

361 Prince Street  
Truro, Nova Scotia  
B2N 1E4

April 8, 2014

The Honourable Peter MacKay, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada  
House of Commons  
Ottawa, ON  
K1A 0A6

**Re: THE *BEDFORD* DECISION: MAKING THE WORLD UNSAFE FOR CHILDREN**

We have had the privilege to read the letter sent to you on February 5, 2014, from Andrew Swan, Minister of Justice Attorney General of Manitoba asking that “you and your officials give careful consideration to the Nordic model” in response to the *Bedford* decision. This is a professional position we also hold as do large groups in Canada, for instance, the over 9000 members of the Canadian Federation of University Women (CFUW) support a Nordic model approach.

We have worked at the grass root level for over 20 years with women mainly who have been exploited into child prostitution, been victimized when forced into crime scene images known as adult-child pornography, been trafficked to pedophilic johns/rings, as well as surviving sexualized torture in their own homes from their earliest of memories. It is our experiential professional opinion that willful disregard for the welfare of exploited children exists in the discussions and decisions that support legalizing the supply and demand for adult female prostitution and brothels, which was the *Bedford* Supreme Court ruling. Such decisions assume women are the prostituted, willfully dismissing the over abundance of knowledge of how such decisions create a slippery slope of supply and demand for the ‘prostituted’ young, including infants, and discriminates against girls who are the predominate victims of sexualized child exploitation. The *Bedford* decision, in our opinion, ignores that there are exploiters and johns whose violent sexualized interest is only the young child. There is a willful disconnect in how socio-legal decisions of legalizing the prostitution of women places children at risk to suffer sexualized exploitation—at risk for being prostituted—at risk of being forced to provide “a service”—sexualized prostitution of a child is not a service—it is not sex—it is a crime.

There is a human right due diligence responsibility on Canada, which ratified the United Nations *Convention on the Rights of the Child*, “to undertake to protect the child from all forms of sexual exploitation . . . prostitution . . . in pornographic . . .” victimization (article 34); and to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, . . . or exploitation . . . while in the care of parent(s), legal guardian(s), or any other person who has the care of the child” (article 19).

Sexualized exploitation of children for the purpose of this discussion will be addressed as “prostitution” because as soon as other terminology such as abuse or human trafficking is used this tends to separate or disconnect the impact legalizing prostitution and brothels of women have on the prostitution of very young children. Therefore, using the word prostitution in reference to the exploitation of children is to prevent the willful disregard that presently ignores how legalizing prostitution and brothels of women proliferates entrapment and victimization of children versus building a world fit for children.

Exposing such a bias necessitates exploring the darkest corners of our humanity. It is not a place suited for ignorance, denial, or willful blindness. It calls for stark honesty and the fortitude to hear reality. This is a place where we have functioned for over 20 years, so the answers to the following questions come from listening to mainly women, who have survived sexualized exploitation, specifically sexualized torture exploitation, since they were very young. They were groomed to supply the demand for girls who could withstand sexualized torture perpetrated by one perpetrator or groups/rings of perpetrators; later, if unable to escape, they became exploited young women of ‘legal’ age who were prostituted.

Exploitative sexualized relationships of a young person between the ages of 14 and 18 are addressed in section 153 of the *Criminal Code of Canada*. Exploitative relationships mean the youth is in a position of dependency (i.e., a parent-child relationship), the exploiter holds a position of trust or authority (i.e., is a family friend), or the relationship that exists is exploitative (i.e., a pimp-victim relationship) and that the exploiter is living in some manner off the monies or benefits gained. This legal position ignores the supply and demand for prostituted children who are under the age of 14 years and the benefits these exploiters and johns derive from such violent sexualized non-State torture of the very young.

