hitchhiking, addiction, unsafe housing or homelessness, prostitution, gang involvement, trafficking, sexual exploitation, and being in abusive relationships.

We know that aboriginal girls and women who are involved in prostitution have a higher risk of being targeted by traffickers. This means that they may be moved from their aboriginal community or urban environment and forced to perform sex work, either domestically or internationally.

NWAC advocates for the Nordic model here in Canada, because we seek equality between women and men and because of the link between prostitution and trafficking. It is aboriginal girls and women who are specifically targeted in this country to be trafficked, in such huge numbers that it does not compare with other populations. The average age of girls being trafficked is between seven and twelve years old here in Canada.

**Ms. Teresa Edwards (In-House Legal Counsel, Director, International Affairs and Human Rights, Native Women's Association of Canada):** I'll take over from here.

Why are aboriginal women at risk? Violence can take on many forms—physical, sexual, emotional, psychological, spiritual, cultural, and financial—and it often results in vulnerability and self-harm: depression, a cycle of violence, alcohol and drug addiction, abuse, and suicide.

Aboriginal women are eight times more likely to be killed than non-aboriginal women. The rates of spousal assault are more than three times higher than for non-aboriginal women. Please note here that many aboriginal women are not married to aboriginal men so don't make the assumption that it's aboriginal men who are killing their spouses. It's often not the case at all.

Aboriginal women experience more severe and potentially life-threatening forms of spousal violence, 54% of them versus 37% of non-aboriginal women, and the violence is likely to go unreported in more than 60% of those cases.

NWAC knows that violence is often linked to the circumstances of vulnerability that Michèle spoke about, the low income, the housing insecurity, their age, geography and where they are located, and the fact they are women. When the effects of all other factors are controlled for, aboriginal people are still three times more likely to experience violence than non-aboriginal people.

Prostitution exploits women and increases the inequalities based on their gender, race, age, disability, and poverty. We know there's a link between the many missing and murdered aboriginal women and to trafficking or to those who have been linked to sexual exploitation and who were prostituted. That's why it's so necessary that groups such as NWAC keep raising the issue of the high rates of missing and murdered women, asking for a public inquiry, and calling on all Canadians to stand united to legally compel the government to develop a comprehensive plan of action that will truly make a difference in the lives of women and girls.

We must stand united with the Women's Coalition for the Abolition of Prostitution so we can send a message to society that we want more than prostitution for aboriginal women and future generations. We want more for aboriginal women who are in prostitution and who are being trafficked. We want real options for all women and all girls.

We have so many beautiful opportunities to support and encourage one another, to lead, to build a society where women are valued, and to foster social and economic security among aboriginal communities. We know that when we invest in these aboriginal women they invest in their family and their community. It's a worthwhile investment. We have to send the message to Canadians that we want more for women than for them to be for sale and disposable.

The trend toward entrepreneurship and small business development is ongoing in Canadian society, especially among aboriginal women. These women can make an enormous contribution to Canada if they are engaged in the economy and not in prostitution.

Our women are the youngest, fastest growing community in a Canadian labour force that's rapidly aging. Our successful contribution to the economy in real business opportunities would be Canada's success. Our future is Canada's future.

Closing the education and employment gaps for our people would contribute \$400 billion to the national economy, and save \$115 billion in expenditures, and would promote the safety and well-being of our women and their families.

I know I'm running out of time so I'll just say that despite the many social and economic challenges aboriginal women have and continue to face, we have shown significant resilience. Aboriginal women are powerful, resourceful, hardworking, determined, detail oriented with a vision for the future that includes supporting their family and community, as I mentioned.

This strength is an important and necessary trait to achieve success so I know we can do it. Now we need the government to support actions that will promote equality for all women. Together we can continue to strive for the economic security, safety, and well-being for our women and girls. It's up to all of us to breathe life into implementing the rights outlined in the UN declaration.

We have to take a position in favour of abolishing prostitution and passing abolitionist legislation to convey a clear message. We must ensure we deliver new hope and new opportunity to our women and girls, and that we do so by creating safety and economic prosperity.

Thank you.

● (1330)

**The Chair:** Thank you very much. Thank you for that presentation from the Native Women's Association of Canada.

Our next presenter is from Rising Angels.

Ms. MacLeod, the floor is yours.

**Ms. Katarina MacLeod (Founder, Rising Angels):** Thank you.

Good afternoon. My name is Katarina MacLeod. I would just like to thank all of you for having me here to speak, especially Joy Smith for her fight to bring this here, not only for women like me but also for our up-and-coming generations.

I am a founder of Rising Angels. Rising Angels is an organization that helps women who want to exit the sex trade by offering support and mentoring them. I was trapped in the sex trade for 15 years. In those years, I was subjected to all kinds of different abuse. I was anally raped, spat on, had my jaw dislocated and my hair pulled, was punched, and the list goes on.

I feel it is important for you to know that I was 21 years of age when I entered. I was attending a support group for women who were being abused. In that group, I met a woman who owned a massage parlour. She offered me a job. At the time, I believed I was making a free and conscious decision, but now, on the other side of it, I realize that because of my life prior to entering the sex trade, that just wasn't the case. I had been sexually abused as a child and abused by many men as a young woman, something that clouded my judgment and ability to make healthy choices. I had no sense of self-worth and was used to being taken against my will, so getting paid seemed like a good deal.

I have known and worked with hundreds of girls in the industry, and have not met one girl who did not suffer some form of abuse before entering into the sex trade. If you grow up in a good home where morals and self-worth are instilled into you, or where, if there are forms of abuse, you do get help for dealing with the trauma, you would never choose to sell your body to a man for money. It just doesn't make sense.

I know there are some who claim that this is a choice for them to prostitute. I get that. Five years ago, I would have said the same thing. Because my prostitution was my livelihood, it was my normal. It was all I knew, and I felt I could not do any better. If I had admitted to myself or anyone else that what I was doing was wrong and that it was destroying me, the shame would have taken over and I would not have been able to do what I felt I needed to do to survive and to feed my kids.

I am excited that, for the first time in Canadian history, women in prostitution will be looked at as victims instead of criminals, and that Canada is recognizing that prostitution is violence against women and it's the most vulnerable women who enter into the sex trade. Proposed section 286.1 of the bill will, for the first time, hold the buyers accountable. They will be subject to fines or jail time for buying sex. I support this, because I know that prostitution is about supply and demand, and when the demand is taken away, the supply will follow. I do believe, however, we need to be consistent in the consequences for repeat offenders, and the punishment should be jail time. A person who knows that their actions could cause them to lose their freedom will think twice before committing the crime.

I do believe that in conjunction with the fine for first-time offenders there should be a mandatory john school. I have taught in john schools across Ontario for many years. I can tell you that this fight is about changing the mindset of men. Men truly believe that prostitution is a case of two consenting adults. They have no clue why or how women enter to begin with, or the domino effect it has not only on the woman and her kids but on the john and his family. After I speak in john schools, I have men coming up to me and apologizing, some of them even crying. John schools should be key in educating the men who buy sex.

Proposed section 286.2, "Material benefit from sexual services", I am very pleased with, because nobody would be able to benefit from selling off another human being. I am concerned, though, that Terri-Jean Bedford has brought forward allowing women to hire bodyguards or drivers. In my experience, these so-called drivers or bodyguards have always been pimps. I'm concerned that this bill will allow an exception for these kinds of services.

There is no way to make prostitution safe. This is what needs to be understood. No panic button, no amount of time, will be able to screen your client beforehand: nothing. Unless you are going to hire a third party to be with you at all times while you are turning tricks, ensuring safety is impossible.

My concern with this is that I have worked in legal brothels and massage parlours. Every time a client came in, I had to pay a fee to the house. To me this is pimping. If you pay someone any moneys for sexual services, they are getting a material gain. I would like to see these owners and operators held accountable.

In the bill, proposed subsection 213(1.1) 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. This law will protect our children, because where there is prostitution, then pimps, johns, and traffickers are not far behind.

