They Can Take Their Charter of Rights and Shove It: Uncovering the *Protection of Children Involved in Prostitution Act*'s Conditions of Possibility

by

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Abstract

In 1990s Alberta, two discourses about young people pervaded Legislative debates: discourse promoting tougher responses to young offenders, and a rallying cry to protect sexually exploited youth. Both discourses were promoted not only by the same political party (the Progressive Conservative Party), but also by the same politician, Legislative Member Heather Forsyth. This thesis is a social history, tracing the emergence of the Protection of Children Involved in Prostitution Act (PChIP, 1999). To this end, this thesis questions: *Why did the Alberta government create specific legislation to deal with sexually exploited young people in 1999?; and How, with protective legislation firmly in place, and growing public and political discourse condemning youth in Alberta, did PChIP gain traction in the Legislature?* In this thesis, I argue that, like the white slavery panic in early Canada, the specific actors calling to protect young women in 1990s Alberta drew upon racialized, gendered, and class-based rhetoric. This discourse fuelled the creation of legislation protecting a particular subset of young women: middle-upper class, Caucasian girls from "normal, average, every day families" (Children Involved in Prostitution Report 1997, 7).

At the same time discourses advocating for both the protection, and punishment of young people were circulating in the media and Legislature, Alberta was also resisting the growing consciousness of children having inalienable rights. The *Canadian Charter of Rights and Freedoms* (1982), the *Young Offenders Act* (1984), and the *United Nations Convention on the Rights of the Child* (1989) all marked a shift in the way children were understood in Canada. Alberta's denial of children's rights emerged in two ways through this research: first, in 1990s Alberta, Progressive Conservative politicians believed that children had too many rights; and second, politicians were willing to violate children's rights to both protect society from young offenders, and save sexually exploited children. This transgression of children's rights brings me to the final question this thesis

attempts to answer: *To what extent can law be employed to ameliorate the social conditions which give rise to such legislation?* After more than a decade of investigating the sexual exploitation of children, committees in 1996 were tackling the same social conditions of marginalized women and children, and recommending that the same social supports be strengthened. I follow Carol Smart's scholarship, which suggests that, rather than ameliorating the patriarchal relations which make legislation such as PChIP necessary, the law *reproduces* these relations, thus transforming narratives of social change into discourses of legal reform.

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List of Acronyms

AFSS (Alberta Family and Social Services)

AGP (Edmonton Action Group on Prostitution, 1994)

BNA (British North America Act, 1867)

CAS (Children's Aid Society, Toronto)

CCC (Criminal Code of Canada, 1892)

CDA (Contagious Disease Act, 1865)

CFV (Mayor's Task Force on Community and Family Violence, 1990)

CIP (Children Involved in Prostitution Task Force, 1996)

CIPR (Report by the Task Force on Children Involved in Prostitution, 1997)

CPSD (Crime Prevention through Social Development)

CWA (Child Welfare Act, 1984)

CYC (Children and Youth Committee, Division of The Edmonton Mayor's Task Force on Safer Cities)

ECFS (Edmonton Community and Family Services)

JDA (Juvenile Delinquents Act, 1908)

MLA (Member, Legislative Assembly of Alberta)

PC (Progressive Conservative)

PChIP (Protection of Children Involved in Prostitution Act, 1999)

POD (Point of Departure, Street Teams' protective safe house)

PPSRC (Prostitution Policy, Service, and Research Committee for the Calgary Community, 1994)

PSECA (Protection of Sexually Exploited Children Act, 2000)

SC (Edmonton Mayor's Task Force on Safer Cities)

RCYC (Report of the Children and Youth Committee, Division of The Edmonton Mayor's Task Force on Safer Cities)

VD (Venereal Disease)

YOA (Young Offenders Act, 1984)

YOAPR (Young Offenders Act Provincial Review Task Force, 1994)

Introduction

Political and media discourse surrounding youth in 1990s Alberta was, in many ways, typical of Canadian discourse during the same period (Hogeveen & Smandych 2001). The problem of youth crime increasingly made headlines in Alberta. A quick search of Alberta newspaper headlines about youth crime or young offenders between 1988 and 1992 returned almost 9000 headlines: "Alberta's teens top crime statistics" (Schuler 1992), and "Youth crime soars in Alberta; Province leads the nation in number of kids charged, jailed" (Mulgrew 1991), coincided with increasingly vocal calls to reform the Canadian youth justice system. Headlines stressing the "weak" Canadian Young Offenders Act (YOA 1984) such as "'A big joke': Furore over Weak Young Offenders Act grows in Alberta" (Lisac 1992), and "Cops protest 'inane' sentences under Young Offenders Act;" (Mulgrew 1992) suggested that violent youth crime in Alberta and Canada was rising and this was, in fact, aided by ineffective legislation.

Alberta MLAs did not miss the perceived crisis in youth crime. The topic of young offenders and the spineless YOA was a frequent talking point in the *Hansards*. Like Minaker & Hogeveen note of Canadian discourse, in the Alberta Legislature the calls to crack down on youth crime focused "not on first-time, non-serious offenders, but on violent, calculating criminals" (2009, 76). For a whole host of reasons, a new type of young offender was created, that of the "punishable young offender" (Hogeveen 2005, 75).

This thesis however, is not about youth crime or young offenders in Alberta, but rather the legislation in Alberta promoting the *protection* of young people. In 1995, in the midst of increasingly vitriolic calls to punish young offenders in both the media and the Alberta Legislature, first-time MLA Heather Forsyth proposed a provincial task force to address the sexual exploitation of children. The Task Force on Juvenile Prostitution (later the Task Force on Children Involved in

Prostitution, hereafter CIP) operated on the premise that children engaged in prostitution were victims of sexual abuse (*Children Involved in Prostitution Report,* CIPR, 1997). The Task Force made fifty-seven recommendations, covering the legal, education, health, and social service arenas. Two recommendations, one legal and one social, would become the task force's legacy:

> That a continuum of targeted services be provided for children involved in prostitution. These services should include:
> - Outreach services to connect with youth, form relationships, and facilitate and support their readiness to leave the streets.
> - *Accommodation (safehouses) where youth can live in safety, and receive initial assessment and short term counselling, when it is not possible for them to return home.*
> - Accommodation (group homes) where youth with substance abuse issues, in addition to psychological, emotional, and sexuality issues, can receive counselling and care.
> - Ongoing support/outreach after 'recovery' has occurred. It is recognized that the lure of the streets is powerful and that youth continue to deal with many issues after 'recovery' has begun. After care support must not only be long term, but include working towards reintegrating the child into the "mainstream community."
> - *Locked assessment/treatment facilities to assist youth who are not willing to leave prostitution but who are a danger to themselves or others.*
> - Services to support and protect youth awaiting trials to testify against johns or pimps.
> - Supports for work and training opportunities.
> (CIPR 1997, 27, emphasis added)

and,

> That a "Children Involved in Prostitution" Act be developed to provide legislative support for a continuum of services for children involved in prostitution. This new legislation will:
> - Define children involved in prostitution as victims of sexual abuse
> - Define youth as individuals under 18 years of age
> - Outline the continuum of services which need to be available to youth wishing to end their involvement in prostitution
> - Outline the continuum of services for children not wishing to leave prostitution
> - Consider the possible inclusion of sanctions against pimps and johns.
> (CIPR 1997, 19)

In January 1998, the Premier introduced the *Protection of Children Involved in Prostitution Act* (Bill 1) as the first bill of the session. In his introduction, Premier Ralph Klein praised the work of

the task force chair Heather Forsyth for preparing the bill and stated Forsyth would carry Bill 1 through the Legislature (Alberta *Hansard* January 27, 1998).