2

---

## **Recommendations**

1. The *Bedford* decision needs to be challenged as it is the human right of all children not to be exploited but to grow-up in a social cultural environment that builds a world fit for them. To date the Swedish Nordic Model is one that criminalizes the demand. If demand is cut so are the exploiters of the young as the environment does not nourish their impunity. In February, 2014, Mary Honeyball, Rapporteur, presented the motion for a European Parliament resolution on sexual exploitation and prostitution and its impact on gender equality, advocating for the Nordic model.<sup>1</sup> This was accepted by 343 “yes” votes, with 139 “no” votes, 105 abstained (tweeted by Mary Honeyball, Wednesday, 26 February, 2014). Canada must not ignore this decision; otherwise, Canada would become a “sex” tourist haven, providing further impunity comforts for the johns and groups, including families, who pimp including torture children.

2. There needs to be law that criminalizes non-State torture perpetrated by private individuals. In Canada there is no such law thus there is a social and legal failure to acknowledge the severity of sexualized violence that can be inflicted by suppliers to meet the demand and ‘desires’ of johns who hunt for and perpetrate acts that classify as sexualized torture. The United Nations Committee against Torture, in their General Comment No. 3, has acknowledged that torturers can be familial.<sup>2</sup>

## OUR RATIONALE: SUPPLY AND DEMAND—QUESTIONS AND ANSWERS

The following six questions expose how legalizing the prostitution and brothels of women can place the very young predominately girls, even infants, at serious and life-threatening risk for being prostituted.

### 1. Question: Does legalizing the prostitution of women protect the young from the johns?

**No, it does not.** A slippery slope occurs in places where prostitution and legal brothels exist. For example, in the state of Victoria, Australia, where prostitution was legalized, in 1984, Victoria is reported to have the largest child prostitution trade in comparison to other Australian states which have not legalized prostitution. Children so victimized can be younger than 10 years of age, and a legal brothel owner was jailed for perpetrating sexualized violence against a child.<sup>3</sup> European countries—The Netherlands, Germany, Austria, Switzerland, Greece, Hungary, and Latvia—where prostitution is legal and supposedly regulated, insights suggest that girls, not only women, are criminally trafficked into these countries for prostitution.<sup>4</sup> The Netherlands has become a source country for “sex tourists” seeking to inflict sexualized violence against children who can be controlled by pimps, madams, and small networks.<sup>5</sup> In Greece the suggested common age of child victims was 12 and many are controlled by organised criminal networks.<sup>6</sup> Organized crime related to the infliction of prostitution of children exists in all the other countries mentioned. In New Zealand, decriminalization of prostitution laws occurred in 2003; in 2004 a brothel owner was charged for exploiting underage girls in her brothel.<sup>7</sup> Media reports suggests New Zealand communities are now attempting to deal with attitudes and behaviours associated with the acceptance of prostitution, with police “turning a blind eye” to illegal underage exploitation and to parents who prostitute or pimp their children.<sup>8</sup> And, to how New Zealand’s legalization breaks down the barriers that can prevent a youth from entering prostitution, is stated by Lilly who declared, “I would never have entered prostitution if it was illegal”.<sup>9</sup> When the New Zealand government asked ECPAT to study the sexualized prostitution of children, their ages began at 10 years, with 59 percent stating they has suffered prior sexualized abuse; in the Maori their rate of prior sexualized abuse was 74 percent.<sup>10</sup> In other words, legalizing prostitution and brothels has not made children safe from sexualized prostituted exploitation; it can be stated that legalizing prostitution and brothels increases child prostitution, for instance, in an analysis of 150 countries that on average prostitution was/is legal there is an increase in exploitative prostituted human trafficking.<sup>11</sup>