•(1335)

I know that one of the big arguments against the communication law is that if women could screen their clients beforehand, they would be able to protect themselves better, as if in a short period of time women would be able to determine if their potential client is a psycho or not. This is ludicrous. As children, we are taught about "stranger danger", but most often the monster isn't a stranger you have to watch out for. Clients I have seen have been stand-up people in the community, but that didn't mean they were not capable of hurting me. It's only when you are alone servicing them that you will

truly know their intentions. It was inside legal brothels where most of my abuse from customers occurred.

My only issue with this section of the bill is that, again, the most vulnerable are at risk, and by that I mean the prostitutes who work on the street, because this is how they do their business. You have to understand that these women will not move inside and that most of them have huge addiction and mental health issues. A lot of them are homeless or just doing a trick for the next fix. These women will not be hired or able to work indoors because a lot of them are too far gone. My fear with the way the bill is written is that these women will be criminalized and given fines that they will only have to service more men to pay.

There has to be a diversion program. This is mandatory. It has to be mandatory, like a jane school, which lasts longer than a day. These women don't see the dangers or don't have the ability to care because they are in survival mode. We somehow as Canadians have to help them without criminalizing them because that would just hinder any progress they may have later in their lives. If they are able to exit this life, a criminal record will make it harder for them to return to school or get a job.

In the advertising of sexual services, this section of the bill is a huge success, in many areas. We live in a world where everything is sexualized. You can open the back page of a paper or a magazine and see all kinds of explicit content, not to mention the media and how they play a role in minimizing sexual exploitation of women.

We need this not to be accessible. We need to make a shift in not only society's view of women, but of the up-and-coming generation. The only issue I have with this is how you are going to know it's an independent woman who is posting and not a pimp or a trafficker. You won't. Some of us have been trained on what to look for, like the lingo, the wording, and the pictures. My fear is that if no one is constantly monitoring these sights, no one will truly know.

Lastly, I am encouraged by the government's commitment to allot \$20 million for education and exiting programs. If there is one thing I have learned in my journey, it is that it is really difficult to leave prostitution and go back into mainstream society. You need help to relearn things that have been taken away from you. I myself had to learn self-worth, how to speak properly, education, even the simplest way of knowing how to dress. This so-called profession changes your whole makeup, and who you once were is lost. Women who exit need our help and support in relearning who they are and how to be.

Thank you.

**The Chair:** Thank you very much for that, Ms. MacLeod, from the Rising Angels.

Our next presenters are individual presenters, but both are by video conference. We will next hear from the Canadian Association of Elizabeth Fry Societies, and Kim Pate, the executive director.

The floor is yours.

**Ms. Kim Pate (Executive Director, Canadian Association of Elizabeth Fry Societies):** Thank you very much, Mr. Chair.

I want to start also by acknowledging the traditional territory on which I am currently, and on which you are meeting. As most of you know, I normally reside on Algonquin territory—right where you are—and this issue is very much linked to, as you already heard from our colleagues at the Native Women's Association of Canada, the ongoing impact of colonization, in particular on our indigenous women.

I have worked for the past 30 years, first with young people, then with men, and for almost 23 years now with this organization, with women who have been marginalized, victimized, criminalized, and institutionalized. It's work that has brought me every year in contact with this issue. Even though my life's work was not working with those involved in prostitution, in essence it has become thus. Through this period, I have lived with, worked with, and walked with young people, men, and women who have been prostituted and who have been criminalized largely for their involvement as individuals who are being paid for sex.

This, to me, is a fundamental equality issue. It's a fundamental issue also of violence against women.

As you know, throughout the country we are working on everything from early intervention programs with young people and families to prisons and exiting; and in mental health settings; and with homeless and addicted individuals with mental health issues. Throughout this period, our organization has worked to try to challenge both the victimization of women and their criminalization. We see this move to decriminalize women as fundamental to women's equality. We also see it as fundamental to women's equality that violence against women continues to be addressed.

It's not in my lifetime that women stopped being the property of the men who married them or who fathered them, but it is in my lifetime, my working lifetime, that husbands—as has already been mentioned by our colleague from the London rape crisis centre—were told they could no longer rape women. I think it is high time that we now say it is not okay for men to buy and sell women and children in this country. That part of this legislation we think is an important step forward. But without adequate social services, economic services, and legal supports and services, a law alone will not make women equal; nor will it end violence against women; nor will it expand the choices that are available to them.

I won't repeat some of what has already been raised by individuals on this panel before us, but one of the issues raised is that this bill will not succeed in a charter analysis. In fact, the charter does not protect, nor should it protect, the right of men to buy women for sex, nor should it protect the rights of individuals who seek to profit from the exploitation of women and children.

The provisions of Bill C-36 that would criminalize women, however, we do not support. We certainly would like to suggest to the committee that those provisions that involve any component of

criminalizing women, whether it be for advertising or for being involved in street prostitution, be removed from the bill. We see that law and public policies, as well as other economic and social equality issues, need to be developed in order to ensure that the majority of women and children who are involved in prostitution because they have little or no other choice are provided with real options to exit.

• (1340)

You know, one of the challenges I've heard many times is that there are scientific reports that in fact there is no harm created by the prostitution industry. In fact, we know from countless other approaches, whether it be the challenges historically with violence against women, that in fact that kind of lobbying arguing there is lack of harm, when in fact the evidence is blatantly there to the contrary.... In fact, those who have argued, in my experience, both privately and publicly, have in other contexts understood and recognized and acknowledged the implicit harm and violence faced by those involved in prostitution.

In summary, regarding some of our concerns and what we would like to see the focus on, we would like to see an overarching description that just because prostitution has been widespread, it should not be accepted as inevitable. We believe that the 2005 trafficking provisions put in place are not sufficient and that those could be shorn up. We believe that the new offence of selling sexual services in a public place where a young person might be present or might be reasonably expected to be present should be removed. We see that as a particular concern for the women with whom we work, in particular indigenous women, poor women, women with addictions, and women with mental health issues. We see it as absolutely inconsistent with the notion of decriminalizing women within this context.

We also have concerns about what will happen to those women who are forced to prostitute themselves within their own homes. Our view is that even though many of the women we work with have been criminalized, many of them also are struggling to support their families and children with limited options, and they should not be criminalized because they have those limited options. Some of these provisions I think also risk further criminalizing women.

We also are extremely concerned that although moneys are being earmarked—\$20 million—that is precious little when we look at the overall need for things like guaranteed liveable incomes, adequate and affordable housing, adequate and affordable child care, alcohol and drug treatment options, more rape crisis shelters and women's centres. We feel very much that this bill will be ineffective if, in fact, those resources are not also put in place. To not have those resources in place means to actually relegate women further to the margins and provide them with even fewer options to exit, for those who wish to exit. Our experience has been that many women while they're in the trade, although they will be characterized as having chosen that, when they're provided with options to exit do.

The other piece, and one of the challenges for our organization, is that we see very clearly that there is a need to ensure there are adequate supports for women in order for them to exit prostitution. One of the realities is that we also need some fundamental education about what is and is not legal at the moment, regardless of what the law is now. We have been increasingly concerned, and in fact have taken a very strong position on this issue as of 2008, in large part because we started to see women who were being criminalized who believed that men were not only just entitled to buy and sell sex from them, but they were entitled to buy and sell the right to degrade them. We have far too many examples of some of the most disadvantaged and desperate women facing some of the most brutalizing and worse conditions.

The examples of how many women Pickton was able to pick up and some of the work that's been done in the Downtown Eastside have shown that men who could afford to purchase sex from much more expensive services, including escorts and destination brothels in other countries, were not choosing to do so because they were actually seeking out some of the most marginalized and desperate individual women to buy the right to abuse them. There is no right, obviously, but they were seeking to buy women to in fact abuse and degrade them. As some of you know, there are many examples of situations where men have beaten and obviously killed women. There's also evidence that that is, in fact, part of what gets promoted by an industry that is encouraged to be seen as legalized and decriminalized.

• (1345)

Finally I would say that we do not support any provision that calls for mandatory minimum sentences of any sort. We do not see that as necessary. We see as necessary the naming of the behaviour as criminal and the progressive education and added supports and services that need to be put in place so women and children are not put at risk and in situations of increasing disadvantage.