Bill 1 met little resistance in the Legislature, and was proclaimed in force as the *Protection of Children Involved in Prostitution Act* in February of 1999. This thesis questions *Why did the Alberta government create specific legislation to deal with sexually exploited young people in 1999?* A close review of Alberta *Hansards* in the 1980s and 1990s shows that Alberta had protective safeguards for sexually exploited young people firmly in place decades prior to PChIP. Further, only two years earlier, the Progressive Conservative party of Alberta had convened The Young Offenders Act Provincial Review task force, "in response to public concern" regarding violent youth crime in Alberta (YOAPR 1994, 1). Heather Forsyth, who had campaigned on toughening the YOA and reducing the rights of young offenders, chaired the task force (Adams 1993).

A second question thus emerged from my research: *How, with protective legislation firmly in place, and growing public and political discourse condemning youth in Alberta, did PChIP gain traction in the Legislature?* In the 1990s, a "moral panic" surrounding young people emerged in Canada. Bernard Schissel wrote in 2006 that:

> Most youth-focused moral panics argue either to protect children or to condemn them. Constant warnings that children are in danger lead to lobbies against child abuse, child pornography, prostitution, paedophilia, serial-killers, smoking and drunk driving. On the other hand, those who believe that all children are potentially dangerous have lobbied for the reform of the *Young Offenders Act*, implementation of dangerous offender legislation, the public security provisions of the *Youth Criminal Justice Act* and increased use of custodial dispositions for young offenders. (2006, 20)

Often, these competing discourses occur simultaneously (Schissel 2006; Hogeveen & Smandych 2001). One successful moral panic tends to foster the creation of a new one, with the result being advocacy for increased control at all levels of governance (Schissel 2006). This was clearly the case

in Alberta. Just as discourse promoting a crack-down on violent young offenders was increasing, so too was a rallying cry to protect society's most vulnerable: sexually exploited youth. What is peculiar, however, is that in the Alberta legislature, as well as the media, these two competing discourses were essentially promoted not only by the same political party, but also by the same politician, Heather Forsyth.

Much of the discourse in Alberta promoting the protection of sexually exploited youth echoes earlier "white slavery" rhetoric of Victorian reformers in the late nineteenth and early twentieth century Canada. This discourse rallied reformers to eliminate the "social evil" perpetuated by working-class immigrants against vulnerable white women (Valverde 2008; Brock 2009). Each moral panic is informed and driven by several actors, or authorized knowers (Snider 2000; Valverde 2008). In this thesis I argue that, like the white slavery panic in early Canada, the specific actors calling to protect young women in 1990s Alberta drew upon racialized, gendered, and classed-based rhetoric. Therefore, in this thesis I ask the following questions: *What claims supported PChIP (1999) legislation?;* and *To what extent are discourses informing PChIP (1999) gendered and racialized?* This discourse fuelled the creation of legislation protecting a particular subset of young women: middle-upper class, Caucasian girls from "normal, average, every day families" (CIPR 1997, 7). The fight to protect sexually exploited children was one to protect "our" children, rather than the marginalized 'other.'

Alberta *Hansard,* task force, and media evidence show there were two key authorized knowers (Snider 2000) who exerted considerable influence on creating the conditions necessary for PChIP to gain traction in the Alberta Legislature. MLA Forsyth was the driving force behind PChIP and the legislation would not have existed if not for her. Retired Calgary Police Service Staff-Sergeant Ross MacInnes was another authorized knower and claims-maker who influenced the

creation and evolution of Bill 1. "Claims-making" is the process through which "significant actors in key institutions of the economy and state… struggle, compromise and [negotiate]" with other players and institutions to have particular views and policies heard and acted upon (Snider 2000, 180). Authorized knowers spout their claims to truth, which in turn serve primarily dominant interests (Snider 2000). These claims are then legitimized by institutions and result in social or political change (Snider 2000,180). To uncover such claims, Snider asserts that:

> To understand the reception of knowledge claims, how they are interpreted, received, and publicized, we must shift analytical focus from knowledge *produced* to knowledge *heard*…those with power to set institutional agendas – players with superior economic, political, social, and moral capital – are therefore able to influence which/whose claims are heard and listened to. (emphasis added, 2006:326)

Retired Staff-Sergeant Ross MacInnes was a key authorized knower in both the moral panic surrounding sexually exploited girls and in shaping the CIP's recommendations. In 1995 his outreach agency, *Street Teams* was involved in two key task forces exploring the sexual exploitation of children, including the Alberta Government's CIP (1996). *Street Teams* is a Christian organization, founded by MacInnes, dedicated to helping young women exit prostitution (MacInnes 1998). To this end, the agency opened a residential treatment centre, "'Point of Departure' that grooms girls to re-enter the normal world" (Sillars 1995).

MacInnes "posed the issue of prostitution as an unaddressed problem of lost innocence and debauched morals" (Martin 2002:385) in his many media interviews in the mid-1990s and his book, *Children in the Game: Child Prostitution – Strategies for Recovery* (1998). Martin writes of MacInnes:

> MacInnes is cited as the authority for the inflated claim that between Calgary and Edmonton four hundred child prostitutes, aged from eleven to fifteen, are serving a largely middle-class clientele of paedophiles and hebophiles. Firsthand stories about 'baby-faced rebels of 12, fresh from the suburbs' reinforce the danger to middle-class families, while racist labels demonize immigrants and minorities as pimps and procurers. (2002:385)

MacInnes, however, cites his book as an "action plan" to save sexually exploited children (MacInnes 1998:8). In his introduction he writes:

> The 'players' come to life in these chapters. The pimps and the girls they exploit are placed within a cultural context. Learning the methods of recruitment, the systemized exploitation, violence, and destruction employed by the pimps teaches us to identify the enemy in this cult-like enterprise. Knowing their language, predicting their strategies, and understanding the victims of their 'game' is key to *reclaiming our children from the night*. (emphasis added, 1998:8)

Who are "our children?" Though MacInnes acknowledges that the majority of sexually exploited children "were either permanent wards of the state" or from "dysfunctional families who could not – or would not – take the children back" (1998:5), he focuses his three of his five "case studies" on young Caucasian girls from "what many consider a normal family" (1998:11). *These* young girls are our children who must be protected and returned home at any cost. MacInnes' discourse was oft repeated in the media and in the *Hansard* debates as justification for new legislation, and a new way of approaching the sexual exploitation of young women (secure care).

Forsyth relied heavily on MacInnes' claims when pushing for the creation of both the task force to investigate sexually exploited children, and later, Bill 1 (see Chapter Four). Such protective discourse is difficult to resist. As MLA Howard Sapers noted in *Hansard* debates 1998,

> …when you are talking about a bill that has such broad and immediate appeal as Bill 1, a bill dealing with juvenile prostitution, there's a danger that if you say anything negative, you'll be painted as somehow being in support of juvenile prostitution. (Alberta *Hansard* February 2 1998:90)

Sapers was the Liberal MLA of Edmonton-Glenora from 1993-2001, and has since served as the Correctional Investigator of Canada for over a decade. Though cognizant of the political risk, he often provided a counter-discourse to claims that young offenders were out of control, and he critiqued many elements of Bill 1 (1998) when it was presented in Legislature. Sapers was the Vice-Chairperson on the Edmonton's *Mayor's Task Force on Safer Cities* (SC 1990) and served on the

Liberal Party panel investigating solutions to youth crime in protest to the Premier's Young Offenders Act Provincial Review (YOAPR 1995). Sapers emerged as a counter-discursive actor over the course of my research, and he often attempted to temper the heated debates on out of control or sexually exploited youth with statistics and reason.

