Casandra Diamond

January 31, 2024

UN Special Rapporteur on Violence Against Women and Girls

My Name is Casandra Diamond. I am a survivor of sex trafficking in Canada and the Founder and Executive Director of BridgeNorth Women’s Mentorship & Advocacy Services in Ontario, Canada. I have supported many women and girls to exit the sex industry, I provide training and information sessions on human trafficking. I co-chaired the task force that implemented PPM 166 in Ontario[[1]](#footnote-2). And I act as a trusted advisor to all levels of government. I am grateful for the opportunity to submit this report to you on behalf of the countless women and girls who have been trafficked and exploited in Canada’s sex industry.

**Who is responsible for the perpetration of violence against women and girls in prostitution?**

The sex industry is inherently violent. Violence is perpetrated at the hands of sex purchasers, traffickers, and exploiters. The problem is, in trafficking, the “Game” is stacked up to make it look like the woman or girl is the perpetrator. Traffickers often have many women and girls they are trafficking. Traffickers use these individuals to do a lot of the work that the trafficker wouldn’t want to be caught for, such as enacting violence, running drugs, trading weapons, transporting trafficked individuals, etc. The trafficker forces them to do these things, so it appears as if they are the perpetrators of the violence when they are, in fact, victims. The violence is orchestrated by the trafficker, the women and girls are treated simply as objects, an end to a means.

The responsibility for violence is more complex. The sex purchasers, exploiters, and traffickers who perpetrate violence are certainly responsible for their actions. But at the end of the day, is the violence not the responsibility of the state and the systems it upholds?

**What links are there between pornography and/or other forms of sexual exploitation and prostitution?**

Pornography is a form of prostitution. It is the sale/trade of sexual content. Not only is it a form of prostitution but it is a part of almost all aspects of the sex industry:

* Sex purchasers often play/watch pornography when purchasing sex from women and girls.
* Sex purchasers and traffickers often use pornography in luring/grooming and to demonstrate the kinds of sex acts they expect.
* Many who are trafficked are forced to produce pornography/child sexual abuse images at some point.

Pornography enshrines the objectification and commodification of women and girls and perpetuates violence against them at the hands of sex purchasers and traffickers.

For minors, we know that child pornography is sexual exploitation. There is recent evidence that links the sexual exploitation of minors to pornography[[2]](#footnote-3).

I want to be clear: children are never responsible for creating or distributing child pornography. When children take intimate images of themselves, these are child sexual images. When an adult solicits, receives, creates, views, enjoys, or distributes a child’s sexual images, they are now child sexual abuse images (child pornography). Child pornography is a form of child sexual exploitation; it is child abuse. Adults are abusing children through child pornography and commercializing their sexuality. This has a host of negative effects, and we know that children who are trafficked in the sex industry are often first solicited by adults for sexual images (child pornography).

**How is the issue of consent dealt with? Is it possible to speak about meaningful consent for prostituted women and girls?**

If there were a simple answer to this question, it would be “no.” When it comes to children (girls), it is that simple. It is not possible to speak about meaningful consent for prostituted girls. Children under the age of 18 cannot consent to sell or trade sex.

Consent is more nuanced for adults. It is more complex than the idea of free choice, constrained choices through circumstances, and no choice due to force, as many discuss it[[3]](#footnote-4). There are many external factors which might impact an individual’s ability to consent. For example, an individual who has been previously trafficked (force), left their trafficker and is re-entering the sex industry to pay rent (circumstance). This individual has experiences which may impact their ability to gauge what they can and cannot say yes or no to because they previously did not have those choices.

We know that consent must be enthusiastic, verbal, sober, informed, ongoing, and re-confirmed every time. There are circumstances which impact an individual’s ability to consent under these conditions, including mental health challenges, previous trauma, intellectual disabilities, and manipulation and coercion. This becomes very challenging because it may appear that an individual has consented to sell or trade sex, but there are factors which limit their ability to truly do so.

For example, a woman who has experienced sexual abuse as a child may have learned that when a man demands sex from her, it is her job to say yes. So, when she is asked to perform a sex act for money, she may say yes but may not be aware that she has the option and the right to say no. This is not enthusiastic or informed consent.

