



Vancouver Rape Relief & Women's Shelter

## **Ending The Harm: Vancouver Rape Relief and Women's Shelter**

A Submission to the House of Commons Standing Committee on Justice and  
Human Rights in Response to Bill C-36

Submitted on behalf of Vancouver Rape Relief and Women's Shelter

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Vancouver Rape Relief and Women's Shelter (VRRWS) is Canada's oldest rape crisis centre. Since opening in 1973, VRRWS has responded to over 40,000 women who call our 24-hour crisis line seeking our support to escape all forms of male violence including prostitution. In 1981, VRRWS opened a transition house for battered women and their children. Our centre provides safe shelter to over 120 women and their children escaping men's violence every year.

Vancouver Rape Relief and Women's Shelter is a collective of unpaid volunteers and paid staff members comprised of women of varying ages and classes, many of them women of colour and aboriginal women. Collective members maintain a high standard of self-education and peer-evaluation. Some of our members are women who have exited the sex industry.

VRRWS has been able to provide its front-line services and undertake its rich public education work due to the tremendous support of the community in Vancouver and beyond. VRRWS has been working towards an end to male violence against women since its founding in 1973. Our 40 years of front-line work informs our understanding of prostitution as a form of male violence against women, alongside wife battery, incest, sexual harassment and rape. VRRWS has been widely consulted for its expertise on and understanding of prostitution as violence against women locally, nationally and internationally.

VRRWS has, for decades, contributed its input and expertise about violence against women to provincial and federal consultations. VRRWS has also presented before international human rights bodies and mechanisms.

- a.) In the past year alone VRRWS presented before the Inter-American Commission on Human Rights (IACHR) commissioners, the Special Rapporteur on the Rights of Women and the Special Rapporteur on the Rights of Indigenous Peoples during their site visit to Canada to study the issue of missing and murdered women.
- b.) Later that year VRRWS presented at “The Human Rights of Women: Good Practices in Gender Justice,” a seminar organized by the Inter-American Commission of Women (CIM) at the Organization of America (OAS) in Buenos Aires, Argentina.
- c.) VRRWS is a member of the BC CEDAW Group, a coalition of 11 women’s equality seeking organizations, based in British Columbia, whose specific concern is the compliance of all levels of government in Canada with the terms of the international *Convention on the Elimination of All Forms of Discrimination against Women*. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly in 1979 and is frequently described as an international bill of rights for women. Canada signed onto CEDAW in 1980 and ratified it in 1981. The federal, provincial and territorial governments are obligated to put CEDAW provisions into practice and to submit national reports to the CEDAW Committee every four years.

VRRWS actively participates in the women’s equality movement and has worked to stop male violence against women locally, provincially, nationally, and internationally. Some examples are:

- a.) VRRWS advanced or pursued important public cases such as Judge Bishop O'Connor, Judge Ramsey, and the cases of the missing and Murdered Aboriginal women. VRRWS was granted standing by Commissioner Wally Oppal to participate in the Missing Women Commission of Inquiry that investigated the criminal justice system's failure in relation to prostituted women who were murdered by serial killer and known john Robert Pickton.
- b.) VRRWS works in coalition with other groups of frontline anti-violence workers through both the Canadian Association of Sexual Assault Centres and the Canadian Network of Women's Shelters and Transition Houses, through the BC Society of Transition Houses.
- c.) VRRWS, was a member of the Women's Coalition for the Abolition of Prostitution, a Pan-Canadian, Coalition of seven national, provincial and local women's groups whose members and the women they work with include prostituted women. The coalition was granted leave to intervene in *Bedford v. Canada* the case that challenged Canada's prostitution laws in both the Ontario Court of Appeal and the Supreme Court of Canada.
- d.) VRRWS is a member of the Canadian Feminist Alliance for International Action (FAFIA), which is a coalition of 40 equality seeking non-governmental groups whose work is to promote Canadian women's equality through participation in the forum of the United Nations at home and internationally.