When announced, Forsyth declared PChIP to be "the toughest anti-child prostitution measures in North America" and predicted that "the johns would be more afraid than ever" (Sillars 1997). Critical feminist scholars though, are wary of "protective" measures for women and children under the law (e.g. Strange & Loo 1997; Sangster 2001). Carol Smart has urged feminist scholars to challenge law "both as a means of assisting prostitute women to escape the surveillance and punishment of criminal sanctions and also as a way of challenging wider discursive (normalizing) constructions of female sexual behaviour" (1995:49). She further writes:

> …. I dwell on how this outlawing of prostitutes has failed to generate much of a response from feminism because in seeking to ameliorate the situation facing prostitutes there is a fear that prostitution itself – a mode of sexual exploitation of women – is condoned and perpetuated. (Smart 1995:49)

While sexually exploited young women were not framed as prostitutes under PChIP (1999), the power of law as it shaped Alberta's response to sexually exploited girls is explored in this thesis. Of the hundreds of recommendations put forward by the myriad of committees investigating sexual exploitation in 1990 Alberta specifically, only a handful focused on or produced legal responses (see Chapter Two). Rather, many recommendations challenged the existing social and systemic conditions that give rise to sexual exploitation. Committees tackled youth unemployment, preventative measures to keep youth in schools, and better social services. For the most part, committees did not mince words when addressing how race, class, and gender played into the politics of the sexual exploitation of young people. It is telling that so few recommendations involved further entrenching responses in law.

The CIP's (1996) report successfully advocated for a legal response to the sexual exploitation of children. The recommendations leading to Bill 1, and thus the confinement of young women, fell under a recommendation to provide legislation promoting a pathway of support (CIPR 1997). Bill 1, however, ended up a procedural document, rather than one outlining support services. Rather than using legislation to effect change on the social conditions that give rise to exploitation, the first draft of Bill 1 focused on police procedures to apprehend sexually exploited youth from the streets and transport them to "protective safe houses" (Bill 1 1999:2). This demonstrates the power of law to trump other discourses and, in this case, *transform* discourse. This brings me to the final questions this thesis attempts to answer: *To what extent can law be employed to ameliorate the social conditions which give rise to such legislation? Will attempts to shift social conditions always be trumped by law?*

After more than a decade of investigating the sexual exploitation of children, committees in 1996 were tackling the same social conditions of marginalized women and children, and recommending that the same social supports be strengthened. I follow Carol Smart's scholarship, which suggests that, rather than ameliorating the patriarchal relations which make legislation such as PChIP necessary, the law *reproduces* these relations. Legal reform will not attend to social conditions that exist outside of the law itself. Rather, law transforms narratives of social change into discourses of legal reform.

The theme of children's rights emerged over the course of this research. During the 1980s and early 1990s in Canada, there was a growing consciousness of children as having inalienable rights. The *Canadian Charter of Rights and Freedoms* (1982), the *Young Offenders Act* (1984), and the *United Nations Convention on the Rights of the Child* (1989) all marked a shift in the way children in Canada were viewed. However, Alberta resisted this shift for many years, and in fact,

was the last province to ratify the UN Convention (Pellat 2001). As a traditionally conservative province, Alberta favoured the rights of families to be shielded from state intervention over the independent rights of children (Howe 2001). The tensions around children's rights appeared consistently in my research. Key themes emerged: first, in 1990s Alberta, Progressive Conservative politicians believed that children had too many rights; and second, politicians were willing to violate children's rights to both protect society from young offenders, and save sexually exploited children. This theme is explored throughout this thesis.

Methodology

This thesis traces the emergence of specific legislation aimed at protecting sexually exploited children in Alberta. Social historians, such as Myers, encourage an understanding of legislation as "historically specific and shaped by political and economic concerns" (2006:6). Following the work of such scholars (e.g. Valverde 2008; Myers 2006; Strange & Loo 1997), this thesis examines the interrelated historical developments that help explain how the sexual exploitation of children became understood as the sexual abuse of children, which in turn, allowed for a particular response under the law in 1990s Alberta.

To determine what, exactly, was happening in 1990s, I searched the Alberta *Hansard* debates from 1977-2001 for any mention of the sexual exploitation of children. I was mindful that specific language and overarching discourses shift overtime, so I searched an extensive list of keywords, including: prostitute, prostitution, sexually exploited, sexual exploit, child prostitute, child prostitution, juvenile prostitution, juvenile prostitute, adolescent prostitution, adolescent prostitute, teenage prostitution, teenage prostitute, sexual abuse, and venereal disease. I also searched the *Hansards* for any mention of the task forces researched in this thesis, including the Fraser, Badgley, and Safer Cities Committees of the 1980s and 1990s. Finally, I searched for the

relevant (and sometimes less relevant) task forces reviewed here: Edmonton's Action Group on Prostitution (AGP 1992); the Prostitution Policy, Service and Research Committee for Calgary (PPSRC 1994); The Young Offenders Act Task Force on the Administration of Justice with Respect to Youth Crime (YOAPR 1994); and the Task Force on Juvenile Prostitution (CIP 1996); in addition to researching the primary source publications. I also examined media publications quoting, or written by, authorized knowers influencing the creation and implementation of PChIP (e.g. Children in the Game (MacInnes 1998);

The result was thousands of pages of political debate on every aspect of prostitution since the late 1970s. Asking *Why Alberta, Why Now?* required knowledge about what was "then." As the research progressed, I began limiting the target years to focus specifically on approaches to, and discourse on, prostitution and the sexual exploitation of children from 1984 (the year the Badgley Report was published) to 2001, the year after PChIP was subjected to a *Charter of Human Rights and Freedoms* challenge in the Supreme Court. The 1990s were, however, my particular focus. There has been little academic literature published on PChIP and its successor, the *Protection of Sexually Exploited Children* Act (known as PSECA 2000). While this thesis is informed by academic literature on PChIP, no research on Alberta's unique socio-political conditions in the 1990s, as it informed PChIP, has been published.

This analysis is further informed by critical feminist traditions (Smart 1989, 1995; Razack 1994, 1998; Minaker 2006; Valverde 2008; Myers 2006; Martin 2002; Maidment 2006). Contrary to some criticisms (e.g. Gringeri et. al 2010), a feminist lens is not so narrow as to focus only on gender, but rather recognizes that the "broader capitalist, racist and patriarchal structures that characterize and subvert the lives of Canadian women" must be recognized as "part of a much wider system that is failing women" (Maidment 2006, 279). Existing literature on PChIP has gained

significant rhetorical mileage by pigeonholing it within the rubrics of punishment, confinement, and the victim vs. villain dichotomy (e.g. Bittle 2002; Minaker 2006; Koshan 2003). While I sympathize with these positions (and indeed relied heavily on them in the early stages of this research), I was compelled to follow Smart's theoretical writings on female sexuality under the law and,

> shift concentration away from elements of self-evident discrimination in legislation towards the less self-evident question of ideologies of female sexuality which *inform* the enforcement and the development of law. (emphasis added 1995, 53)

This thesis asks the questions: *what* discourses informed PChIP, *why* it came about in Alberta, *who* the key actors were, and *how* claims of gender, race, and class, in the midst of two moral panics, lead to a particular response under the law.

