

Brief to the Standing Committee on Justice and Human Rights: Study of Bill C-36, the Protection of Communities and Exploited Persons Act

Canadian Federation of University Women (CFUW)

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The CFUW wishes to express its support for Bill C-36, the Protection of Communities and Exploited Persons Act; however CFUW urges the Committee to amend section 15(1) and (3), which would continue to criminalize prostituted persons for offering or providing sexual services in public spaces where children might be present.

CFUW supports the intents of the legislation, particularly in its recognition of prostitution as inherently exploitative, and in seeking to reduce demand for sexual services by amending the Criminal Code to create new offences for the purchase, procurement and advertising of sexual services. We are also pleased to see that the legislation largely ensures prostituted persons will not be criminalized. The legislation in many ways resembles the model adopted by Sweden in 1999, which has over time proven to significantly reduce street prostitution and has deterred human traffickers who now find Sweden an unattractive market in which to sell the sexual services of children and women.ⁱ

While individual experiences of prostituted persons may differ, the vast majority of women and girls have entered the sex industry as a result of poverty, violence and racial discrimination. Prostitution remains a means of survival for many. For this reason, **CFUW is concerned that provision 15(1) and (3) of the bill would unfairly criminalize prostituted women** and urges the Committee to amend the legislation by removing the wording “offering, providing or” from section 15(1) which states:

213. (1) Everyone is guilty of an offence punishable on summary conviction who, in a public place or in any place open to public view, for the purpose of ~~offering, providing or obtaining~~ sexual services for consideration,

In the same spirit, CFUW urges the **removal of section 15(3) in its entirety**, which states:

Section 213 of the Act is amended by adding the following after subsection (1):

(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.

CFUW understands that these provisions may be intended to protect children; however, they will unduly criminalize women for activities they have largely been driven or forced into by external factors, such as poverty, addictions, mental illness and/or coercion.

The Supreme Court of Canada decision in *Bedford et al. v. Canada* has also clearly stated that the existing section of the Criminal Code intended to criminalize communicating for the purposes of prostitution is in violation of prostituted persons' rights, and expose them to undue risk. We strongly urge the Committee to target criminal measures solely to those who fuel demand for prostitution, includes those who purchase, procure and benefit from the exploitation of prostituted women and children.

About CFUW:

CFUW is a non-partisan, voluntary, self-funded organization with over 100 CFUW Clubs, located in every province across Canada. Since its founding in 1919, CFUW has been working to improve the status of women, and to promote human rights, public education, social justice, and peace. It holds special consultative status with the United Nations (ECOSOC) and belongs to the Education Committee of the Canadian Sub-Commission to UNESCO. CFUW is the largest affiliate of the International Federation of University Women (IFUW), which represents women worldwide.

For more information, contact:

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ⁱ Raymond, J. (2010). "The Swedish Approach to Trafficking, Prostitution and the Sex Industry". Retrieved from:
http://www.rapereliefshelter.bc.ca/sites/default/files/imce/TheSwedishApproachtoTrafficking_JaniceRaymond.doc