3

### 2. Question: How young is young in the supply and demand chain of the prostitution of children?

**It starts with infants.** Infants who are victims of sexualized exploitation can be so young as to still have their umbilical cord clamps attached.<sup>12</sup> In 2011, U.S. law enforcement officials turned over 22 million exploitative sexualized crime scene images known as “child pornography” to the International Center for Missing and Exploited Children; in their work 76 percent involved prepubescent children and one in 10 were infants or toddlers.<sup>13</sup> In Canada, we have similar evidence. Between September 26, 2002, and March 31, 2009, Cybertip.ca examined websites hosting child exploitative sexualized crime scene images, of the 4,110 images 82.1% were of pre-pubescent children under 12 years old, with the extreme sexualized violence inflicted against children under eight years old, 83% of the images were of the girl

child, and images included infants and toddlers.<sup>14</sup> In the New Zealand ECPAT study mentioned earlier, one girl stated her father prostituted her when she was in primary school.<sup>15</sup> Northern Canadian aboriginal women, including Inuit women and children, who identified surviving sexualized exploitation, report family members, boyfriends, and friends as the exploiters.<sup>16</sup> In the Canadian province of Manitoba, children as young as nine years are identified as suffering sexualized exploitative prostitution; the average age when adults were first exploited was stated to be 13 to 14 years.<sup>17</sup> This means that children were only in grades three to seven when prostituted! As previously stated, the women who share their non-State torture stories with us disclose being subjected to child pornography, to being exploited from toddlerhood, and describe surviving sexualized torture beginning from their earliest of memories.

### **3. Question: Is there a demand for sexualized torture of the young?**

**Yes, there is.** To answer this question we again draw on the supply and demand evidence exposed in child exploitative sexualized crime scene images of child pornography which is commonly associated with the prostitution of children. It involves both exploiters and johns who victimize children. Concern that there is an ever-increasing supply and demand is evidence, for example, in Germany where there was a 72 percent increase between 2000 and 2001, and where the prostitution of girls remains a serious reality.<sup>18</sup> Some of these crime scene images involve torture including pedophilic sadistic snuff which means the child is murdered on film which is then sold.<sup>19,20</sup> A Canadian research report on internet child exploitation identified images of pedophilic necrophilic violence.<sup>21</sup> Twenty years of listening to women has exposed how they endured, from their earliest of memories, many acts of sexualized torture such as electric shocking in their vagina, being raped with guns, knives, and many other objects, being group/gang raped, being burnt, cut, tied down, impregnated and forcedly aborted, caged, whipped, beaten, and being taken to pedophilic john's "torture parties"; some also report being exposed to snuff. The list of atrocities inflicted was/is only limited by the 'creative' brutalities of the torturers who had "trained" their own children "to withstand torture" as one woman stated. The women speak of how they suffered torture in their homes—homes are known to be one of the most unsafe places for women and children—and were further exploited to both those known to them and their parent(s) and those they did not know but who had connections to their parent(s). The RCMP have named that non-State torture is inflicted by exploiters;<sup>22</sup> to continue to deny the criminalization of non-State torture is willful.

### **4. Question: Who are the suppliers that meet the demand for the exploited prostituted young?**

**They are the known and the unknown.** They can be parent(s), other intergenerational relatives, boyfriends, others known or trusted, pimps, pornographers, human traffickers, drug dealers, gangs or rings, people in authority. They gather benefits including financially from exploiting the very young. A recent study in Kentucky revealed family were the predominate exploiters of their children into prostitution and pornography.<sup>23</sup> Recorded are tragic accounts of, for example, a young woman who at age five years was rented out by her mother for drug money and who at 11 years ran away from home into the control of a pimp;<sup>24</sup> or, as previously mentioned the New Zealand little girl who was groomed and exploited by her father. A RCMP report suggests that in Canada exploitation is often linked to

organized criminal activities and internet recruitment of underage girls.<sup>25</sup> It appears the families of the women who speak to us of non-State torture exploitation have not drawn the attention of police—why not? A detective in a Toronto sex crime unit stated that 90 percent of the adult-child crime scene pornography recovered is made in the U.K., U.S., Canada, and first-world countries and is inter-familial.<sup>26</sup> Our experience suggests that such violent family systems hold attitudes and behaviours that are misogynistically discriminatory, oppressive, and objectify and commodify girls while teaching little boys to be violent, forcing them to sexually rape female siblings or other young children. Children forced to sexually violate each other is revealed in the Canadian cybertip!ca report.<sup>27</sup> Developing a socio-legal culture that supports misogynistic attitudes associated with legalizing prostitution and brothels is akin to reinforcing the attitudes of such exploiters, families, gang, or rings; such attitudes also reinforces their criminal behaviours.