Vancouver Rape Relief and Women's Shelter has hosted a number of public forums specifically to educate and mobilize the goodwill of our community to address prostitution as a form of violence against women including the first public forum in Vancouver about prostitution in 2003. Some additional illustrative examples are:

- a.) Since 1997, VRRWS has been organizing an annual all-day public memorial event, in the form of a public conference, for the Montreal Massacre. In these events VRRWS has led and facilitated in-depth discussions about prostitution and trafficking. The participants in these forums include local, national and international equality seeking women's groups, front-line women's service workers, and researchers. These events have been widely attended by members of the general public who have great interest in our fight to end all forms of male violence against women including prostitution.
  
- b.) In 2008, VRRWS gathered women from the countries of the Pacific Rim and hosted an international conversation on prostitution and trafficking in Vancouver. *Flesh Mapping: Vancouver Markets Pacific Women* ran for 16 days. Activists, academics and legal experts from Australia, Canada, India, Mexico, Okinawa, the Philippines, South Korea and Sweden discussed the conditions of women around the Pacific Rim, and the connections between prostitution in Vancouver and international trafficking in girls and women.
  
- c.) In 2011 at the Global Women's Worlds conference in Ottawa, VRRWS and La Concertation des Lutes Contre L'exploitation Sexuelle (CLES) organized an international, trilingual discussion amongst women

experts who insist that prostitution is neither desirable nor necessary, and commit to working toward a future without violence against women. We hosted discussants from First Nations, and from 15 countries around the world in daily conversation about: the implications of women's formal and substantive inequality as being intrinsic to prostitution and violence against women; how the Canadian and international human rights framework can be used in our fight to end all violence against women, including prostitution; and how groups can work together in an integrated struggle to eradicate poverty and violence against women. The expert discussants included the leadership from national and international organizations including: Native Women's Association of Canada; Quebec Native Women's Association; the international Coalition Against Trafficking in Women; US-based Breaking Free; Sigma Huda, former UN Special Rapporteur on Trafficking; and many who escaped prostitution and now lead frontline and policy work toward ending prostitution, trafficking, and violence against women.

### **VRRWS Response to Bill C-36**

Our authority and knowledge on prostitution as violence against women is grounded in and advanced by our front-line work with women currently or formerly prostituted. We view prostitution as a form of male violence against women, on the spectrum of men's violence, alongside rape, incest, wife assault and sexual harassment. Therefore, we are both deeply invested in and encouraged by the Federal Government's introduction of *Bill C-36 - The Protection of Communities and Exploited Persons Act*.

## **Consent and Coercion**

We know from members of our group and from women who access our services that the sex industry is inherently exploitative, it both expresses and reinforces women's inequality in society. Many of the stated purposes of this bill, as expressed in the preamble, are consistent with our analyses and we are encouraged by and in support of this intent.

Specifically, we are in agreement with the acknowledgement of the disproportionate impact of prostitution on women and children. It is consistent with our front-line knowledge of the sexist and gendered nature of this industry. The very notion that the relationship between prostituted women and the men who buy them is a transaction between two willing, consenting adults cannot be applied to prostitution. In the criminal code of Canada it explicitly states that consent is not obtained in the presence of "threats or fear of the application of force to the complainant or to a person other than the complainant" nor when "the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority." Consent cannot be bought and the very act of exchanging money or materials in return for sexual services demonstrates the coercion necessary by men in order to buy women.

## **The Source of Harm is the Demand**

We know from the experiences of women's lives in prostitution that the source of the harm in prostitution is the men who benefit and profit from the buying and selling of women. We support the intent of Bill C-36 "to continue to denounce and prohibit the procurement of persons for the purpose of prostitution and the development of economic interests in the exploitation of

the prostitution of others as well as the commercialization and institutionalization of prostitution”. The harm reduction model of legalization or full decriminalization of the sex industry (which is widely promoted as the model that will decrease the harms to women in prostitution here on the West Coast) will not secure women’s safety and equality. We know that women are not safer from men’s violence inside of a brothel and we reject that we must accept the notion that men will be given social permission to buy women and girls. Criminal law prohibiting men’s ability to buy and sell women is not what causes the harm in prostitution; it is men’s violent and exploitative behavior. We will not settle for band-aid solutions to solve a social problem.