A Note On Terminology

The earliest discussion of youth in prostitution in the Alberta *Hansards* occurred under the headings "Child Prostitution" (Alberta *Hansard* March 22 1984, 103) or "Juvenile Mothers" (Alberta *Hansard* April 5 1984, 310). Child prostitution was clearly differentiated from "The Sexual Abuse of Children," which focused on children being sexually abused by caregiver figures in their homes (Alberta *Hansard* April 4 1984, 292). The Badgley Committee's seminal Report (1984) played a key role in re-framing juvenile or youth prostitution as sexual abuse (Bittle 2006; Brock 2009), and this was further solidified over the multiple investigations of youth prostitution in the 1990s (see Chapter Two).

From its first mention in 1991, the term "sexual exploitation of children" was used interchangeably with child prostitution, juvenile prostitution, and sexual abuse in the Alberta *Hansards* over the 1990s. By the time Bill 1 (1998) was presented in the Legislature, the language of youth prostitution was firmly cemented as the sexual abuse, or sexual exploitation, of children.

Following critical feminist and moral regulation scholars, I use versions of "sexual exploitation" (e.g. sexually exploited youth) to denote that any young person involved in prostitution is sexually exploited by the procurer or person paying the youth. I avoid terms upholding the notion of prostitution as sex work (e.g. sex trade) whenever possible, and use terms like customer only when it reflects the language of writers of task force investigations and authorized knowers. A recurrent theme investigated in this thesis is that the sexual exploitation of children and youth must be understood as sexual abuse. However, when not referring specifically to language used by task forces and authorized knowers, I use the term "sexual abuse of children" to refer to sexual abuse that occurs largely by caregivers, and outside of prostitution. Feminist writers (e.g. Smart 1989, 1995) frame the family site as a, or *the,* site of patriarchal relations upholding the conditions that make the sexual abuse *and* the sexual exploitation of women and children possible. Expanding the definition of sexual abuse, like the Badgely Committee did, led to the public being moved to a "near catatonic state" by the sheer prevalence of sexual abuse in society (McCormick 1986).

I undertook this research with the view that both sexual exploitation and prostitution are acts of violence, perpetuated primarily by men against other men, women, and children. I follow feminist scholars like Lorenne Clark, who state that until the issues of male sexuality are addressed, and the "established patriarchal patterns of social relations between the sexes" is questioned, women, children, and other men will be at risk for sexual exploitation (1986, 99). The sexually-related violence which occurs at the hands of heterosexual men must be challenged.

Finally, I would like to acknowledge that young men, LGBTQ youth, and young people of colour are also victims of sexual exploitation, often disproportionately so. Though claims-makers utilized the language of "children," this thesis demonstrates that PChIP was legislation aimed at

protecting a specific subset of Caucasian girls from middle-upper class homes. I have thus focused on this classed, gendered, and racialized discourse both historically in Canada and in 1990s Alberta.

Chapter Summary

Chapter One follows the work of scholars of Canadian moral regulation and explores the moral, sexual, and legal regulation of young people, particularly young women, in early Canada. Like what we will see in 1990s Alberta, early Canada's urban elite became increasingly concerned with a decline of moral values and "the social evil" of prostitution. The late-nineteenth and early-twentieth centuries bore witness to efforts to purify Canadian society and urban slums. During this time, young people faced increased moral, legal, and sexual sanctions, most fully realized through the creation of the juvenile courts. The white slave trade moral panic both united middle- and upper-class reformers and resulted in greater measures of control of young female bodies. Chapter Three will demonstrate that a similar panic occurred in 1990s Alberta, creating the conditions for new legislation protecting a particular class (Caucasian, upper-middle class) of young women.

As Canada approached the 1990s, two distinct discourses of young people emerged, the "punishable young offender" and the "sexually exploited child." At this time, public and political dissatisfaction with the *YOA* and discourse condemning young offenders were mounting in Canada. So too, were calls to protect society's most vulnerable. Chapter Two explores how five task forces approached juvenile prostitution and the sexual exploitation of children between 1981 and 1996. This chapter has three aims. First, this Chapter demonstrates that by 1996, municipal, provincial, and federal task forces had studied the issue of sexual exploitation of children exhaustively. Second, this Chapter shows that with the exception of the Badgley Committee (1981), who had a specific mandate to evaluate Canada's legal responses to a growing prostitution problem, very few of the task force recommendations centred on law. Rather, task forces focused on strengthening

social supports for Canada's most vulnerable, and challenging the social conditions that make prostitution and sexual exploitation possible. This chapter thus keeps in mind the question, *to what extent can we use law to solve the problem of prostitution?* Finally, this chapter provides a platform for Chapter Three to investigate two final task forces: one promoting greater sanctions of young offenders, and one investigating the sexual exploitation of children.

Chapter Three delves further into the two seemingly opposing discourses of youth as they unfolded in the Alberta Legislature in the 1990s. Specifically, this chapter discusses i) the creation of the *Young Offenders Act Provincial Review* (YOAPR 1994); ii) the Task Force on Juvenile Prostitution (later the CIP 1996); and iii) and Legislative debates concerning young offenders and sexually exploited children. Both task forces were chaired by the same first-time MLA Heather Forsyth. This chapter demonstrates that by the mid-1990s, Alberta was in the midst of two moral panics surrounding young people. How was a task force focused on protecting young people able to gain traction in the Alberta Legislature in the midst of vitriolic discourse condemning youth? The discourse of children's rights are also discussed here, as this narrative was a primary focus in the PC caucus.

Chapter Four discusses how racialized, gendered, and class-based claims allowed PChIP to pass virtually uncontested in the Alberta Legislature. Two authorized knowers, Forsyth and MacInnes, produced strong narratives reminiscent of white slave trade rhetoric. In particular, they vocalized concerns about a specific subset of young people requiring protection: Caucasian, middle-upper class young females. While MLA Howard Sapers responded in the Legislature with a counter-discourse of caution and restraint, the racialized, gendered, and class-based claims easily won out. These claims created the conditions under which Bill 1 (1999) could gain traction in the Legislature.

Chapter Five summarizes two recurring themes emerging from the research: i) how political beliefs that children have "too many rights" resulted in protective legislation struck down for violating the *Canadian Charter*; and ii) the inability of law to affect meaningful change in the lives of sexually exploited women.

Chapter One: Regulating Youth and the Sexual Regulation of Female Bodies (Those Persons of Tender Years)

The conditions that gave rise to Bill 1 in the 1990s were similar to those that occurred in late-nineteenth and early-twentieth century Canada. As Canada industrialized and urbanized, economically and socially privileged men and women became increasingly distressed by the "general decline of moral values" they were witnessing (McLaren 1986, 129). As the urban-industrial working class developed, so too did an urban bourgeoisie, particularly social reformers, who "initiated a philanthropic project to reform or 'regenerate' Canadian society" (Valverde 2008, 15). This chapter explores the moral, sexual, and legal regulation of young people in early Canada to highlight the similarities between Canadian white slavery discourse and the Albertan moral panic surrounding sexually exploited youth. This provides the foundation for later discussion on how gendered, racialized, and classed discourses in a patriarchal society inform the ways that young female bodies are regulated.

