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Commercial Sexual Exploitation of Children in Canada

What is the law concerning commercially sexually exploited children (CSEC)¹ in Canada? Prostitution is legal in Canada, but many of the activities surrounding it are not. Communicating in a public place for the purpose of engaging in prostitution or obtaining the services of a prostitute is a summary offence.² Procuring, or soliciting someone to have illicit sex with another person, i.e. pimping, is an indictable offence with a 10 year maximum sentence.³ The sentences are much stiffer when CSEC (under 18) are involved. Pimping someone underage is an indictable offence with a maximum 14 year sentence and a *minimum 5 year sentence*.⁴ Communicating with an under 18-year-old for the purpose of obtaining sexual services is an indictable offence with a maximum 5 year sentence.⁵

What are the effects of commercial sexual exploitation upon children? Sex trade work is dangerous for anyone. According to the Canadian Centre for Justice's statistics, 63 sex workers were murdered in Canada between 1991 and 1995; in most cases by "johns" (those who solicit sex workers). Seven of those murdered were between 15 and 17.⁶ In recent years reports of such murders have escalated, with Robert Pickton of Vancouver currently accused of killing more than 2 dozen women, mostly sex trade workers, and police searching for a serial killer suspected of killing at least 12 sex trade workers in the Edmonton area since 1988.⁷ Detrimental long-term psychological effects are also very prevalent among sex workers. One study found that the majority of women experienced Post Traumatic Stress Disorder related to physical or sexual violence that

¹ Beyond Borders does not refer to underage youth involved in the sex trade as "child prostitutes." This and other degrading terms often heard in the media, ie. "kiddie stroll," give the false impression that these youth act out of informed choice and undermine the reality that they are abused and exploited by others.

² *Criminal Code*, R.S.C. 1985, c. C-46 s. 213 (1) (c).

³ *Ibid.* s. 212 (1).

⁴ *Ibid.* s. 212 (2.1).

⁵ *Ibid.* s. 212 (4).

⁶ "Prostitution," online: John Howard Society of Alberta
<<http://www.johnhoward.ab.ca/PUB/prostitu.htm>>.

⁷ "Police seek link to B.C. killings" *Daily News* (19 June 2005) 15.

they had endured while working.⁸

CSEC are even more vulnerable to these dangers because the physical and emotional power imbalances are more greatly stacked against them. Younger children are more physically susceptible to sexually transmitted diseases, as their body tissues are more easily damaged, and exploited children are often not in a position to negotiate safer sex.⁹

What is the average age of entry level for CSEC in Canada? Experts place the median age of entry into commercial sexual exploitation anywhere from 13-14¹⁰ to 16-18.¹¹

How many CSEC are there in Canada? Experts disagree on this. For instance, one 2001 news report states that Vancouver has about 500 CSEC under the age of 17 on the street, and 10 times as many girls are forced to work behind closed doors.¹² However, the Vancouver police department estimates that there are only 60 to 70 CSEC under 18 in the city.¹³ It is difficult to estimate how much commercial sexual exploitation exists because most of it is not openly visible on the street.¹⁴

What are some reasons that youth turn to commercial sexual exploitation? Many youth turn to commercial sexual exploitation out of sheer desperation in order to obtain food, shelter, emotional support and money (“sex for survival”). Many have run away from home; many have been sexually abused at home. Many have limited education and limited employment opportunities. Many are addicted to alcohol and drugs and use commercial sexual exploitation to support their addiction.¹⁵

What percentage of youth involved in commercial sexual exploitation are Aboriginal? A government-funded Save the Children Canada report released in 2000 claimed that 90 % of youth involved in the sex trade in some communities are

⁸ *Supra* note 5.

⁹ “Frequently Asked Questions about CSEC. What are the Impacts on Children?” online: ECPAT International <<http://www.ecpat.net/eng/CSEC/faq/faq10.asp>>.

¹⁰ Interview of Susan Miner, Executive Director of Street Outreach Services (19 July 2005).

¹¹ Josey Vogels, “Law and ardour,” online: hour <<http://www.hour.ca/columns/messybedroom.aspx?iIDArticle=5623>>.

¹² “Child prostitution widespread: experts” *CBC News* (28 Feb. 2001) online: CBC News <http://cbc.ca/cgi-bin/templates/view.cgi?category=Canada&story=/news/2001/02/28/prostitute_folo010227>.

¹³ Andrea Woo “Children on the Street. Media sensationalism a ‘disservice to youth sex workers,’” online: WPJ <<http://www.tamark.ca/wpj/andrea/children.html>>.

¹⁴ *Supra* note 9: According to Susan Miner, only a small percentage of youth sex trade work involves street solicitation. The majority of contacts are made through more clandestine operations such as using cell phones, escort services, massage parlors and the internet.

¹⁵ *Ibid.*

Aboriginal.¹⁶ After the report's release, however, representatives from many agencies working with CSEC in British Columbia and Alberta stated that involvement of Aboriginal youth was closer to 30-40% in their communities. The latter number would still indicate that Aboriginal youth were greatly over-represented considering the percentage of Aboriginal youth in the general population.¹⁷ This trend seems to be more common in large western urban centers than in the rest of the country.

