

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
POLICING AND SECURITY PROGRAMS BRANCH
BRIEFING NOTE**

PURPOSE: FOR INFORMATION for the Honourable Mike Morris, Minister of Public Safety and Solicitor General

ISSUE: Release of Canadian Centre for Justice Statistics *Juristat*, "Prostitution offences in Canada: Statistical trends", on November 10, 2016.

REMINDER: The information in this briefing note is confidential and is based on a draft report subject to revision and therefore must not be distributed in any way until the full public release of the CCJS final report.

SUMMARY:

- This *Juristat* examines trends in police-reported prostitution offences, homicides involving sex workers, and prostitution court case outcomes prior to *Bill C-36*, the *Protection of Communities and Exploited Persons Act*, coming into effect in December 2014.
- Prostitution-related crime rates are directly influenced by legislation and police enforcement practices.
- In 2014, prostitution-related criminal offences in Canada accounted for less than 0.1% of all reported crimes and were being reported at 3 offences per 100,000 population, the lowest rate since 1983 and a 48% decrease from 2013.
- Between 2009 and 2014, 82% of the prostitution-related offences reported in Canada were for communicating or attempting to communicate with a person for the purpose of engaging in or obtaining sexual services.
- In 2014, BC had the fourth-highest rate of prostitution-related crime among the provinces, 4.7 reported offences per 100,000 population, down 37% from 2013.
- In 2014, there were 218 prostitution-related offences reported in BC, less than 0.1% of the over 350,000 total criminal offences reported. 141 (65%) of these occurred in the Vancouver census metropolitan area at a rate of 5.7 per 100,000, also down 37% from 2013.
- These declining rates were driven by a series of court decisions starting in 2010 and ending with the Supreme Court of Canada declaring the previously-existing legislative framework surrounding prostitution unconstitutional for violating sex-workers' constitutional right to "security of the person" under s. 7 of the *Charter* in *Canada (AG) v Bedford*, 2013 SCC 72.
- Parliament passed new legislation in December 2014 (*Bill C-36*) targeting sex purchasers over sex workers.
- Likely due to the court decisions and anticipation of new legislation in Canada, between 2009 and 2014 the proportion of prostitution-related offences reported to police that occurred in public spaces decreased from 86% to 45%, and between 2011 and 2014 the proportion of males accused of prostitution-related offences increased from 53% to 91%.

- Notably, between 1991 and 2014, 96% of the 294 sex worker homicide victims in Canada were females (whereas 30% of other homicide victims were females), approximately one third of the victims were Aboriginal, and sex worker homicides accounted for 2% of all homicides during this time.

BACKGROUND:

Legislative History

- According to this *Juristat*, the 1970s prostitution laws were considered unclear and difficult for police to enforce. In 1985, *Bill C-49* was enacted and focused on prostitution incidents occurring in public spaces. *Bill C-49* prohibited impeding traffic, communicating, or attempting to communicate with a person for the purposes of engaging in or obtaining sexual services; this was easier to enforce and the number of reported incidents increased.
- *Bill C-36*, the *Protection of Communities and Exploited Persons Act*, was passed in response to the Supreme Court of Canada's December 2013 ruling in *Canada (Attorney General) v. Bedford*, 2013 SCC 72, which declared parts of *Bill C-49* unconstitutional for imposing dangerous conditions on sex workers by inhibiting their ability to mitigate the risks involved in their work and thus violating their s. 7 *Charter* right to security of the person. (Exchanging sex for money was technically legal at the time of the Supreme Court's decision in *Bedford*.)
- According to this *Juristat*, the aim of *Bill C-36* is to reduce prostitution and the risks of violence and exploitation associated with it by making the purchase of sexual services illegal and enacting harsher penalties for those who purchase sexual services rather than targeting sex workers who sell sexual services.

Data

- This *Juristat* publication draws its data regarding prostitution-related offences reported to police between 2009 and 2014 from the Uniform Crime Reporting Survey (UCR2), which includes data on all incidents known to police services in Canada, and may under-represent the actual number of incidents because not all incidents are always reported to police. The *Juristat* includes incidents reported to police involving prostitution as either a primary or secondary violation.
- The crime rates discussed in this publication are expressed as a rate per 100,000 population, and were calculated by summing the number of reported criminal incidents in question, dividing that total by the relevant population, and multiplying by 100,000.
- This *Juristat* publication draws its data on homicides between 1991 and 2014 from the Homicide Survey, which collects police-reported data on the characteristics of all homicide incidents, victims, and accused persons in Canada. The Homicide Survey began in 1961, but only started including information on whether a homicide victim was a sex worker in 1991, and did not start including the victim's racial characteristics until 1997.
- This *Juristat* publication draws its data on prostitution-related court cases between 2008/09 and 2013/14 from the Integrated Criminal Court Survey (ICCS), administered by the Canadian Centre for Justice Statistics in collaboration with provincial and territorial governments. For the purposes of this *Juristat*, prostitution-related court cases were included if any of the charges in the case were related to prostitution, regardless of whether that was the most serious charge.