Following the work of moral regulation scholars (e.g. Strange & Loo, Sangster, Glasbeek, Minaker, and Myers), this chapter focuses on the 'who's, 'how's, and 'why's of the regulation of female bodies, particularly young female bodies in late nineteenth-century Canada. Sometimes young women were regulated through public and state efforts of protection, as was the case during the white slavery panic in the late 1800s and early 1900s. Other times, the regulation of girls' bodies was very much a concerted effort to suppress their sexuality (or sexual immorality), as witnessed in Myer's (2006) study of Montreal's Juvenile Delinquent Court in the early twentieth century. Contrary to theories of social control, moral regulation scholarship attempts to capture multi-directional processes of governance (Glasbeek 2006). Moral regulation consists of more than an imposition of values and beliefs onto others; it also looks at how moral reformers were concerned with their own self-transformation (Hunt 1999; Glasbeek 2006).

Patriarchal relations often informed moral regulation in Canada. Indeed, laws regulating female bodies during the time of moral reform were created and enforced by predominately white middle- and upper-class males. However, some women, albeit primarily white and middle- and upper-class, occupied key positions in social purity movements as reformatory matrons, and later as probation officers and social workers in the juvenile court system. The historical governance of female bodies and sexuality in Canada thus involved complex relations of gender, class, and race.

The history of prostitutions law and sexual regulation in Canada cannot be presented as a linear, organized history. As Minaker & Hogeveen note in their discussion of early juvenile governance:

> What happened, however, involves more than a linear sequence of events. The historical origins of any phenomenon are rooted within an evolving society; changing attitudes, values, and modes of conduct – and can be understood from different perspectives… We must also examine shifts in the political and economic organization of early Canada and the role of broader social, cultural, and historical factors. (2009, 41)

The same is true of the regulation of female bodies in Canada. What follows is a history of legislative regulation of female bodies: who created it and why, who it affected, and how legislation interacted with social reform and regulatory movements to affect women and girls in Canada.

Early Legislation

Canada's earliest legislation was often modeled on, or directly imported from, English precedents. These laws were the most "black and white" of all Canadian legislation regulating female bodies (Backhouse 1985; McLaren 1986). Prior to the social reform movements focusing on state- and nation-formation and sexual purity, the first prostitution laws were vagrancy laws which targeted specific social or health problems (McLaren 1986; Valverde 2008; Strange & Loo 1997). These regulatory laws first came on the books in 1839 and "grew out of vagrancy statutes designed to remove undesirables from the street and to arrest inmates of bawdy houses" (Sullivan 1986, 179;

McLaren 1986). The first legislation, *An Ordinance for establishing a system of Police for the Cities of Quebec and Montreal 1839,* was a vagrancy statute authorizing the arrest of any "prostitute or nightwalker" unable to provide a "satisfactory account" of their reasons for being out (*An Ordinance for establishing a system of Police for the Cities of Quebec and Montreal 1839).* McLaren suggests that prostitutes, along with "common bawdy house" owners and customers, were deemed vagrants and "social nuisances to be penalized and controlled when public concern or outrage needed to be dispelled" (1986, 127). With limited police resources across the country and differing views on prostitution, the enforcement of the vagrancy law was sporadic (McLaren 1986).

The *Contagious Diseases Act* (CDA 1865) was the next Canadian legislation introduced, and duplicated UK legislation of the same name that was passed in 1864. The law regulated prostitution in an attempt to control venereal disease (Fisher 1996). Under the legislation, anyone could swear before a justice of the peace that a woman was a diseased prostitute. The woman could then be forcibly examined and detained for up to 3 months in specially designated venereal hospitals if she showed symptoms of VD (Backhouse 1985; McLaren 1986). The English CDA (1864) resulted in public clashes between the upper-class medical professionals, military officers and politicians who advocated for the Act, and the Ladies' National Association, led by Josephine Butler (Sullivan 1986; Fisher 1996). Butler rallied for the repeal of the Act, arguing that

> the regulation presupposed a supply of women motivated largely by poverty, drawn from the working classes, and subjected them alone to police harassment on streets of designated towns. (Sullivan 1986, 179)

And further, that

> the acts amounted to state recognition of vice… [and] attacked the legislation as an infringement of personal liberty, and pointed to numerous cases where innocent women had been arrested and subjected to humiliating medical examinations… the legislation was a glaring example of class discrimination, in that lower class women were molested by the law so rich gentlemen could be 'guaranteed' their prostitutes were free from disease. (Backhouse 1984, 8)

Butler and her fellow campaigners finally triumphed in 1886, when the CDA (1864) was overturned. The Canadian CDA (1865) is not believed to have been enforced in Canada, as no certified venereal disease hospitals were recorded (Backhouse 1984). However, the public debates over these early laws sparked so much fervour in the UK that Canada may have avoided introducing or maintaining any efforts considered regulatory and thus supportive of the sex trade (Backhouse 1984).

Interest in protecting women and girls under the law increased over the next twenty-odd years. The sexual exploitation of "innocent young women who were widely believed to have been manipulated or forced into a life of prostitution" drew more and more attention, both publicly and in legislation (Backhouse 1985, 393). For example, the *Offences Against Public Morals and Public Convenience* (1886) made it illegal for homeowners to allow females under sixteen to reside there for the purposes of prostitution (Sullivan 1986). The same Act enabled prosecution for procuring "any girl of previously chaste character" between twelve and sixteen *Offences Against Public Morals and Public Convenience* (1886). Less than a decade later, Canada's 1892 *Criminal Code* (CCC) made it criminal for parents or guardians to encourage the defilement of their daughters. Backhouse states that by 1892, social reformers had produced a staggering amount of prostitution legislation:

> The reformers who lobbied for this legislation wanted to see prostitution eradicated. No stone was left unturned. The wide-ranging enactments covered prostitutes inside and outside brothels, brothel customers, brothel landlords, brothel madams, and all of those who contributed to the trade in female sexuality or lived off its financial reward. (1984, 12)

However, while the body of law prohibiting prostitution and the sexual exploitation of girls grew, officials demonstrated a high tolerance for both, particularly when such offences were confined to working-class neighbourhoods (Strange & Loo 1997; McLaren 1986). In rural Canada, Strange &

Loo note that the North-West Mounted Police (NWMP) were "prepared to look the other way," so long as prostitution "did not offend the sensibilities of the respectable citizenry" (1997, 39). When enforced, it was primarily against citizens that were "financially impoverished, generally illiterate, frequently immigrant, and overwhelmingly female" (Backhouse 1984, 12). Moral reformers stuck to their guns and successfully lobbied the government for the NWMP to better manage prostitution on the prairies (Strange & Loo 1997). The NWMP responded by raiding brothels more frequently. However, when the NWMP offered the choice between paying fines or quitting the area, most prostitutes and brothel owners chose to pay the fines and stay (Strange & Loo 1997). Regardless of the swell of legislation regulating or criminalizing prostitution, at the turn of the nineteenth century, it was still "grudgingly tolerated" by police (Strange & Loo 1997, 64). Indeed, for most Canadian officials, the sexual exploitation of women and girls remained a fact of life (McLaren 1986).