An individual living with a developmental disability, which impacts their ability to understand the cause and effect or consequences of situations, may not always understand the potential outcomes of what is happening to them. So, when they are trading sex and are asked to have sex without a condom, they may say yes without fully understanding that this could lead to unplanned pregnancy or sexually transmitted infections and negative health outcomes. This is not informed consent. Individuals living with developmental disabilities are also often subjected to far greater levels of violence in the sex industry.

An individual who is being trafficked by someone she believes to be her boyfriend may agree to have sex with a sex purchaser. But when she arrives, the sex purchaser expects that he can be violent with her. She was not aware of this but also knows that if she leaves or refuses to do as she is expected, she will face the consequences from her trafficker. On the outside, it might look like she has consented. But in fact, she is being threatened, coerced, and manipulated by someone she trusts. Her consent is, therefore, not enthusiastic, informed, or ongoing.

The issue of consent is much more complex than this question presents, and it remains deeply misunderstood in Canada.

**How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?**

While Canada has legislation which is designed to protect women and girls in the sex industry[[4]](#footnote-5), the legislative frameworks continue to fail to prevent violence in the sex industry. For example, a recent incel attack at a massage parlour in Toronto[[5]](#footnote-6). This attack was directed at women in the sex industry. Furthermore, women and girls in the sex industry face violence every day at the hands of sex purchasers, traffickers, gang members, police, systems, and others.

The legislative frameworks in Canada are not working because:

* Our legal frameworks do not work together. In Canada, the three levels of government operate largely independently of one another. We have a federal law which prohibits sex purchasing while municipalities license adult entertainment establishments where it is known that sex purchasing occurs, and the provincial government passes all responsibility for licensing to the municipalities[[6]](#footnote-7). So, while it is illegal to buy sex in Canada, it is legal to attend an establishment where sex purchasing is known to occur.
* The implementation of the federal framework which prohibits sex buying has not occurred to the extent required. The federal government took a model from Sweden (the Nordic model) and implemented it here. However, they did not do the leg work to (1) address the diversity and inequality in Canadian society, (2) build societal acceptance of the equality of women, and (3) build an understanding of the law to create buy-in. In fact, when the law was first passed, the Vancouver police chief publicly stated he would not enforce it. This is a blatant failure to ensure a cohesive and effective implementation of the law. Even ten years later, our society has not fully embraced the legislation.
* There are stigmas around the sex industry which continue unhindered. Professionals across sectors still do not understand the prevalence of exploitation and trafficking in the sex industry, that children cannot consent to sell sex, and the impacts of trauma, to name a few. These stigmas are particularly prevalent and harmful to children under 18 who are being exploited through technology. And this ongoing lack of understanding and stigma allows for violence to continue against women and girls in the sex industry, largely unhindered.

I simultaneously recognize the good. The implementation of PCEPA and its being upheld by the Supreme Court in 2023 is essential. It has started the conversation. It has begun to deter demand and has created exit opportunities. It has created some safety for those in the sex industry to reach out for help and report violence against themselves and others. Additionally, The Province of Ontario has created a Lived Experience Roundtable where those with lived experience of sex trafficking have input on provincial policies. These are steps in the right direction, but there is much work to be done, and much to be undone to see a substantial reduction in violence against women and girls in the sex industry.

**Are frontline organizations and survivors’ organizations sufficiently included in policymaking at the national and international levels?**

In short, no. Progress has certainly been made in this respect, and there is much to be done, particularly for the inclusion of survivors’ organizations. At present, survivors are often included as a box to be checked so an initiative or a government can say they are “survivor-informed.” However, survivors are often included only at the end of a project, consulted with once, or used as the face of a project while their suggestions and concerns are ignored. They are also often not paid for their time. This tokenization serves only as a detriment to the entire field. Survivors must be included in all decisions regarding sex trafficking and sexual exploitation. They must be involved in collaborative and meaningful ways, given leadership whenever possible, and paid for their time like any other professional/expert.

The Province of Ontario has made important strides in this direction by implementing the “Lived Experience Roundtable.” This is a very meaningful step toward engaging survivors.