PROSTITUTION OFFENCES IN CANADA: NATIONAL STATISTICS AND TRENDS

- In 2014, there were a total of 16,879 prostitution-related crimes reported to police in Canada (less than 0.1% of all reported crime) at a rate of 3 offences per 100,000 population, the lowest rate since 1983 and a 48% decrease from the rate of 5.8 in 2013.
- Between 2009 and 2014, 82% of the prostitution-related offences reported in Canada were for communicating or attempting to communicate for sexual services.
- Between 2009 and 2014, 84% of the prostitution-related offences reported in Canada involved prostitution as the most serious violation. Among the incidents where prostitution was a secondary offence, violent offences accounted for the largest proportion (36%) of the most serious violations.
- Between 2009 and 2014, there were 506 reported human trafficking incidents in Canada. Among those where human trafficking was the most serious charge prostitution was a secondary offence 61% of the time, making prostitution the criminal offence most commonly connected with human trafficking.
- The proportion of persons accused of prostitution aged 25 years and under increased from 18% in 2009 to 25% in 2014.
- In Canada between 2009 and 2014, the proportion of prostitution-related offences reported to police that occurred in public spaces decreased from 86% to 45%, and between 2011 and 2014, the proportion of males accused of these offences increased from 53% to 91%.

Females disproportionately affected by previous legislative framework

- Females accounted for 43% of those accused of prostitution-related offences in Canada between 2009 and 2014, but only 23% of those accused for all other criminal offences during the same time period.
- In Canada, 27% of females accused of prostitution-related offences between 2009 and 2014 experienced a re-contact with police for similar offences, compared to only 3% of male accused; females were approximately 9 times more likely to be re-arrested for similar offences compared to males.
- Females accused of prostitution-related offences in Canada between 2009 and 2014 comprised a disproportionate number of the young accused; 63% of those aged 18 to 25 and 72% of those under 18 were female.
- Between 1991 and 2014, there were 294 recorded homicides of sex workers in Canada, accounting for 2% of all homicides during that time period:
 - A vast majority (96%) of the 294 victims were females, compared to 30% of other homicide victims during this time period being female.
 - Approximately one third (34%) of the homicides of sex workers reported between 1991 and 2014 remained unsolved, compared to 20% of homicides that did not involve sex workers remaining unsolved.
- Between 1997 and 2014, Aboriginal women accounted for approximately 2% of Canada's population but represented 35% of all female sex worker victims of homicide, whereas non-sex worker Aboriginal females accounted for 16% of all female homicide victims during this time.

Criminal Courts

- Of the 7,837 Canadian court cases with prostitution-related counts completed between 2008/09 and 2013/14, 82% were single-charge cases involving only one prostitution-related charge, and 81% of those 7,837 cases were for communicating or impeding traffic for the purposes of sexual services.
- Just under one third (30%) of Canadian court cases with prostitution-related counts completed between 2008/09 and 2013/14 resulted in a guilty verdict, compared to 64% of all criminal court cases resulting in findings of guilt during the same time period. The proportion of guilty verdicts in prostitution cases in 2013/2014 dropped to 23%, but was much higher (62%) when only measuring the cases with multiple charges.

PROSTITUTION-RELATED CRIME IN THE PROVINCES: WHERE BRITISH COLUMBIA STANDS

- In 2014, BC had the fourth-highest rate of prostitution-related crime among the provinces, 4.7 reported offences per 100,000 population (down 37% from a rate of 7.5 in 2013). Saskatchewan had the highest rate in 2014 at 7.7 (down 69% from 24.9 in 2013), followed by Nova Scotia at 6.5 (up 5% from 6.2 in 2013), and Alberta at 5.1 (down 54% from 11.1 in 2013).
- In 2014, there were 218 prostitution-related offences reported in BC, less than 0.1% of the over 350,000 total criminal offences reported in BC that year. 170 (or 78%) of these offences occurred in one of four census metropolitan areas (CMAs).
- For the BC CMAs in 2014, Vancouver reported 141 of these 170 offences at a rate of 5.7 per 100,000 population (down 37% from 9.0 in 2013), Abbotsford-Mission reported 19 offences at a rate of 10.6 (up 26% from 8.4 in 2013), Kelowna reported 10 at a rate of 5.3 (down 38% from 8.6 in 2013), and Victoria reported 0 (down from 5 reported incidents and a rate of 1.4 in 2013).