Social Reform: Persons of Tender Years and the Delinquent Girl

Following the ratification of the *British North America* Act (BNA 1867), the building of a "white, Protestant" nation began in earnest (Valverde 2008). By 1895, a "social purity" movement, made up of community workers, teachers, medical professionals and members of the church, embarked on a loosely organized but "vigorous campaign to 'raise the moral tone' of Canadian society" (Valverde 2008, 17). In her overview of Canadian social reform, Valverde writes:

> It is very difficult if not impossible to make any general statements about the specificity of Canadian social reform movements; all that can be said is that the well-educated urban English Canadians who led these movements were definitely learning from English and, increasingly, American sources… their self-image as healthy citizens of a new country of prairies and snowy peaks contributed both to the twentieth-century nationalist ideas and to the success of the purity movement, one of whose symbols was pure white snow. (2008, 17)

Creating a sexually pure, sober, and white Canada was the ultimate goal of moral reformers at this time (Valverde 2008). Both the social purity movement and the child-saving movement aided in the

regulation of young women and girls. Inextricably linked and not always discernibly different, social purity and child-saving beginnings can both be traced back to the late-nineteenth century and Canada's early reform and philanthropic efforts (Valverde 2008).

Save the Child, Condemn the Immigrant

At the time of Confederation Canada was an agrarian society with a primarily rural population. The country was sparsely populated, with borders stretching over 9000 kilometers, and the federal state at this time was weak and reactive (Strange & Loo 1997). Social problems (as we define them today) were thus largely dealt with by the family, community and local church (Hogeveen 2001). When children did come before the courts, particularly in urban areas, they were treated as adults, and sanctioned in the pursuit of punishment and deterrence (Hogeveen 2001). When incarcerated, children were confined alongside adults. In Kingston Penitentiary, for example, young people

> were indiscriminately mixed with hardened criminals, prostitutes, drunkards, and the insane….children were not given special status or special treatment… within the institution itself children were subjected to a regime of prison discipline that included lashing and flogging. (Hogeveen 2001, 48)

An investigation into conditions within the Kingston Penitentiary (the Brown Commission 1849) called for the complete removal of children from prisons, and social reformers used their report to push for the creation of a new reform system for juvenile offenders (Minaker & Hogeveen 2009).

Hogeveen states that the Brown Commission's findings signalled "the emergence of a new rationality, a new way of thinking about the legal governance of deviant children" (2001, 49-50). This particularistic approach focused on the unique circumstances of children under the law (Hogeveen 2001; Minaker & Hogeveen 2009). In 1857, two pieces of legislation recognizing the need for different treatment of juveniles were passed: *An Act for the More Speedy Trial and Punishment of Young Offenders;* and *An Act for Establishing Prisons for Young Offenders.* The

results were special prisons, or children's reformatories, for children who were "no longer considered criminal but were thought of as misguided children who were the products of their social environments" (Minaker & Hogeveen 2009, 48). However, Minaker & Hogeveen remind us:

> The reformers who played a key role in the emergence of a unique juvenile justice system were economically and socially privileged. They called for changes to existing juvenile justice practices that would, to their minds, better reflect the unique conditions of youth. This upper-middle class reform movement put working-class parents at the centre of the youthful deviance problem. (2009, 49)

The last half of the nineteenth century saw reformers' continued efforts to protect this newfound status of children (Minaker & Hogeveen 2009). This period was marked by reformers' calls for mandatory public education for children, restrictions of child labour in Canada's "dark satanic mills," a new approach to child welfare, and a move away from the institutionalization of children (Minaker & Hogeveen 2009; Strange & Loo 1997, 50).

The Children's Aid Society of Toronto (CAS 1891) advocated for a new approach to child welfare: placing neglected and delinquent children with families, as opposed to in institutions such as reformatories and industrial schools (Strange & Loo 1997). J.J. Kelso, founder of CAS, used his influential position as a newspaper columnist in Toronto to promote this more humane approach to impoverished children. CAS is largely credited with creation of the *Act for the Protection and Reformation of Neglected Children* (1888), the *Act Respecting the Custody of Juvenile Offenders* (1890), and the *Act Respecting the Commitment of Persons of Tender Years* (1890), and *The Act for the Prevention of Cruelty to, and better Protection of Children* (1893) (Strange & Loo 1997; Minaker & Hogeveen 2009; Hogeveen 2001). Legislation calling for the protection and respect of children, the decline of industrial schools, and decreased state involved in the lives of children all marked a new way of approaching young people (Minaker & Hogeveen 2009; Strange & Loo 1997).

The 1892 *Criminal Code* reflected the new special status of children through the inclusion of The Trial of Juvenile Offenders for Indictable Offences, and in 1894, the first federal legislation focusing on juvenile delinquents was passed (Minaker & Hogeveen 2009). Minaker & Hogeveen (2009) credit the *Youthful Offenders Act* (1894) and the *Criminal Code* passage as paving the way for the *Juvenile Delinquents Act* (JDA 1908), which would govern children for the next seventy-six years. The *JDA* was grounded in the doctrine of *parens patriae,* or the "state as parent." Under the Act, young people faced indeterminate sentences for status offences, including incorrigibility, delinquency, and being "beyond parental control" (Strange & Loo 1997, 96; Minaker & Hogeveen 2009). Strange & Loo (1997) qualify the creation of the juvenile justice system and the *JDA* as the child-welfare movement's *piéce de résistance*, a way for philanthropic agencies (particularly the CAS) to rehabilitate juvenile offenders back into their communities. And while the legislation included new ways for young people and their parents to be moral offenders, punishments were no longer meant to be punitive (Strange & Loo 1997; Hogeveen 2001). Further, the *JDA* formally linked the legal governance of children with quasi-parental professionals, in the form of probation officers and Big Brothers and Big Sisters (Strange & Loo 1997).

The child-saving movement was, in many ways, a product of the determination of Canadian reformers to correct the failures of immigrant and working-class parents. When discussing social relations and reformers in early Canada, "working-class" is often a euphemism for immigrant and non-Caucasian Canadians. Remember that reformers were focused on creating a nation of moral subjects with character (Valverde & Weir 2006; Valverde 2008). A citizen with character was one who was able to control one's instinct (Valverde 2008). Valverde explains:

> …'regulation and control of instinct' was crucial for gender formation, for class order, and for racial and ethnic organization. If blacks and East Indians were undesirable immigrants, it was not because they had no capital and no schooling (many British immigrants were poor and unskilled), but rather because they were 'savages,' that is,

> people who could not control their sexual desires and were thus unlikely to lead orderly and civilized lives, saving for rainy days and postponing gratification. (2008, 105)

"Character" was thus based on race, with white people having more, Indigenous and non-Caucasian having less, and British people have the most (Valverde 2008).

Working-class families were faced with incredible hardships in early Canada, and urban growth had created prosperity for few (Valverde 2008; Minaker & Hogeveen 2009). Along with the rise of "middle-class suburbs and department stores" came a crisis of poverty for many immigrant and working-class families. The social construct of the slum captures this crisis:

> The slum, and by implication its population, was portrayed as the dark, seething mass of vice existing not beside but *underneath* the respectable neighbourhoods, posing a danger that was simultaneously sanitary and moral… The evil deeds taking place in the secret darkness of the slum were legion: prostitution, alcoholism, thriftlessness, child neglect, gambling, stealing, lack of hygiene, irreligion, contagious diseases, swearing, bad eating habits, 'the love of finery,' and the Sabbath-breaking… (Valverde 2008, 132-134)

Such discourse, delivered in public newspapers and on broadsheets, drove religious reformers into working-class neighbourhoods to convert and "regenerate" the inhabitants. And so the "honest" poor, the "fallen" (prostitutes, illegitimate mothers, and "drunkards") and criminals were set upon by reformers, adding an additional layer of regulation and surveillance (Valverde 2008, 152-153).