I look forward to the questions from the committee.

I'd also like to take the opportunity to introduce my colleague, Deborah Kilroy. I know she is incredibly humble and never introduces herself and is not known to many of you, but she is here, from Sisters Inside. We happen to be in meetings here in New York together. She's here on a Churchill Fellowship. Some of you met with her when she was in Canada and went across the country. She has been through the United States as well, looking at alternatives to incarceration, in particular for women and racialized women.

What you may not know is that she's a woman who also has lived experience. I've known and worked with her for almost two decades now. In addition to having that lived experience, she started an organization called Sisters Inside, in Australia, to work with women who were exiting all kinds of precarious situations, including prison, violent situations, prostitution, and being on the street. She is now a lawyer and runs a law firm as well, out of Sisters Inside.

She has been awarded the highest human rights award in her country, the Australian Human Rights Medal, as well as the Order of Australia. She has also completed postgraduate work in forensic mental health, and in fact was the impetus for my doing some of that work.

Mr. Chair, I don't want to supplant your role, but I wanted to say a few words about Deborah Kilroy before she spoke.

• (1350)

**The Chair:** Thank you, Ms. Pate.

Now we are going to hear from Sisters Inside.

Ms. Kilroy, the floor is yours, for 10 minutes.

**Ms. Deborah Kilroy (Chief Executive Officer and Legal Counsel, Sisters Inside):** Thank you, Chair.

Before I speak today, I do want to acknowledge that we are on traditional land of aboriginal people, not only here in New York City, but where you are. I reside on stolen Ngooloon Pul land, which is south of Brisbane, in Queensland, Australia.

It's important for me to acknowledge the first peoples of our countries where we travel, and acknowledge the colonization that has occurred and the impact of such colonization, as we see it played out when we walk through the prison gates of our women's prisons, children's prisons, men's prisons. The impact of that colonization has violated and abused aboriginal people—the first peoples. I want to acknowledge that history.

Thank you for allowing me to speak today and contribute.

The hearings of the Standing Committee on Justice and Human Rights on Bill C-36 have had evidence presented and media reports that have been very divisive, even to the extent, particularly in social media, where there have been comments that have been dismissive and harmful to women with lived experience in the prostitution industry and those who take in opposing views from others.

This conversation and debate needs to be respectful and not abusive. I encourage those who want to take sides to find some common ground. Who I'm talking about and for are women who are the most disadvantaged women of all. They are not women who come from a class who think they are making specific choices, but women who are forced into the prostitution industry because they have no other choice. It's the only way they're surviving. We need to be respectful in our conversations.

We would all agree that stopping violence against women and girls is fundamental. That's where our starting point has to be, to ensure that violence against women and girls is eradicated and equality for all women and girls is ensured.

How do we get there? Some say "more legal sanctions" and some say "no legal sanctions". The reality is that we already have laws in all countries around the world to address violence against women and girls, and we know that violence is continually perpetrated against women and girls daily around the world. We don't argue, debate, lobby to decriminalize these acts of violence against women and girls, and we don't demand that the violators are not held accountable. That would be unthinkable.

So why do we argue to decriminalize the acts of violence experienced by women and girls who are violated in the prostitution industry? Women must have avenues to hold men accountable who violate them. It is then the woman's choice to report or not, but they have a choice. Total decriminalization gives women and girls no choice.

As a woman I spoke to recently, a woman who has been bought and sold throughout her life—we were discussing Bill C-36—said to me, “If you take away a woman's right to hold men accountable, it's the same as taking away a woman's right to report any form of abuse”.

Free market capitalism is not the answer and will not stop violence against women and girls. Prostitution relies on and enforces inequality and disadvantage. The gendered nature of the prostitution industry is in fact evidence that prostitution is a practice of inequality. Legalized prostitution is government-sanctioned abuse of women and girls, and violates their rights to equality and safety.

Aboriginal peoples are the most exploited peoples in the world. If we decriminalize the prostitution industry, we will ensure that aboriginal women and girls are even more vulnerable to prostitution and trafficking. The violence that aboriginal women in Canada experience is parallel to the violence that aboriginal women experience in Australia. We want more for aboriginal women.

We want more for all women. Prostituting women does not make us equal. It consigns us to poverty, psychological and physical trauma, verbal and sexual abuse, and high rates of homicide.

Violence against women and girls must stop.

I wanted to be brief and make the statements I've made to influence you to ensure that women and girls are not criminalized in this bill in any form, especially women and girls who are the most disadvantaged in your country. They need support and social services. And I would agree with other speakers that more money needs to be provided for social services for women who are disadvantaged, so they do have access to other income, jobs, housing, education, and to health. This is fundamental.

In conclusion, I'd like to dedicate my evidence today to a dear friend, who, while I've been away travelling on this Churchill Fellowship, was found beaten and murdered a few weeks ago. She was a woman who was bought and sold regularly.

●(1355)

So we are talking about women who are in the darkest places, and who are being abused, and who are being killed. This needs to be addressed. We need to not decriminalize. We need to hold men, pimps, johns accountable for their violation of women. We are not commodities, we are human beings, and we deserve to be treated as such.

Violence against women and girls must stop. Women's and girls' lives are too valuable to me, and hopefully our lives—women's lives, girls' lives—are valuable to you too.

Thank you.

**The Chair:** Thank you for that presentation.

That concludes our witnesses' presentations. We will now go to the rounds of questions.

Our first questioner, from the New Democratic Party, is Madame Boivin.

[*Translation*]

**Ms. Françoise Boivin:** Thank you, Mr. Chair.

I want to thank all of you for your presentations. They were very insightful.

This is really not a clear-cut issue. As it is often said, it's not always easy to try to eradicate prostitution and eliminate this image of abused women. That's not easy to do when it comes to conjugal violence, or when it comes to poverty and major pay inequities.

I listened to your presentation, Ms. Audet, and you brought up some extremely worrisome statistics. To my mind, prostitution is an important element, but it is only one of many injustices against aboriginal women. I agree that we occasionally need to start somewhere, and that is probably what you will tell me. However, the problem has to be resolved in the right way. It has to be done logically.

It's important for us to hear you express your opinion on this topic perhaps even more strongly. I know that you all support the Nordic model. It would be important for you to let the Conservative government know that significant social measures need to be implemented for the Nordic model to work.

I know you think that Bill C-36 is a good start. However, I think we will hit a brick wall if we fail to align those two aspects.

I will use your vocabulary to avoid reopening the debate with Ms. Walker, with whom I love arguing. Let's just say I don't have enough time for debate this afternoon.

If prostitutes are victims, why are they being criminalized? It appears that the Conservatives are not accepting amendments to fully decriminalize them, as Ms. Pate explained. So here is my question for all of you. Do you still support Bill C-36?

I want you to send a strong message, since your current message is not very strong, despite all the respect and admiration I have for each and every one of you.

I know how our Conservative friends work. They will say that everyone congratulated them for allocating \$20 million. That's what I understand from your comments. You have only one small concern. Can we, as women, stand firm? If that's what we are talking about, can we say the following:

[*English*]

Put your money where your mouth is.

[*Translation*]

That \$20 million is a joke. I would actually like to hear what you have to say about this.

If no commitment has been made regarding that \$20 million by the end—so before we begin the clause-by-clause study—I would like to be able to hear from you.

Be consistent. If the women you say are victims are still being criminalized, I ask you not to support Bill C-36. Help us help you if you want us to amend this bill. If you fail to do so, once you are no longer before us and we are conducting the clause-by-clause study, here is what we will hear:

● (1400)

[English]

“Hey, everybody said we're awesome.” No. That's why I want to know, from the people who support the bill, but not support it that much.... So the ball is in your camp.

Kim, I want to know if you still support it if they don't amend it in the sense of what you said, if \$20 million is still there. It's an easy yes or no, please.

**The Chair:** We'll start with Ms. Pate first, since you pointed her out.

**Ms. Kim Pate:** Sure.

Thank you for asking. I thought I was clear. If I wasn't clear enough—I think I've been very clear in every presentation I've made on prostitution—this is not a legal response only. It has to be married with the economic supports. We talked about a guaranteed livable income. It has to be linked to adequate and affordable housing. It has to be linked to adequate and affordable child care. It has to be linked to alcohol and drug treatment. It has to be linked to moneys for the independent women's movement, which has essentially been eviscerated, as have social services and health care.