#### **5. Question: How many exploitative rapes does a child need to suffer?**

One rape is supposed to be illegal. Reading news reports that share that prostitution young, at an average age of 13, are forced to endure being raped by 10 to 12 men a day means that by the time they reach the ‘legal’ age of 18 they have endured 17,800 rapes plus acts of violence that can be manifestations of torture.<sup>28</sup> Our professional experience working with women tortured since earliest of childhood, we estimate for a woman who cannot escape until age 20 years she has endured at least over 24,000 torture rapes, a pattern of life-threatening human right destruction that must not be minimized to a sexual assault.

5

---

#### **6. Question: What social and legal attitudes can develop which normalize exploitive sexualized torture?**

**Exposing a Canadian perspective.** According to a response received from Stats Canada when asked how they tracked sexualized torture perpetrated by a private individual(s)—non-State torture—their response was to explain that;

It is just **regular torture** [emphasis added] between two individuals and called non-state actor torture. This is usually charged instead as assault (level 2 or 3) with intent, and the torture element often comes out at the trial stage (re: motive) and believe it or not there are all kinds of implications and exceptions for S&M (re: consent to torture); (email communication, July 27, 2009).

In other words, if torture victimization occurs it can be sexualized as sadomasochism (S&M) and normalized or misnamed as an assault which invisibilizes the life-threatening torture suffered. When asked what would happen if this same legal perspective was applied to an underage exploited child there was no response. Evidence that very young children suffer sexualized torture now exists; the torture they endure is described using S&M words such as bondage.<sup>29</sup>

It is of serious concern that the *Bedford* decision can stand and ignore the grave realities:

- a) That when sexualized exploitation or prostitution of women and girls is named human trafficking which is described as “the most heinous crimes imaginable, . . . [that] robs its victims of their most basic human rights,”<sup>30</sup> yet the *Bedford* decision does not consider prostitution, in general, as trafficking of humans and a heinous violation of human rights;
- b) That knowing girls and women who are exploited into prostitution are most often marginalized Aboriginal, racialized, immigrant and abuse survivors;<sup>31</sup> and, as revealed earlier, can be infants; yet the *Bedford* decision does not consider that legalizing prostitution increases their risks of enduring heinous violations of their human rights; and
- c) That Canadians have the opinion that 78 percent of girls under aged 16 are not in prostitution by choice; that 67 percent are exploited against their will, and 70 percent of those brought into Canada are illegally exploited;<sup>32</sup> yet the *Bedford* decision does not consider prostitution, in general, is a heinous violation of all women’s and girls’ human rights.

This is the willful discrimination that exists and is ignored in the discussions and decisions that support legalizing the supply and demand for adult female prostitution and brothels, as with the *Bedford* Supreme Court ruling. Making such decisions willfully ignores the significant and destructive impact this can have on the supply and demand for the ‘prostituted’ young, including infants who are preverbal and who must depend on non-perpetrating adults to create a world fit for them. As previously stated, there is a human right due diligence responsibility on Canada and every country that has ratified the United Nations *Convention on the Rights of the Child* to “undertake to protect the child from all forms of sexual exploitation . . . in prostitution . . . in pornographic . . .” victimization (article 34); and to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, . . . or exploitation . . . while in the care of parent(s), legal guardian(s), or any other person who has the care of the child” (article 19).