Philanthropy thus shifted from a largely volunteer-based enterprise to a profession through this increased regulation of working-class families. The creation of the juvenile court and *JDA* legislation, while representative of a modern particularistic knowledge, shifted the punishment of children to more reformative practices. But for young women, these reformative practices instead became most fully realized under the law. For young women, moral and sexual regulation played out in the new juvenile court, which became fixated on the "precocious sexuality" of young females (Myers 2006, 178). At the turn of the century, young women increasingly left home for paid work,

resisted the rigidness of gender norms, and exhibited behaviour considered "sexually suspicious" (Myers 2006, 7). Adolescent culture was challenging Victorian standards, and young, working-class women were expressing their sexuality outside of marriage more and more. Myers describes Montreal by the 1910s:

> In the juvenile court era, as social change altered the work and lifestyles of adolescent girls and youth culture challenged the constraints of an older generation, sex delinquency was discovered in the streets, factories, dance halls, and moving-picture houses of the city. (Myers 2006, 7)

Parents increasingly turned to the court to control their "problem girls" (Myers 2006, 60; Sangster 2001). Young women who consistently broke curfew, ran away from home, or engaged with a "racially inappropriate partner," were all cause for parents bringing their girls to the juvenile courts (Sangster 2001, 153). The result was a new, specific category of the female deviant, one closely monitored by modern science and social work as the years progressed (Myers 2006).

Both Sangster and Myers detail the how the Juvenile Court focused on girls' sexuality, regardless of the charge. A case of theft could result in the judge ordering a gynaecological exam, which was quickly determined to be the best way to decide if and what type of reform was required. Probation officers recorded the girl's sexual history, and judges demanded the details of her sexual partners. Female probation officers played a key role in extracting such details, including the age a girl had her first "encounter" or "indiscretion" (Myers 2006, 180). The accused girl's attitude often sealed her fate:

> Girls instinctively knew that denial of sexual wrongdoing was important, so they laid claim to their virginity…a minority also maintained that sexual activity was their own business [or] claimed sex secured them affection, linked it to their peer culture, or even declared the court hypocritical for punishing them for something adults did all the time. (Sangster 2001, 159-160)

Some girls also admitted that in running way, they were fleeing violence and abuse, which sometimes elicited some understanding and sympathy from the court. It also confused the courts,

which could reject or ignore that a young woman's history of sexual abuse was linked with her "delinquency" (Sangster 2001). For girls sent to training schools or on probation, a girls' submission to character reformation was the best, or sometimes only, way of escaping the court's surveillance.

The work of moral reformers resulted in new ways of regulating children, particularly young women, and vocalized fears of the racialized 'other.' The work of child savers in the twentieth century led to a more rehabilitative approach to youthful deviance, but also to lengthier, indeterminate sentences under the new *JDA* (1908). For young women, the juvenile court became a new way of regulating their morality and sexuality. We will see that the moral, sexual, and legal regulation of young women, and fears of immigrants and non-Caucasian Canadians were further cemented through the social purity campaign and white slavery hysteria that swept Canada in the twentieth century.

Social Purity: A Moral and Legal Campaign

Moral reform in early Canada included what is known as the social purity movement. Social purity was a convoluted, longstanding moral campaign involving individual authorized knowers, middle and upper-class reformers, and complex relations of state formation and nation-building (Valverde 2008; Valverde & Weir 2006). The movement sought to reform and organize gender, establish a "non-antagonistic" class structure, and shape notions of individual morality (Valverde 2008, 29). Social purists were a collection of social workers, physicians, philanthropists and church members who sought to "raise the moral tone" of Canadian society (Valverde 2008, 17).

While these reformers focused on divorce, illegitimacy, public education, temperance and Sunday observance, prostitution was the "one social problem guaranteed to unify the diverse constituencies – feminists, right-wing evangelicals, doctors, social reformers- of the social purity

coalition" (Valverde 2008, 18). Indeed, prostitution was "the social evil" and central to moral reform (Valverde 2008, 77). Valverde (2008) offers three reasons why the fight for prohibiting prostitution was central to moral reform. First, prostitution "is notoriously public" (Valverde 2008, 77). The solicitation, sale, or the sexual acts of prostitution often occur in public spaces, making the public feel they are "entitled to comment on, judge, and police" prostitution (2008, 77-78). Second, prostitution occupied a symbolic role in gendering of vice: while working-class males were considered "potential alcoholics and criminals," working-class women were always on the precipice of selling their bodies (Valverde 2008, 78). Third, in social purity thought, the "powerful symbolism of the whore of Babylon in the campaign to clean and purify the city and especially the slum… the theme of the vicious woman as symbolizing or representing the fallen city has been a powerful one" (2008, 79).

The "white slavery panic" is perhaps the most memorable aspect of the social purity movement. While Valverde notes that now, "the rhetoric of 'beautiful girls dwelling under blue skies' being pursued by 'pimps and panderers' certainly lends itself to ridicule"; the effects of the white slavery panic were very real (2008, 89). While the panic itself was formed by discourse and a series of events that largely occurred outside of Canada, in the late 1890's social purity advocates alleged that this new version of prostitution had made its way into the country (Valverde 2008; Strange & Loo 1997). Strange & Loo describe the phenomenon:

> …unscrupulous women and men (typically, though not always 'foreigners') inveigled innocent young white women into sexual slavery. Through their melodramatic stories of last-minute rescues and tragic seductions, social purity lobbyists encouraged Canadians to drop the conventional image of the hard-bitten, drink-sodden prostitute in favour of the virginal girl, forced to service men of all classes and races. Viewing themselves as good Christian soldiers, well-meaning women and men marched into battle in the 'war against white slavery,'… (1997, 64-65)

A new class of prostitute was thus created through white slavery rhetoric, that of the "virginal girl" fallen prey to a new class of exploiter, the racialized 'other.' Though Valverde (2008) qualifies the campaign to combat white slavery was successful, it was not by reducing white slavery (no evidence of the trafficking of Canadian women was found!) (Valverde 2008). Rather, she argues that the construct of white slavery was flexible enough to encompass, and fuel, a variety of social fears: the panic included fears of immigrants (lists of "dangerous" people included Italians, Africans, and Chinese); urban anonymity; and changing gender and familial relations. The moral panic thus allowed reformers to admit urban spaces posed dangers for young women without addressing the patriarchal and class relations which produced such danger (Valverde 2008). Instead, young women's "lack of character… too much liberty at night on the streets… [and] inordinate love of fine clothing" were publically listed as causes of the white slave trade (Valverde 2008, 98).

Conclusion

The child-saving and social purity campaigns resulted in greater measures of controls of primarily Caucasian young women. As Canada urbanized in the late nineteenth and early twentieth centuries, upper-middle class moral reformers increasingly focused on purifying Canadian society and the urban slums. Patriarchal relations informed the moral, sexual, and legal regulation of young women's bodies. For example, fears of the spread of venereal disease in naval towns and in the military led to legislation promoting the confinement of any women suspected of being a "diseased" prostitute (McLaren 1986, 127). Early vagrancy statutes enabled police to pick up and detain any "prostitute or nightwalker" unable to provide a "satisfactory" explanation of their reasons for being out ((*An Ordinance for establishing a system of Police for the Cities of Quebec and Montreal 1839).* The earliest legal responses to prostitution were thus focused on women.