I thought I was clear: I said that we do not support anything that could criminalize women—

**Ms. Françoise Boivin:** I'll move to the next one. You were the clearer, but I started with you just to give you an opportunity to comment about the \$20 million.

**The Chair:** Ms. Kilroy, do you have a comment on the question?

**Ms. Deborah Kilroy:** I agree with Ms. Pate. It has to go hand in hand. The law is not our saviour. It is about services that need to be provided to people who are marginalized and disadvantaged, so that we do have access to accommodation, health, education, and a guaranteed income. These are all very important. The law will not protect us or set us free as one piece of a framework; we need to look at social services across the board for all our members of society. So \$20 million wouldn't even touch the side.

What happens in Australia, which is concerning, is that when money is allocated it usually goes to law enforcement, and that does not assist. That actually criminalizes more women and girls.

**The Chair:** Ms. MacLeod.

**Ms. Katarina MacLeod:** I personally want to see decriminalization in all these areas because it does come down to having these things available for them, that they can go to social agencies and have the help they need and the exit programs available. And, yes, \$20 million is a drop in the bucket, but it's a beginning. That's more than we've had.

**The Chair:** Ms. Walker.

**Ms. Megan Walker:** It's a great question, and it's a question that we have debated in our office as well with the women we serve, and

our board and volunteers and staff. First of all, I'm very hopeful that we will see the women decriminalized. I'm hopeful that there will be an amendment to that. We're going to continue to push towards that until the very end.

But our board of directors has made a decision to support the bill, even if that is not eliminated. The example that has been used by our board is that of domestic violence and the regulations around mandatory charging. At that time, our agency actually advocated for separate legislation for victims of domestic violence, which would recognize that situation. We were asked at the time if we would still support the mandatory charging, and we said yes, even though it didn't go far enough.

● (1405)

[Translation]

**Ms. Michèle Audette:** I really like Françoise's question. Your name is Françoise, right?

**Ms. Françoise Boivin:** Yes it is.

**Ms. Michèle Audette:** I have been involved in politics with aboriginal women for 20 years. Unless I am mistaken, since 2006, the Conservative approach has been all or nothing. It's difficult to have something in between the two extremes.

However, we have approached the Minister of Justice, Mr. MacKay, knowing that the Conservatives were fully and clearly refusing to launch a national public inquiry. Our organization was proactive, and since we are women of action, we proposed to set up a discussion table around which various departments could sit down with the Native Women's Association of Canada to talk about prevention. We also wanted people who are part of the prostitution world to be included in a national socio-economic action plan.

We think that \$20 million is peanuts, given the fact that aboriginal issues are lagging well behind. That lag is even larger when it comes aboriginal women. Basically, you can imagine that it will be difficult to divide the pie.

This message is intended for our friends from the Conservative government. The table was suggested by the Native Women's Association of Canada at the meetings of the Special Committee on Violence Against Indigenous Women. It was also proposed to Minister MacKay in order to re-establish a dialogue between aboriginal women and this government. That issue has to be taken into consideration. It's a must, as it is very important.

Had this question been put to me when I was 28 years old, I would have flat out refused. Now that I am 42, I know how things work within government. We sometimes have to swallow certain things unwillingly. Nevertheless, that gives us the energy to continue to observe, lobby and maintain the momentum on issues related to the rights of aboriginal women.

You know that I have made this a personal issue.

**The Chair:** Thank you very much.

[English]

Thank you very much.

That's our time for questions and answers on this round.

Now we go to the Conservative Party and Mrs. Smith.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Thank you, Mr. Chair.

I have two questions that have been coming back to me all the time, and I want to start with Megan Walker please.

I hear the argument about the nice normal johns of Canada, that they are nice people, and that prostitution is an industry and you are just servicing the johns. Could you comment about what you know about the nice johns.

**Ms. Megan Walker:** It's interesting that you ask that question because there is this amazing project that actually started in Europe, the Invisible Men project, and it was actually released yesterday in Canada on social media. It's this phenomenal project that shows the invisible man, the white mask, with actual dialogue from johns on their experiences with prostituted women or with women.

I printed one off yesterday just so I could relay what johns are saying. These are the good guys, these wonderful men who are buying women. I thought it would be interesting to relay information to you about one. There are lots of them available on Twitter if you go to the Invisible Men project or on Facebook.

These are the words of a john: She is black, no Métis, no blue eyes, pictures are either very well done or it is not her, hard to tell. At some point I realized that she is a bit slow. That made me feel like a jackass. Serviced myself quickly and left. I felt so ashamed that I think I will need some time to recover. I mean having sex with a handicap is a new low right down there with having sex with a pregnant crack whore, laugh out loud. But that's what happens when you don't take your time hunting and putting in the effort, instead of getting a fox you get a rat.

This is a perfect example of what men, johns, buyers, punters, whatever you would like to call them, feel about women in prostitution.

• (1410)

**Mrs. Joy Smith:** Yes, so when we talk about it being an industry that's what these women face daily.

Katarina, we keep saying in the sex industry they need everything legalized because they have to screen their clients. So can you tell us about screening the clients? Can you tell us your feelings about criminalizing the perpetrators, criminalizing the buying of sex, those two things?

**Ms. Katarina MacLeod:** First, I'm going to address the screening of clients. I think it is ridiculous. There is no way in a short matter of time to decide whether or not that customer is a stand-up person or if he is not going to go crazy in a room or attack you.

You have to understand that when you're behind closed doors, whether it's car doors, hotel room doors, I don't care, that is where you are really going to know what is really going on here. That is when the client is going to let his true colours out, show you what he wants. That's where I've seen a lot of violence occur. If they pay for something that you are not comfortable doing then they become violent.

So I don't think in a matter of five or ten minutes you are going to be able to tell what anybody's intentions are. So I think that's just a load of baloney.

Sorry, what was your next question?

**Mrs. Joy Smith:** [*Inaudible-Editor*] for the first time in Canada we are making the buying of sex illegal.

**Ms. Katarina MacLeod:** I think that's an amazing stand that we are willing to take, because men have for so long gotten away with buying women like we're burgers, that you can order us at the drive-through with what you want on your burger. It's the same as you can order a blonde, a brunette, size, height and all of that stuff. This has been allowed to go on forever. My fears with this going like that is we have an up and coming generation of boys who are so exposed to all of the sexualization in the media.

My son is 12 years old and he has already been exposed to pornography by his friends on his iPhone. This is what we're seeing. Twenty years ago pornography was not as violent as it is today. Now it's about violence and making women hurt when you're having sex with them. This is what our kids and the men are starting to think is normal. I really think the men need to be held accountable to realize that people aren't commodities, that you can't just buy and sell human beings, period.

**Mrs. Joy Smith:** Thank you.

I have a question for NWAC, an association that I have great respect for. My son is in the RCMP and is married to an Ojibwa girl, and he speaks Ojibwa and Saulteaux actually. I've had a lot of interaction with the aboriginal population; my baby grandchildren are half and half.

Having said, I am very interested in your wise comment that it takes some time and you start to build and gain momentum. Do you feel as an organization that Bill C-36 is a really good first step to build that momentum going in the right direction? What are your feelings about it?

**Ms. Michèle Audette:** You gained some feathers with your family.

**Voices:** Oh, oh!

**Mrs. Joy Smith:** Thank you.

**Ms. Michèle Audette:** I'm allowed to say that.

**Mrs. Joy Smith:** Well, can I tell you that I have the red shawl too, then? I do.

[*Translation*]

**Ms. Michèle Audette:** If I may, I will answer the question in French because I am not very familiar with the jargon used in English in this field. I would say that the bill you are introducing is not perfect.

Let's be honest. I think that criminalizing people who are involved in the sex industry is a huge step. However, I am asking you and imploring you to make sure that women and aboriginal women are not criminalized.