**We briefly repeat our recommendations**

1. The *Bedford* decision needs to be challenged as it is the human right of all children not to be exploited but to grow-up in a social cultural environment that builds a world fit for them. To date the Swedish Nordic Model is one that criminalizes the demand. If demand is cut so are the exploiters of the young as the environment does not nourish their impunity.
2. There needs to be law that criminalizes non-State torture perpetrated by private individuals. In Canada there is no such law thus there is a social and legal failure to acknowledge the severity of sexualized violence that can be inflicted by suppliers/controllers to meet the demand and ‘desires’ of the johns for perpetrating acts that classify as sexualized torture.

Yours truly,

Jeanne Sarson, MEd, BScN, RN & Linda MacDonald, MEd, BN, RN

- cc. Minister of Justice and Attorney General of Manitoba, Andrew Swan
- cc. Other Provincial and Territorial Ministers of Justice
- cc. Scott Armstrong, M.P., Cumberland-Colchester-Musquodoboit Valley

cc. Ms. Françoise Boivin, M.P., Justice Critic for New Democratic Party of Canada  
cc. Mr. Justin Trudeau, M.P., Leader of the Liberal Party of Canada  
cc. Elizabeth May, M.P., Leader of the Green Party of Canada  
cc. Teresa Edwards, the Native Women's Association of Canada (NWAC), Director of Human Rights  
cc. Dr. Carolyn Bennett, M.P., for St. Paul's, Liberal Party of Canada  
cc. Joy Smith, M.P., for Kildonan – St Paul, Conservative Party of Canada

## Endnotes

---

<sup>1</sup> Honeyball, M. (2014, February 3). *Report on sexual exploitation and prostitution and its impact on gender equality* (2013/2103(INI)). (RR\1018004EN.doc).

<sup>2</sup> Committee against Torture. (2012, November 19). *General comment no. 3 Implementation of article 14 by States parties* (CAT/C/GC/3, para. 3). Retrieved from [http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3_en.pdf)

<sup>3</sup> Sullivan, M. (2006). *What happens when prostitution becomes work?* Coalition Against Trafficking in Women.

<sup>4</sup> Winslow, R. (n.d.). *A comparative criminology tour of the World: Greece*. Retrieved from <http://www.rohan.sdsu.edu/faculty/rwinslow/europe/greece.html>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> *The New Zealand Herald*. (2004, February 11). Family woes push young into sex work. Retrieved from [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=3548461](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=3548461)

<sup>8</sup> Crampton, D. (2013, April 3). David Crampton: Laws needed to clean up underage prostitution. *The New Zealand Herald*. Retrieved from [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10875195](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10875195)

<sup>9</sup> Equality Now. (n.d.). *Survivor stories Lilly & Michelle, New Zealand*. Retrieved from [http://www.equalitynow.org/survivorstories/lilly\\_michelle](http://www.equalitynow.org/survivorstories/lilly_michelle)

<sup>10</sup> *The New Zealand Herald*. (2004, February 11). Family woes push young into sex work. Retrieved from [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=3548461](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=3548461)

<sup>11</sup> Seo-Young, C., Dreher, A., & Neumayer, E. (2013). Does legalized prostitution increase human trafficking? *World Development*, 41, 67-82.

<sup>12</sup> Rubin, J. (2003, January 16). Teacher, doctor nabbed in porn probe Police make plea for resources to stop spread of 'evil'. *Canadian Press*.

<sup>13</sup> Kristof, N. (2014, March 22). He was supposed to take a photo. *New York Times*. Retrieved from [http://mobile.nytimes.com/2014/03/23/opinion/sunday/kristof-he-was-supposed-to-take-a-photo.html?\\_r=0&referrer](http://mobile.nytimes.com/2014/03/23/opinion/sunday/kristof-he-was-supposed-to-take-a-photo.html?_r=0&referrer)

<sup>14</sup> Bunzeluk, K. (2009, November). *Child Sexual Abuse Images: Summary Report. An Analysis of Websites by cybertip!ca*. Canadian Centre for Child Protection.