Why are there so many Aboriginal youth involved? The Save the Children report found that in addition to experiencing the influences that most CSEC do, Aboriginal youth face some unique challenges that encourage their involvement in commercial sexual exploitation. The cultural genocide that older generations experienced has led to cultural and family fragmentation, resulting in traditions not being passed down and a collective loss of self-esteem.¹⁸ Many Aboriginal CSEC feel they don't have adequate parental role models and few opportunities to develop a sense of cultural heritage and pride.¹⁹ A high percentage of them have suffered sexual abuse at home²⁰ and many leave their communities and move to cities where there are very few services that they can access.²¹ Racism also plays a role; common stereotyping of Aboriginal youth often makes them feel worthless and undeserving of help.²² While none of these factors should be considered determinative, they all seem to be common experiences of most interviewed Aboriginal CSEC.

Current Debates on How to Tackle the Problem

Protective Safe Houses: The province of Alberta has legislation that allows social workers and police to apprehend under-18 CSEC without charges and confine them to a Protective Safe House for up to 47 days where they can receive medical assistance, drug and alcohol counseling, psychological services, educational programming and life skills support, all aimed at helping them quit commercial sexual exploitation.²³ The young person may request a hearing upon detention.²⁴ Referred to as the Protection of Children Involved in Prostitution (PCHIP) program, there is considerable debate about how well it works. An Alberta government report released in Feb. 2005 suggests that the PCHIP

¹⁶ Cherry Kingsley and Melanie Mark, *Sacred Lives. Canadian aboriginal children & youth speak out about sexual exploitation* (Vancouver: Save the Children Canada, 2000) at 41.

¹⁷ Joan Taillon, "Sacred Lives [National Aboriginal Consultation Project] [For the Children: Special Report]" (January 2001) 18 *Windspeaker* 8.

¹⁸ *Supra* note 15 at 11.

¹⁹ *Ibid.* at 17.

²⁰ *Ibid.* at 15.

²¹ *Ibid.* at 19.

²² *Ibid.* at 24.

²³ "Information every parent needs to know about sexual exploitation," online: Alberta Government <<http://www.child.gov.ab.ca/whatwedo/pcse%5Cpchip/pdf/PCHIP%20Parent%20Brochure.pdf>>.

²⁴ "Sexual Exploitation of Children (SEOC)," online: Criminal Intelligence Service Canada <<http://www.cisc.gc.ca/AnnualReport2001/Cisc2001/exploit2001.html>>.

program has failed to deter the great majority of those it locks up, may be completely missing some of its target population and, in some cases, may have helped teens connect with those who want their services.²⁵

While these concerns are significant and programs should be designed to take these factors into account, it must be remembered that CSEC are victims of sexual abuse. Protective safe houses at least give these victims the chance to detoxify, get basic medical attention and proper nourishment, and the opportunity to plan a better future. Perhaps success should not be measured on how many immediately exit commercial sexual exploitation, because this can be a long-term process, but by whether they access services again in the future.

Voluntary Treatment Programs: There are many clinics and organizations that provide various resources that youth may voluntarily access to help them exit commercial sexual exploitation, such as Street Outreach Services (SOS) in Toronto. Susan Miner, Executive Director of SOS, believes that voluntary treatment is the best solution because forcing youth to change doesn't work; it only forces them underground. One major hurdle that SOS and many other voluntary treatment programs face is that they are dependant on unstable government grants that can vary from year to year. This makes it difficult to plan ahead and set long-term goals for youth.²⁶

Legalizing Prostitution: Some argue that legalizing prostitution would help curb youth involvement because adult sex workers could be given licenses and be restricted to certain zones within which it would be legal to open a brothel.²⁷ Presumably CSEC would then be more visible and authorities could more easily identify them, or they would be deterred because they could not obtain licenses under the regulated system. Experience does not support this hypothesis, however. The Netherlands and the state of Victoria in Australia experienced dramatic increases in commercial sexual exploitation of children after prostitution was legalized in those places.²⁸

Recommendations:

1. More research needs to be conducted into the “demand” side of commercial sexual exploitation of children in order to learn how to better deter sexual abusers.

²⁵ Lorraine Turchansky, “Report finds weaknesses in Alberta’s landmark child prostitution program” *Macleans* (17 February 2005) online: Macleans
<<http://72.14.207.104/search?q=cache:FuLmGf3fgcgJ:www.macleans.ca/topstories/politics/news/shownews.jsp%3Fcontent%3Dn021734A+%22safe+house%22+alberta+evaluation&hl=en&client=firefox-a>>.

²⁶ *Supra* note 9.

²⁷ Magnus Flood, Letter to the Editor, *Star – Phoenix* (26 February 1997) A4.

²⁸ Janice G. Raymond, “10 Reasons for Not Legalizing Prostitution,” online: Coalition Against Trafficking in Women
<http://action.web.ca/home/catw/readingroom.shtml?x=32972&AA_EX_Session=9e1df2f0dd2726ede3dda59276987c79>.

- 2. During police sweeps, more emphasis should be placed on arresting and prosecuting johns, rather than CSEC, who should be considered as victims.**
- 3. Legislative reform: there should be minimum sentences in place for johns.**
- 4. A national awareness campaign should be launched on the plight of CSEC in Canada, educating the public and media that non child-friendly terms such as “kiddie hooker” are harmful.**
- 5. Police need to become more proactive in investigating suspected areas of commercial sexual exploitation of children.**
- 6. Distinctly Aboriginal solutions should be used to address the problem of overrepresentation of Aboriginals among Canada’s CSEC. Aboriginal youth with experience in the commercial sex trade should be involved in designing any programs, policies and services directed at them. These youth will then be empowered to change and efforts will be more culturally sensitive and relevant to their needs.²⁹**

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²⁹ *Supra* note 15.