A number of studies have shown that, in Canada, aboriginal women constitute the poorest and the most vulnerable group. In order to feed their family or support their drug addiction, they could have relations in a specific environment and they would be criminalized under this bill.

So I am asking you to take into consideration all the problems aboriginal women face—racism, discrimination, extreme poverty, violence, lateral violence and systemic violence.

I am asking you to consider this issue from that perspective for the sake of your grandchildren and the rest of Canada.

[English]

**The Chair:** Ms. Edwards.

**Ms. Teresa Edwards:** Just to add to what Michèle said, we want to see a holistic approach to this. We want to see economic development. All of the aboriginal economic development that this government is making into the aboriginal community is largely benefiting men. We want the social supports in place for women to access training and skill building and have true options for livable income rather than prostitution.

We need to send the message to Canadians that aboriginal women are not disposable and they're worth more, as are your grandchildren. We need to see the government put their money where their mouth is in terms of supports for a future for aboriginal women and girls.

• (1415)

**The Chair:** Thank you for those questions and answers.

Our next questioner, from the Liberal Party, is Mr. Casey.

**Mr. Sean Casey (Charlottetown, Lib.):** Thank you, Mr. Chair.

I want to pick up right where Ms. Smith left off. Do you see in this legislation particular attention paid to the uniquely vulnerable situation that first nations find themselves in?

**Ms. Teresa Edwards:** I wouldn't say there's particular attention. If you search the act, you're not even seeing the word "aboriginal". So yes, that is obviously a concern for us.

As Michèle said, it's not a perfect bill, but we have to start with something. We can't risk the advances that we could make in criminalizing pimps, johns, and traffickers in this legislation.

**Mr. Sean Casey:** In terms of the measures that you would recommend to achieve those goals or to progress towards those goals, can you identify them in terms of what else you would like to see in the bill to address those specific concerns? Or am I to understand that, to work towards where we need to be, these aren't necessarily legislative matters but budgetary?

[Translation]

**Ms. Michèle Audette:** I think it is important that you give us an opportunity to express our opinion.

We have to do a lot of prevention. As you know, prostitution is a product of a colonial system. The same goes for murdered and missing women, and the high rate of violence.

To be proactive through this bill or through administrative measures, the government should make sure that the Native Women's Association of Canada and the Pauktuutit Inuit Women's

Association can have this dialogue with various departments. That needs to be legally entrenched. If you manage to pull off this magic trick, it would be a giant step forward. Departments should be forced to implement concrete measures, so that we do not have to come back here to complain all the time.

**Mr. Sean Casey:** That is not in the bill. You have still not heard about this intention, right?

**Ms. Michèle Audette:** That is a question you should put to your colleagues.

[English]

**Mr. Sean Casey:** The Chiefs of Ontario raised the issue of the United Nations charter and duty on the part of the government to consult where first nations communities are so uniquely vulnerable. Do you share their view, or would you care to comment on it?

**Ms. Teresa Edwards:** We would encourage the implementation of the UN declaration in its entirety, which also asks for women's right to live free from violence and to have economic security. You can't just hive off the duty to consult alone. Of course that's always necessary when you have any legislation that affects aboriginal peoples in such a way, but as we mentioned and as we framed our entire argument, we would like to see the UN declaration and all its articles implemented.

**Mr. Sean Casey:** Do the legislative measures taken in Bill C-36 respect the declaration?

**Ms. Teresa Edwards:** Well, in a sense, there's no reference to it, if that's what you mean. There's no specific reference to it, no.

[Translation]

**Mr. Sean Casey:** Ms. Audette, we cannot hear what you want to say about this.

**Ms. Michèle Audette:** What can I say, aboriginals are visual people. So I will translate orally.

To answer your question, I would say that the bill does not specifically refer to aboriginals. You and your colleagues from the Conservative government still have the power to make sure that it does. Otherwise,

[English]

we will hunt you, and remind you that we're so alive.

**Voices:** Oh, oh!

**Ms. Michèle Audette:** I think we have a great opportunity here. Yes, Canadian women are facing this and making great presentations to the committee. Yes, in Canada aboriginal women are so alive, so proud, but so resilient, that now you have the chance to make sure that real action will also specifically be toward aboriginal women. It's not that I want to take something away from my sisters, but you know that there is a big, big gap.

You know that the UNDRIP is there. You can use some of it, or all of it—why not? But make sure that the dialogue is with Pauktuutit, NWAC, and at the grassroots level. Make sure that with what you're doing today, in 10 or 20 years, my daughters won't open a newspaper and say, "Well, mom, I want to work in the sex trade". No, it will be, "Mom, I want to be a pilot. Mom, I want to be a doctor or a teacher or an MP."

• (1420)

**Mr. Sean Casey:** Finally I'd be interested in your opinion on the intersection of Bill C-36 with the Gladue principles of the Supreme Court of Canada, in 1999.

Do you have an opinion as to whether there is a relationship between the two? What comment can you offer as to whether or not Bill C-36 pays respect to what the Supreme Court of Canada had to say in Gladue?

**Ms. Teresa Edwards:** I would definitely like to see more respect paid to the Gladue principles. Obviously, the last thing we would want to see are aboriginal women, or any of the most marginalized women, impacted by criminalization. I think we've been very clear about that.

That is one area we need to see change happen, and we will continue to advocate for that change. It is our worst fear that more women, rather than the pimps and traffickers, will be charged, that it will be the most low-hanging fruit, not to ever commodify women further, but just to say that because they're already marginalized, it would be easy to arrest and criminalize them. That's the last thing we would want to see happen with this legislation.

We've told you what we do want in the legislation, and we've expressed clearly that we don't want the criminalization of women. We have enough aboriginal women who are being criminalized. Every day the numbers are increasing, as many presenters have stated. We would not want to see this as another measure to criminalize aboriginal women.

**The Chair:** Do you have another question?

**Mr. Sean Casey:** Ms. Pate, you emphatically stated the position of your organization against mandatory minimum sentences. Why?

**Ms. Kim Pate:** Well, because there has been no evidence.... Certainly we've have had an abundance of legislation, especially recently, that has increased the numbers of mandatory minimum sentences, which disproportionately do impact women—indigenous women, those with mental health issues—and we don't want to see anything that will contribute to that.

If I could also pick up on your last two questions to our sisters at the Native Women's Association, I think one of the things that could be added to the bill, the preamble in particular, would be to pick up on the recommendation of both Teresa Edwards and Michèle Audette. It would be specific reference to the importance of recognizing and promoting the provisions of the UN declaration on indigenous peoples, as well as the section 15 equality issues, and the need to link this issue of the increased risk of women being in prostitution to economic, social, cultural, equality, and security of the person rights. I think those would be ways to strengthen it.

Lest I wasn't clear at all before, we don't have faith that the provisions, even with those things added, will alone solve this issue.

The notion of decriminalizing women is fundamental, but without all of those other facets, we are not likely to see significant positive change for women in this country.

**The Chair:** Thanks for those questions and answers.

Our next questioner, from the Conservative Party, is Ms. Ambler.

**Mrs. Stella Ambler (Mississauga South, CPC):** Thank you, Mr. Chair.

Thank you to all of our witnesses for being here today. We really appreciate your input.

For the record, Madam Audette, my mother wasn't thrilled when I told her I wanted to be a member of Parliament.

**Voices:** Oh, oh!

**Mrs. Stella Ambler:** Just following up on some testimony that we heard yesterday, there was a woman who here who questioned the committee's commitment to getting the aboriginal viewpoint on the record, in particular that of aboriginal women involved in prostitution. I wanted to give our clerk and this committee, of which I'm not a regular member, some credit on this. I wanted to make sure that I have it right. I believe that by inviting the Native Women's Association of Canada we have really the ultimate and best representatives of women who are prostitutes and who are aboriginal as well.

Would you say that you are here representing and being their voice?

• (1425)

**Ms. Michèle Audette:** I'll try in English. I have always said since day one when I was elected the president of NWAC that I am not the national voice, but I'm the tool. I'm the person who walks beside and with the women. I don't know everybody. Not everybody knows me, so it's tough to say that I represent all of NWAC, as president. Those are my values, and I have big ears, a big heart, and yes, I listen a lot, and we make sure that we have a strong network across Canada, as I mentioned at the beginning, with the provincial and territorial members' associations. We make sure that we connect with them.