OTHER MINISTRIES IMPACTED/CONSULTED:

- Not applicable

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Approved September 30, 2016 by:

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Recommended by:

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Approved October 21, 2016 by:

Clayton Pecknold
Assistant Deputy Minister
and Director of Police Services
Policing and Security Branch
250-387-1100

From: [Cornett, Kathy M PSSG:EX](#)
To: [Gill, Manjit PSSG:EX](#); [Dhillon, Harbir PSSG:EX](#)
Cc: [Kennard, Kimberley PSSG:EX](#); [Westgate, Rachael PSSG:EX](#); [Hoskins, Jeannie PSSG:EX](#); [McAndrews, Caroline GCPE:EX](#); [Pecknold, Clayton PSSG:EX](#); [Sitter, Donna GCPE:EX](#); [Woolsey, Benjamin PSSG:EX](#); [Anderson, Lisa R PSSG:EX](#); [McInally, Lynne M PSSG:EX](#); [Butterfield, Nicole PSSG:EX](#); [Dean, Danielle PSSG:EX](#)
Subject: 517907 - Information BN re CCJS Prostitution Offences in Canada
Date: Monday, October 24, 2016 11:44:46 AM
Attachments: [517907 - BN re CCJS - Prostitution Offences in Canada.pdf](#)

The attached Briefing Note has been approved by Mark Sieben, Deputy Solicitor General, and is for the information of the Minister.

The Juristat is scheduled for release on **November 10, 2016**. This information is **CONFIDENTIAL** and must not be distributed until the full public release of the CCJS final report.

Thank you, Kathy

Kathy Cornett

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PSPB-Police Srvc Van

Referral Slip for ID:517907

2017/03/22

Log Type: Briefing Note	Action: BN-Information Note	Due: 2016/10/18
Batch:	Subaction:	
Type: Provincial Government		Written:
Woolsey Benjamin, Research Analyst		Entered By: s.15
Police Services Division		Received: 2016/09/26
Ministry of Public Safety and Solicitor General		Due: 2016/10/18
405 - 815 Hornby St.		Approved:
Vancouver, BC, V6Z2E6		Approved By:
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Issue:

Drafter:

Subject

Release of Canadian Centre for Justice Statistics Juristat, "Prostitution offences in Canada: Statistical trends", on November 10, 2016.

Attachments

Title: Approved BN	Version: 1	Type:
File: 160926_c517907_bn_ccjs_prostitution.pdf		
Approved:	Approved By:	Last Update: 2016/10/21
Title: 517907 - BN re CCJS - Prostitution Offences in Canada - approved by DSG	Version: 1	Type:
File: 517907 - bn re ccjs - prostitution offences in canada.pdf		
Approved:	Approved By:	Last Update: 2016/10/24

Referral PSPB-Police Srvc Van -> PSPB-Police Srvc Van

From: PSPB-Police Srvc Van	Sent: 2016/10/17	Status: Completed	Ref Action: BN-Information Note
To: PSPB-Police Srvc Van	Received: 2016/10/17	Reason:	Subaction:
Assign To:	Completed: 2016/10/25	Due: 2016/10/18	File No.:

Referral PSPB-Police Srvc Van -> PSPB-Police Srvc Van -> PSPB-ADM

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To: PSPB-ADM	Received:	Reason:	Subaction:
Assign To:	Completed: 2016/10/25	Due: 2016/10/18	File No.:

Referral Comments

2016/10/21 PSPB-ADM ADM Pecknold approved. Sent to Kathy Cornett via eApprovals for further distribution to the DSG.

2016/10/17 PSPB-ADM Prepared BN package for ADM Pecknold review. Provided to Nicole Butterfield.

2016/10/17 PSPB-Police Srvc Van B. Cawley formatted and entered into Cliff. Forwarded to L. Anderson for review. Rec'd approval from L. Anderson on Sept. 30/2016. Forwarded. to D. Dean for ADM review, once release date was updated. cc'd N. Butterfield, L. Anderson, L. McNally, E. Handley & B. Woolsey

Referral PSPB-Police Srvc Van -> PSPB-Police Srvc Van -> PSPB-ADM -> SG-DSG

From: PSPB-ADM	Sent: 2016/10/21	Status: Completed	Ref Action: DSG Approval
To: SG-DSG	Received: 2016/10/21	Reason:	Subaction:
Assign To:	Completed: 2016/10/24	Due:	File No.:

Referral Comments

2016/10/24 SG-DSG eApproval rec'd from DSG - BN approved; forwarded BN via email to Minister's office for his information. To file 26000-01/PSPB.

2016/10/21 SG-DSG rec'd BN via eApprovals from Danielle; sent to Mark via eApprovals.

2016/10/21 PSPB-ADM ADM Pecknold approved. Sent to Kathy Cornett via eApprovals for further distribution to the DSG.

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