**What recommendations do you have to prevent and end violence associated with the prostitution of women and girls?**

* Centering the voices of survivors at all levels (governmental and non-governmental).
* Increase funding for survivor-led services and projects.
* Municipalities must stop licensing the sale of human beings.
* Increase funding for survivor-focused services which are actually accessible to *all* those who have been trafficked/exploited in the sex industry.
* Increase funding for peer support services.
* Ensure reasonable, accessible, and affordable long-term housing options for victims/survivors of trafficking/exploitation.
* Improve support for migrants in Canada to reduce the risk of trafficking and exploitation for these individuals, both in Canada and globally.
* Reinstate the Provincial Office of the Child Advocate in Ontario.
* Reinstate funding for survivors beyond the crisis period of 3-6 months.
* Improve the National Action Plan on Human Trafficking.
* Improve coordinated efforts to address sex trafficking and sexual exploitation across levels of government.
* Create post-secondary education on sex trafficking and sexual exploitation.
* Increase understanding of sex trafficking and sexual exploitation across our society.
* Train *all* sectors about human trafficking and exploitation.
* Increase education and programming which targets demand – increase education about the impacts of sex purchasing, increase deterrents for sex purchasing and sex trafficking, and increase programs to support men and boys.
* Human trafficking must be viewed as an issue in its own right, not simply as a subset of gender-based violence.

Overall, by reducing prostitution, we will reduce violence against women and girls.

1. Policy/Program Memorandum 166 (PPM 166) is a Policy Framework for Ontario School Boards to understand and respond to sex trafficking. <https://www.ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-166> [↑](#footnote-ref-2)
2. Omegle shut down after cases of child abuse and exploitation (CBC, 2024, <https://www.cbc.ca/news/canada/manitoba/omegle-shutdown-brandon-man-lawsuit-1.7024535#:~:text=Omegle%20faced%20significant%20scrutiny%20over,in%20the%20last%20two%20years>). Visa and Mastercard removed their credit cards from Pornhub after allegations of child pornography being available on the site (Payments Dive, 2022, <https://www.paymentsdive.com/news/visa-mastercard-pornhub-trafficjunky-lawsuit-court-ruling-react/628967/>). Pornhub’s CEO recently admitted that Pornhub profited off of child pornography (CNN, 2023, [https://www.cnn.com/2023/12/22/tech/pornhub-sex-trafficking/index.html](https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cnn.com%2F2023%2F12%2F22%2Ftech%2Fpornhub-sex-trafficking%2Findex.html&data=05%7C02%7CKaitlyn%40bridgenorth.org%7Cdededc1aab9e4ffa981008dc20eee319%7C073ebcc700694707bd02aa504b61746f%7C0%7C0%7C638421457587483046%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=tBLULBmhUk7leGg4dmu4COGVYKnjCtUvctwftNy2qq4%3D&reserved=0)) [↑](#footnote-ref-3)
3. This is often referred to as the “Continuum of Choice” or the “Consent-Coercion Continuum”: Doezema, Jo. 2007. “Who gets to choose? Coercion, consent and the UN Trafficking Protocol”, pp. 20-27 in Gender Trafficking and Slavery. Edited by R. Masika. Oxfam Focus on Gender. London UK.; Bettio, F., Della Giusta, M., & Di Tommaso, M. L. (2017). “Sex Work and Trafficking: Moving Beyond Dichotomies.” Feminist Economics, 23(3), 1–22. DOI: 10.1080/13545701.2017.1330547. [↑](#footnote-ref-4)
4. Protection of Communities and Exploited Persons Act (PCEPA), 2014: <https://laws-lois.justice.gc.ca/eng/annualstatutes/2014_25/page-1.html> [↑](#footnote-ref-5)
5. CBC, 2023, <https://www.cbc.ca/news/canada/toronto/incel-toronto-massage-killing-terrorism-1.6867177> [↑](#footnote-ref-6)
6. Ontario 2001 Municipal Act, <https://www.ontario.ca/laws/statute/01m25#BK172> [↑](#footnote-ref-7)