**Mrs. Stella Ambler:** I heard you talk about hopes and dreams. These are the kinds of things that if not formally representing all aboriginal women including those in prostitution would certainly reflect a lot of the aspirations of the women.

Ms. Edwards.

**Ms. Teresa Edwards:** I would just add to that. NWAC has recently completed a research report on aboriginal women and sex trafficking, and we're waiting for the Canadian Women's Foundation to release their report so that we can release ours, because it was a sub report. We are very proud. We worked for over a year and a half, and NWAC has worked for at least a decade with our members, our constituents across Canada, throughout communities where we have dealt with aboriginal women who are in prostitution, who have been in prostitution, who were sex trafficked as children and then deemed to be prostituted because they came of age after being sex-exploited and trafficked for eight years. These are not our views. These are the views of the women that we're bringing forward, the many women who have given us the mandate at our annual general assembly yearly resolutions on this issue to come forward with our position as part of the coalition and to the Supreme Court of Canada in the Bedford case. This is not advocating for the view of 2% or 3% of aboriginal women.

In fact, I would say that we should not argue on behalf of the 2% or 3% of those who state that it is their right to do this and thereby sacrifice the 97% who will be unprotected and live in violent conditions.

I just wanted to back that up and say that one of our key informants had dealt with 4,000 victims of violence in her 20 years of experience. We had very valuable, key informants whom we dealt with, and our aboriginal women are our best informants on the ground, and they're the ones who have told us what the reality is for them on this issue.

**Mrs. Stella Ambler:** Thank you.

Ms. Walker, I'd like to thank you for addressing the point that prostitution has always been around, because we hear so often that we're not really going to change anything. What I'd like to hear instead is that while the goal might be to eradicate it, even a substantial reduction is a qualified success.

I wanted to talk to you specifically about those exit supports that the London Abused Women's Centre is working on. You mentioned that they are directed by the women themselves. I want to know what that means. What types of programs do you implement, and which are most successful? What are the challenges that you face in reaching out to women?

**Ms. Megan Walker:** Thank you so much for that question.

The London Abused Women's Centre's philosophy is that we would never tell a woman what to do. We would always offer her choices, explain the options available to her, and then support her in whatever option she decided.

We are a voluntary agency. We don't support mandated services for women, because we know that women need to be able to come in on their own accord when they are ready. Just as leaving an abusive intimate partner is a process, so too is leaving prostitution. Women may make attempts to leave, re-enter, and make attempts to leave. It is a process, and women need to do that on their own terms.

What women have identified to us is that they need a range of services. They need long-term women's centre trauma-informed services, and generally request that those services be provided by

educated survivors. They would like to be able to speak to somebody who's informed.

They oftentimes come to us and require either residential rehab services or substance abuse services to overcome some of those challenges. They identify to us that another option for them may be family reintegration, that for so long they have had no access and been isolated from their families. That's important. Many of the women who come to us have had no access to secondary or post-secondary education and would like to really explore their dreams, fulfill those dreams, whether it be in teaching, nursing, city planning, or whatever it might be. They need access to those resources.

A range of services is provided. We sit with women. We do an extensive intake with them. We determine where they are at and what the priority is for them at that time. That priority can change. When we meet with them the next week, they may say they're going in this direction now. As well, because of that link between domestic violence and prostitution, we're also trying to address those issues. So many women have lost their children, and they are also suffering the enormous grief of that.

It is a range of services. We have great success. We have great success mostly in helping women with referral services to addiction services, helping women reintegrate with their families. We live in a very generous community that has supported women, once they have their adult education for secondary school, by allowing them opportunities with grants and going on and furthering their education at college or university. We have great success stories. It has to be voluntary, and it has to be led by the women themselves.

I did discuss very briefly the \$20 million. Can I just discuss that really briefly again?

• (1430)

**Mrs. Stella Ambler:** Sure, because it's a good start. It doesn't preclude there being other announcements, just so you're aware of that.

**Ms. Megan Walker:** No, I understand that. We also do depend on our partners in the community. Our budget at the London Abused Women's Centre is around \$850,000 per year. As I stated earlier, we serve about 3,300 women. We have a staff of 11. We're very busy, as you can imagine, serving that number of people. Of course, our salaries are....

Nobody complains, because at our place, nobody does our work because it's a job. It's really a passion. But there's rent and overhead, and we pay the transportation costs of the women who come to see us. We make sure they have food when they come to see us. But it is expensive to provide these services, and we want to make sure that women in prostitution have access to long-term service. They suffer incredible trauma. It's not a situation where they can come in for only six weeks. This is long-term service that we are ensuring they are engaged in.

**Mrs. Stella Ambler:** And you know, we take this seriously as well. This government, as you may know, in the 2014 budget committed \$25 million to violence against women initiatives. We're quite proud of that.

I know that a lot of talk has been about the \$20 million, and I appreciate that you mentioned it. It's really the initial—

**The Chair:** Thank you, Ms. Ambler. That's your time.

**Mrs. Stella Ambler:** Oh.

Thank you, Ms. Walker.

**Ms. Megan Walker:** I'm sorry.

**Mrs. Stella Ambler:** No, that was perfect.

**The Chair:** Our next questioner is Madame Péclet from the New Democratic Party.

[*Translation*]

**Ms. Ève Péclet (La Pointe-de-l'Île, NDP):** Thank you very much, Mr. Chair.

I want to thank the witnesses for joining us. Your presentations were all very interesting.

I would like to express a minor concern.

An amount of \$20 million works out to \$4 million a year. The Premier of Manitoba was saying yesterday that his province will receive slightly under \$200,000 a year. We can all agree that under \$200,000 a year for a province that spends \$8 million to deal with prostitution is very little. I am sorry, but that's like a slap in the face.

My question is for Ms. Pate and Ms. Edwards.

Certain provisions of the Criminal Code already criminalize human trafficking. This is mentioned in section 279.01. As for exploitation, that is covered in subsections 279.04(1) and 279.04(2). Subsection 213(1), which was struck down by the Supreme Court, criminalizes the following, and I quote: "engaging in prostitution or of obtaining the sexual services of a prostitute".

How will Bill C-36 improve the situation? Legislation on this issue already exists. Since yesterday, all the witnesses have been talking about how troubling the situation on the ground is. What will Bill C-36 add? How will it help women in these situations? Is the \$20 million amount alone supposed to help them? What will change compared with the current situation?

• (1435)

[*English*]

**The Chair:** Who are you asking your questions of?

**Ms. Ève Péclet:** I said Mrs. Pate, Mrs. Edwards, or Mrs. Audette.

**The Chair:** Who would you like to go first?

**Ms. Ève Péclet:** I don't decide. Whoever wants to go first.... Okay, Mrs. Pate, and then Mrs. Edwards.

**The Chair:** Thank you.

**Ms. Kim Pate:** I hope we've been clear. The key point is that the message is being sent very clearly that it is not okay to buy and sell women, one.

But what will help are the broader initiatives, as well, that we talked about—the need for the funding, the need for other supports, the need for a substantive focus on equality.

The other piece that I think is vital and that we haven't talked a lot about but which have talked to the women about is that if they know.... One of the women recently said to me that if she knew she

could not be criminalized at all for what she was engaged in, but that the men she was providing a sexual service to could be prosecuted, she would feel much safer. Even if she were to decide to never call the police, she would know, and he would know, that was clearly the message.

That was something I hadn't particularly thought of at that stage. But since then I have spoken to other women, and I know that some of my colleagues have as well. So I think that message is very clear.

Again, as Deb Kilroy pointed out earlier, even though we know that laws prohibiting violence against women have not stopped violence against women, it has sent a very clear message that it's not acceptable. That is an important step, a milestone, on the issue of violence against women. I would suggest that to say it is not okay to buy and sell women is vitally important.