### **Trafficking and Prostitution**

We are encouraged that the government has acknowledged the profit and power derived by advertisers of the sex industry. We are in support of the provision that these exploitative advertisers will be criminalized for their exploitative actions.

We know that the growth of trafficking is fueled by the local demand for women’s bodies as sexual commodities by men, which increases the trafficking of women and girls both domestically and internationally. Therefore, we agree that it necessary “to denounce and prohibit the purchase of sexual services because it creates a demand for prostitution”. Direct criminalization of purchasing sexual services in any location is positive and sends a clear message to men that buying women is not acceptable in Canada and is consistent with the government’s intent to reduce the demand. We find it appropriate to situate the new law under crimes against the person in the criminal code alongside other forms of violence and trafficking.



## **Compounding Factors in Prostitution**

We commend the federal government's intent "to encourage those who engage in prostitution to report incidents of violence and to leave prostitution" as we know issues such as poverty, racism, childhood sexual abuse and addiction overwhelmingly affect women in prostitution both before entering and afterwards. We also know that most women who enter prostitution enter as children and teenagers. As an organization, we continue to insist that women must be offered adequate social supports both to help them exit prostitution and also to prevent women and girls from entering prostitution in the first place.

## **Concerns with Bill C-36**

There are provisions in this bill that we do find extremely concerning and think are inconsistent with what the government's stated intent was to achieve in the preamble. The amendment to Section 213 of the Act, stated as "(1.1) Everyone is guilty of an offence punishable on summary conviction who communicates with any person — for the purpose of offering or providing sexual services for consideration — in a public place, or in any place open to public view, that is or is next to a place where persons under the age of 18 can reasonably be expected to be present" is inconsistent with the understanding that prostitution is a practice that overwhelmingly targets, exploits and coerces vulnerable women and therefore their continued criminalization is in contradiction to the objective to protect them. We are disappointed that this particular provision will potentially target the most marginalized, those women forced to prostitute in public space, who are overwhelmingly aboriginal women and largely impoverished and we believe

any law that criminalizes prostituted women will be a dangerous step back in protecting them from men's violence. If the intent of the law is to protect exploited persons, then the location in which they are exploited in should not determine whether they face criminal sanctions.

### **Social Supports**

VRRWS has argued that government funding be provided to alleviate women's impoverishment and help support women to leave prostitution so we are glad that some federal money is included as an initiative alongside Bill C-36. We recommend that funding should be provided to existing women's groups already providing front-line services to help women exit and should not be diverted to policing. However, we are concerned that 20 million dollars is not a significant enough monetary amount to provide women with alternatives other than prostitution. In order for women to have economic alternatives to prostitution and live more autonomous lives free from men's violence there must be more funding and attention to prevention. This means women need a guaranteed livable income, adequate, affordable and safe housing options, affordable childcare and more women only detox beds and treatment centres be established in addition to the funding already allocated to exiting services for those already in prostitution.

If passed, Bill C-36 has the potential to set a precedent in Canada that the buying and selling of women and girls by men will not be tolerated and for this we applaud the government for hearing and following the voices of women's groups and survivors calling for this. Vancouver Rape Relief and Women's Shelter stands firm in calling for legislation to criminalize pimps, johns and profiteers for their violence against women but we absolutely

cannot endorse any criminalization of women in prostitution and for this we call on the Justice Committee to make amendments to this aspect of the bill. As long as men view women as commodities that can be bought or sold, and women face being penalized for their own exploitation, women will not have full access to participate as equal members of society.