<sup>15</sup> *The New Zealand Herald*. (2004, February 11). Family woes push young into sex work. Retrieved from [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=3548461](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=3548461)

<sup>16</sup> Redfern, M. (2014). *Inuit victims of sexual exploitation and human trafficking in Nunavut: Executive summary*. Ajungi Arctic Consulting.

<sup>17</sup> Manitoba Family Services and Housing. (2008). *Front Line Voices: Manitobans working together to end child sexual exploitation*. Retrieved from [http://www.gov.mb.ca/fs/childfam/pubs/tracias\\_trust\\_en.pdf](http://www.gov.mb.ca/fs/childfam/pubs/tracias_trust_en.pdf)

<sup>18</sup> Winslow, R. (n.d.). *A comparative criminology tour of the World: Germany*. Retrieved from <http://www.rohan.sdsu.edu/faculty/rwinslow/europe/greece.html>.

<sup>19</sup> Burke, J., Gentleman, A., & Willan, P. (2000, October 1). British link to 'snuff' videos. *The Guardian*. Retrieved from <http://www.theguardian.com/uk/2000/oct/01/ameliagentleman.philipwillan>

<sup>20</sup> McCulloch, S. (2003, January 9). Father confronts step-dad who abused girls. *Times Colonist* (Victoria).

- 
- <sup>21</sup> Bunzeluk, K. (2009, November). *Child Sexual Abuse Images: Summary Report. An Analysis of Websites by cybertip!ca*. Canadian Centre for Child Protection.
- <sup>22</sup> The Human Trafficking National Coordination Centre. (2013, October). *Domestic human trafficking for sexual exploitation in Canada*, p. 22. Royal Canadian Mounted Police.
- <sup>23</sup> Cole, J., & Anderson, E. (2013). *Sex trafficking of minors in Kentucky*. Lexington, KY: University of Kentucky, Center on Drug and Alcohol Research, Center on Trauma and Children. Retrieved from <http://www.rescueandstoreky.org/wp-content/uploads/2013/09/Sex-Trafficking-of-Minors-in-Kentucky-Dr.-Coles-Report-Aug-2013.pdf>
- <sup>24</sup> Bigelsen, J. & Vuotto, S. (2013, May). *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*, page 11. Retrieved from <http://www.covenanthouse.org/sites/default/files/attachments/Covenant-House-trafficking-study.pdf>
- <sup>25</sup> Royal Canadian Mounted Police. (2010). *Human trafficking in Canada: A threat assessment*. (Summary). Retrieved from <http://www.rcmp-grc.gc.ca/pubs/ht-tp/htta-tpem-eng.htm>
- <sup>26</sup> Lamberti, R. (2002). Teen faces kiddie porn charges Toronto cops make use of new law. *Toronto Sun*.
- <sup>27</sup> Bunzeluk, K. (2009, November). *Child Sexual Abuse Images An Analysis of Websites by cybertip!ca*. Canadian Centre for Child Protection.
- <sup>28</sup> Lopez, S. (2013, August 31). The 'repugnant, vile truth' about sex trafficking in L.A. County. *Los Angeles Times*. Retrieved from <http://www.latimes.com/local/la-me-0901-lopez-prostitution-20130901,0,4024210.column#axzz2ot3D3ONd>
- <sup>29</sup> Bunzeluk, K. (2009, November). *Child Sexual Abuse Images An Analysis of Websites by cybertip!ca*. Canadian Centre for Child Protection.
- <sup>30</sup> Government of Canada. (2012). *National action plan to combat human trafficking*. Retrieved from <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/ntnl-ctn-pln-cmbt-eng.pdf>
- <sup>31</sup> Canadian Women's Foundation. (n.d.) *End human trafficking*. Retrieved from <http://www.canadianwomen.org/trafficking>
- <sup>32</sup> Ibid.