**The Chair:** Ms. Edwards.

**Ms. Teresa Edwards:** I agree.

As was mentioned, and has been mentioned before, we haven't seen the uptake on the criminalization of the men previously. We're hoping this will send a key message to Canadians that this is no longer tolerable, that we want more, and that women are not disposable. Women are worth more, and they can, if they so choose, exercise their right to criminalize the men exercising violence against them. I do see a significant difference between what existed before and what exists now.

**Ms. Ève Péclet:** But as we were discussing previously, according to the new legislation the women will still be criminalized by virtue of publicity, in public places where children might be. They are almost everywhere. If I'm walking on the streets, there could be children walking, or whatever. Wherever I am, there could be children. Coming out of the Parliament there might be children. I'm just saying that it's not....

Women will still be criminalized under the new bill. That's what I'm saying. What will it change from the previous situation? They might not be criminalized in all circumstances, but they still will be, according to the new legislation. My point is, what will it change? They will still be criminalized.

• (1440)

**Ms. Kim Pate:** Thank you for clarifying that. I was making comments in addition to what I had already said. We do not support anything in the bill that would criminalize women—none of the provisions that would cause the women to potentially be criminalized.

**Ms. Ève Péclet:** I see Mrs. Walker wanted to comment.

**Ms. Megan Walker:** Further to that comment and as you know, I think the delegates who have appeared before you are almost unanimously recommending that women not be criminalized. In addition, there will be no big, miraculous differences tomorrow morning, or once the bill is passed. This is about long-term changes, shifting a culture. It's about shifting the culture for future generations. If you look at what has happened in Sweden, for instance, there has been a decrease in the number of men who are first-time buyers. The support in Sweden for the bill, for the Nordic model, is about 70%.

There's a shift in the attitude, and it's more than only the exit programs. It's about public awareness campaigns. So the goal is to ensure that girls who are growing up will know that there are more options available to them than prostitution. It's about educating boys in the future to know that women are not to be bought and sold, that women have equal rights and that women are actually human beings.

**Ms. Ève Pécelet:** I've heard my colleagues across the way saying that money will be given to organizations to fund exit programs. Do you agree with me that the needs are much larger than only exit programs? Simply a yes or no would be sufficient. I see all the witnesses—

**Ms. Megan Walker:** Yes. In fact, we believe the \$20 million is to accommodate the exit programs, the police training, and the public awareness campaigns.

**The Chair:** Thank you very much for those questions and answers.

Our next question is Mr. Dechert from the Conservative Party.

**Mr. Bob Dechert:** Thank you, Mr. Chair, and thank you to each of our witnesses.

Ms. MacLeod, I simply want to say that I really appreciate your being here and having the courage to tell us your story. It's not only that you're helping us as legislators with this bill, but that I also think you're helping all Canadians understand the situation. Far beyond the people in this room, people are watching across Canada and are hearing your words. That's true of all the women who have testified before us. I want you to know that, and I want, through you, to thank all of the women who have appeared before us to tell us these stories about prostitution in Canada.

Ms. Walker, I also want to thank you and your organization for helping to facilitate women's participation in the consultation that the government did. I know you did that. You mentioned it in your opening remarks, and I think it's really important.

I wanted to mention that earlier today we heard from Emily Symons of POWER here in Ottawa, who said that her organization did the same thing with respect to many of the sex workers they work with here in Ottawa. They gave them the opportunity to participate in an online consultation so that the government could hear their views, and that's very important to us. So I wanted to thank them as well.

Each of you has spoken a little bit about the whole issue of choice and whether the majority of people in the business of prostitution are actually making a free choice. You talked about it, Ms. MacLeod, and I know Ms. Audette spoke about it and, Ms. Edwards, I think you did. I think both of our witnesses who are in New York mentioned it. If you have no other option to support yourself and your family, to put food on the table, to pay the rent, if you have an addiction, whether it's drugs or alcohol or something else, are you really making a free choice?

I'd like to hear each of your views on that.

**The Chair:** We'll start with you, Ms. MacLeod.

**Ms. Katarina MacLeod:** Thank you.

That is the point that I've been trying to get across. People talk about human trafficking and prostitution as two different things. In

my mind, they're one and the same, whether you're being physically forced to do something or you're being forced because of social or economic situations.

For me, when I did get recruited at 21 years old, I was at a desperate point. I had kids, I was on welfare, I was coming in and out of abusive situations. I didn't know how to maintain anything, nor did I have an education because I had had kids at such a young age. So in my mind it was like, "Wow, I'm finally going to be able to do something, to make money to help my kids". I didn't need to have a college degree or have them checking me out. I wasn't going to have to work in a warehouse for 12 hours a day and still not be able to afford babysitting. This is the problem that I'm seeing with a lot of women I deal with, the problem of trying to get the women out. What are we going to do with them? Are we going to put them on welfare? Welfare doesn't even pay their rent.

I'm facing this problem right now with the women that I'm dealing with.

• (1445)

**Mr. Bob Dechert:** So is it fair to say that in your opinion, for the majority of women who are in this trade it's not a free choice between two consenting adults?

**Ms. Katarina MacLeod:** Yes.

**Mr. Bob Dechert:** A lot of the people who support the industry ask why should the government be interested or involved at all? They say it's really just a free exchange between two reasonable, rational, equal, and consenting adults.

**Ms. Katarina MacLeod:** We all hate our jobs...some of us. I don't know, but some of us in life hate our jobs. But being a prostitute is a job that you're going to every day to be raped and to be violated and to be used and abused for a man's own pleasure. I don't see how that is a choice.

**Mr. Bob Dechert:** Okay, I'd like to hear the views of the Native Women's Association on that as well.

**Ms. Teresa Edwards:** If we were to look at this as a legitimate job and we were to have job fairs at universities, I highly doubt this would be a successful job fair booth that we would want to see as options for our children in future generations to be going to.

I would not want to see it legitimized in any way so that we would be telling our children that if they had one job at McDonalds and couldn't work anywhere else, a brothel was available, and that rather than going on EI they would be compelled to work at that brothel. I don't think any MP here would want that option for their children either.

That comes along with the concept that this is a legitimate choice, a decent work place, and equal power. We're not talking about morality, but about a power indifference here. We already know about the high rate of missing and murdered native women, because they're targeted for their race and gender, as they're seen by society as devalued and disposable. If society doesn't care about the missing and murdered, how is it possibly going to care about native women who are in prostitution, and how do these women have real choices?

**Mr. Bob Dechert:** Fair enough, thank you.

Ms. Pate, do you have a view on that question?

**Ms. Kim Pate:** While I think the notion of choice is often fallacious, I'm prepared to accept that there are women who argue that they are making choices. I don't think a position of decriminalizing the women interferes with those women at all. Certainly the evidence in other jurisdictions has supported that, and I think you've heard ample evidence of that.

But again, without the additional supports.... I think another thing you may want to put in the preamble, I would strongly urge, is something about the need for national standards. As has just been pointed out, the option of going on social assistance is not an option for most individuals to support themselves because, with the elimination of the national standards around those areas, we've seen a group created—predominantly women—who can be infinitely criminalized because they can't support themselves.

So again, it goes back to the need not just for \$20 million, whether you call it “a drop in the bucket”, or “a slap in the face”. The reality is that we need some clear measures to say that we're fundamentally committed to women's equality, and the bill alone will not do that, even with the—

**Mr. Bob Dechert:** Thank you.

There is another question I think is important to ask, and that is that many critics say that criminalizing the purchase of sex will drive the sex trade further underground and make the sex trade more dangerous than it currently is in Canada. All of you accept that the criminalization of the purchase of sex is a positive step forward. What do you say to those critics?

I will start perhaps with you, Ms. Pate.

**Ms. Kim Pate:** I can't see how it could be any more dangerous than it already is for most of the women. Certainly for the women that I've lived, worked, and walked with for the last 30 years it couldn't be more dangerous than it already is. As I mentioned, many of the women we work with, particularly those who have already been criminalized, are being bought and sold not just for sex, but also by men who want to degrade and abuse them—everything from punching, to electrocuting, and to murder. So it is a dangerous area for women now and I don't know how it could be made more dangerous.

I can understand why that is a position being taken, but much as we've seen people lobby for other approaches that are harmful, the reality is that in jurisdictions where they have actually developed resources and social supports and economic supports combined with a change to the law, we see a very different result.

When I was in Amsterdam last year, as well as in Thailand, where we have seen decriminalization, demand goes up and in fact we see all women who go into areas being at greater risk, including those of us who may not be engaged in prostitution at the time. So I think that's fallacious.

• (1450)

**The Chair:** Ms. Audette would like to answer.

**Ms. Michèle Audette:** Thank you very much.

I have a question for all of us right now, and for those who are listening. How many pimps, johns, and buyers in the sex industry are

criminalized right now? How many of them? We know that 90% of them are men. How many of those men are criminalized?

When we reverse the question for the women, and aboriginal women—I think Kim Pate can confirm this—we know that we are the ones who are criminalized right now, so with this legislation we will reverse that hopefully.

Can I finish?

We have to remember, for those who say that back in the alley women will be in greater danger, that this is where programs and services are so important. The police forces also have to change their culture in the way they're dealing with women in prostitution.

**The Chair:** Okay, thank you very much.

That's it, I'm sorry, but we're way over time, so thank you for those questions and answers.

Our next questioner is Mr. Jacob.

[*Translation*]

**Mr. Pierre Jacob (Brome—Missisquoi, NDP):** Thank you, Mr. Chair.

I want to thank our witnesses for being here this afternoon.

My first question is for Ms. Pate and any other witnesses who can answer it, including Ms. Kilroy.

In your opinion, if the federal Conservative government was more proactive in promoting gender equality, would that make a difference in the fight against the exploitation and violence women face?

[*English*]

**Ms. Kim Pate:** I hope I've been clear that I would think so. I don't think that's part of the bill at this stage, and I just want to pick up on the last point, the question that was raised earlier and the point that Michèle Audette raised, which is that when we fought initially to have women decriminalized—and I'm talking now back before the last set of amendments to the prostitution laws—we argued that in fact women should be decriminalized. Instead of the asymmetrical application of the law against women that was happening then, we were offered by the government of the day the de-gendering of the law and soliciting for the purpose of prostitution. When that happened, we immediately saw exactly what Michèle Audette has spoken about, which is the continued criminalization of women and the development of diversion programs for men.

I don't know how many men who have pimped and who have been procurers or exploiters of women are coming before the committee. I dare say probably not many, if any, but I've certainly been raising this question across the country. When I worked with men, when I worked with young people and since I've worked with women, I've yet to see a man jailed only for pimping or for buying sex. Not a man in this country has been jailed for that. If they've been jailed it's because they have also harmed, assaulted, killed, or done something else.

I'm not suggesting that we want to see more people jailed, but this notion that in fact we're going to see increased numbers of people at risk when we have a whole culture that has supported men buying and selling women for a long time is fallacious. It's nonsense. We're not likely to see that.

Absolutely, that doesn't mean that women should be criminalized. Absolutely, if there's any doubt, take all of those provisions out and put equality provisions in. Make sure there are supports in place, re-inject national standards, and have supports for a guaranteed liveable income. I'm repeating myself now, so I'll shut up, but we really need to see a fundamental approach that puts women's substantive equality front and centre.

• (1455)

[Translation]

**Mr. Pierre Jacob:** Who would like to answer?

Ms. Walker, go ahead.

[English]

**Ms. Megan Walker:** It is a really important question, and what I would like to see is governments at all levels, and all parties, investing more in equality rights for women. That's the very reason we are all here advocating for the passage of Bill C-36, with the exception of those amendments we've proposed, because we believe it will promote equality rights for women.

[Translation]

**Mr. Pierre Jacob:** Thank you, Ms. Walker.

Ms. Kilroy, do you have anything to add?

[English]

**Ms. Deborah Kilroy:** Yes.

I agree with Ms. Pate. We need to come from a position of substantive equality. I'd be more than happy for the bill to bring in any laws that are about equality for women, and that it is gendered as such. When we have degendered legislation, we see that it's the women who catch the brunt of the negatives of such legislation.

I can think about a piece of legislation in Australia, in our jurisdiction, around domestic violence laws, and how we as women advocated for protection against domestic violence. However, the legislation was degendered and women are now being criminalized. The police come into the homes. They issue a domestic violence order to the man and the women, and then if there's another incident—this predominantly happens in aboriginal communities—the police come back, and it is the woman who is arrested for breaching the domestic violence order and a reactive violent offence, because she's protected herself from the violence that the partner perpetrated against her.

We see more aboriginal women, for example, criminalized because of domestic violence laws that are degendered.

[Translation]

**Mr. Pierre Jacob:** Thank you, Ms. Kilroy.

My second question is for Ms. Audette and all the other witnesses.

Did the government hold sufficient consultations before introducing this bill? Do you think that four days of public hearings are enough to properly examine the legislation?

**Ms. Michèle Audette:** Over the last 20 years, regardless of the government's political affiliation, in the case of all bills to which amendments were being made, there was never enough time to discuss the issue of aboriginal women. The situation is the same when it comes to Bill C-36.

We have been developing an expertise in this field since 1974. We work with and for women. The two or three short hours we are spending with you are far from being sufficient. I think that you now have an opportunity to make the changes we are calling for.

When people are consulted, they have to understand what is happening. Today's topic of study must be addressed with aboriginal women in mind. Our organizations have to be provided with the tools they need to reflect on this and participate in round tables. In addition, individuals who are directly affected and the organizations that defend their interests must be able to make recommendations to you.

[English]

**The Chair:** A quick answer there, Ms. Walker.

**Ms. Megan Walker:** Well, I think there could never be too much of a good thing, of consultations. Clearly I'm of the opinion that the chairman today only gave me five minutes and not the full ten. I had that speech timed to the minute, but—

**The Chair:** You had 12 minutes, if you really want to know.

**Ms. Megan Walker:** Oh, I'm just teasing.

**Voices:** Oh, oh!

**Ms. Megan Walker:** Many of us did have the opportunity to meet with individual MPs in advance of today, many around this table today. We've also had numerous phone calls and things like that. But, of course, we would like many more hours of consultation to convince you of our views.

**The Chair:** Okay.

Our last questioner wants to follow up on a previous question, I think.

Mr. Dechert.

**Mr. Bob Dechert:** We just want to hear from Ms. Walker and Ms. MacLeod on that point.

Do you think that criminalizing the purchase of sex will make the sex trade more dangerous in Canada?

• (1500)

**Ms. Megan Walker:** I'm so glad to come back to you on that because I had one squeazy little answer on your choice thing too.

Prostitution is inherently violent. We've heard that consistently from every woman we've worked with. It will not make it more violent to criminalize johns and pimps. Again, we need to look to future generations about how we're going to change things.

As for your question about choice previously, it's important that when people ask that question that we give it back to them and talk about how when you ask about the choice of women, when you ask about the decisions of women, it revictimizes them because it blames them. We need to stop asking about the choices of women, and instead ask johns and pimps why they choose to do this to women.

**Voices:** Hear, hear!

**The Chair:** Thank you.

Ms. MacLeod.

**Ms. Katarina MacLeod:** You have to understand that the johns and the pimps and the traffickers aren't being criminalized right now, and I was being beaten all of the time. So to say that criminalizing them is going to move it underground and cause it to be more dangerous, that's not the case. Prostitution is violence against women any way you want to cut it.

These are not normal men who are coming in to use these women. They are coming in to use these women because there are things they

would not do to their wives, that they think are not proper. So they're going to use women like me. There are things they want to live out—fantasies. They're going to do them to women they can degrade. This is what I've seen time and time again. I could tell you countless hours of stories about the things men wanted, which I have been made to do, that were very degrading.

I think criminalizing them and making them accountable.... They need to be punished for their actions. You can't go around hurting people. We wouldn't allow this to happen to our children, so why are we allowing it to happen to our women?

**The Chair:** Thank you very much.

Thank you for those questions and answers.

Thank you for being witnesses for this study on Bill C-36. We will continue looking at it further today, again tomorrow, and then on Thursday. We appreciate your input on this bill.

With that, we will adjourn for approximately half an hour.

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