At the turn of the nineteenth century, reformers focused on raising the "moral tone" of Canadian society (Valverde 2008, 17). Middle and upper-class reformers sought to re-organize gender, establish a "non-antagonistic" class structure, and shape notions of individual morality (Valverde 2008, 29). The child-saving movement led to a particularistic understanding of children as unique individuals requiring respect and protection, and the creation of specialized juvenile courts (Hogeveen 2005; Minaker & Hogeveen 2009). The child-saving movement and the social purity campaigns coalesced in the new juvenile court, which became fixated on the sexuality of young women (Myers 2006). Young women had increasingly challenged Victorian standards by finding employment and resisting gender norms and sexual standards (Myers 2006). More and more, parents turned to the court to control their daughters. This reliance on the law to suppress young women's sexuality resulted in "a new category of female deviant" (Myers 2006, 62).

The efforts to suppress young women's sexuality also extended to prostitution, the one social problem guaranteed to unify all moral reformers (Valverde 2008). Through the white slavery panic, social purity advocates encouraged Canadians to trade in the image of "the drink-sodden prostitute in favour of the virginal girl, forced to service men of all classes and races" (Valverde 2008, 64). The campaign demanded moral and legal responses to the racialized 'other' (working-class immigrants of Italian, African and Chinese descent), the urban slums, and young women's resistance to gender norms. These racialized, class-based and gendered claims enabled new responses and harsher controls of young females under the law. We will see that similar claims, including a modern-day white slave trade hysteria, were present in 1990s. These claims, too, created the conditions of possibility for new legislation with greater protections for young, Caucasian, middle-upper class females, and greater punishments for the racialized 'other.'

Chapter Two: The Beginnings of a Modern Day Panic

The last two decades of the twenty-first century again saw a shift in how young people were viewed in Canada. Like we will see with PChIP, this discursive shift was made possible by a number of conditions. First, following the Second World War, the concept of children as having rights emerged, challenging ideas of state paternalism and the idea of "welfare" itself:

> In Canada, as elsewhere, children gradually came to be seen less as objects or not-yets, in need of paternalistic state protection, and more as existing persons in the here and now, with dignity and basic rights of their own. (Howe 2001, 364)

This new focus on protecting the rights of children continued into the 1980s and was ratified in legislation: the *Charter of Rights and Freedoms* (1982), and later, the *United Nations Convention on the Rights of the Child* (1989). The Canadian *Charter* brought awareness to the longstanding *JDA*'s use of indeterminate sentences and denial of procedural rights (Hogeveen & Smandych 2001). Second, the discourse of juvenile delinquents as reformable began shifting to that of recalcitrant young offenders (Hogeveen & Smandych 2001). Increasingly, national political parties spouted law-and-order rhetoric, with young people taking the brunt of it. New young offender legislation, the *Young Offenders Act* (1984), incorporated the latter two tensions with both tougher punishments and increased attentions onto the rights of young offenders. The result was a piece of legislation whose history became characterized by amendment (Minaker & Hogeveen 2009).

As Canada approached the 1990s, public and political dissatisfaction with the *YOA*, and discourse condemning young offenders, increased. At the same time, a newfound focus on children emerged in respect to prostitution, sexual abuse, and on potential harm to children as the pornography industry expanded exponentially (Lowman 1989). In 1981, the federal government struck the Badgley Committee, whose work would shake Canadian society's view of young people involved in prostitution to the core. The Badgley Report's (1984) claim that sexually exploited

young people must be considered victims of abuse contrasted with heightened rhetoric of out of control youth crime, and together these discourses sparked a chain reaction across the country.

This chapter focuses on five notable task forces addressing both the sexual exploitation of young people, prostitution, and crime, with a special focus on Albertan task forces. Specifically, this chapter sets the stage for Chapter Three, which discusses how seemingly two opposite task forces, *The Young Offenders Act Provincial Review* (1994), and the *Children Involved in Prostitution Task Force* (1996) were able to gain traction in the media, and in the Alberta Legislature within months of each other.

With the exception of the Badgley Committee (1981), who were mandated specifically to evaluate the efficacy of Canadian laws protecting children and youth against sexual offences, very few of the task forces focused on legal solutions. In fact, only a handful of hundreds of recommendations outside of Badgley's suggested any change to law, but rather focused on solutions rooted in social and economic change. Some task forces, like the Fraser Committee (1983), spent considerable time questioning how to create meaningful change in the lives of the 'other' without further entrenching responses in law. Many of Smart's conceptions of law, though not often specifically articulated, were present in task force recommendations. Specifically, I interpreted the task forces as having an understanding that:

> …law is not simply law, by which I mean it is not a set of tools or rules which we can bend into a more favourably shaped…law has continued to occupy a conceptual space in our thinking which encourages us to collude with the legalization of everyday life. We must therefore remain critical of this tendency without abandoning law as a *site* of struggle. (Smart 1995, 198)

As we will see, law has the power to either facilitate, or be an obstacle to, change (Smart 1995). This chapter thus keeps in mind the research question: *To what extent can law be employed to ameliorate the problem of sexual exploitation?*

Federal Task Forces: Badgley and Fraser

The Badgley Committee

The Badgley Committee (1981) was the first such committee struck to address the sexual exploitation of children. Appointed by the Minister of Justice and Attorney General of Canada, and the Minister of National Health and Welfare, they inquired into the "prevalence in Canada of sexual offences against children and youth and the problems of juvenile prostitution and the exploitation of young persons for pornographic purposes" (Badgley Summary Report 1984, iv). To this end, the Committee interviewed 229 young people involved in prostitution and obtained the municipal by-laws enacted in 18 cities across Canada (Badgley Report 1984). During the course of their research, they conducted several national surveys in corrections, police forces, hospitals, and the general population (Badgley Report 1984). The eleven-member committee was comprised of professionals in law, psychiatry, behavioural science, child and family services and pediatrics, and was chaired by Dr. Robin Badgley, a University of Toronto Professor of Sociology and Behavioural Medicine (Badgley Report 1984).

In 1984, the Committee published their two-volume, 1314-page Report, *Sexual Offences Against Children: Report of the Committee on Sexual Offences Against Children and Youth.* The Committee published eight recommendations specific to sexually exploited young people:

- The development of special-education programs "documenting the conditions and risks associated with juvenile prostitution" to be made available to parent-teacher associations and schools (1984, 92);
- That "Provincial Child Protection Services develop special programs" aimed to assist youth involved in prostitution and "identify the early warning signs of troubled home conditions" (1984, 93);
- The federal government establish "multi-disciplinary demonstration programs (child protection, police, education, medical and youth job training services) for sexually exploited youth (1984, 93);
- Federal cooperation with the provinces to establish "special police force units" to investigate "pimps" and "clients of young prostitutes" (1984, 94);

- Publishing the "names of persons convicted of soliciting juvenile prostitutes who are under age 18."
  (1984, 97)

The Committee also suggested amendments to the *Criminal Code of Canada* (CCC) to make both soliciting (purchasing) and procuring (pimping) youth for sexual services indictable offences with minimum sentences of two years (Badgley Report 1984).

Upon publication, the Report was met with "shock, horror, and disbelief" (McCormick 1986, 27). Committee member Norma McCormick (1986) presents excerpts and headlines from the wave of media attention dedicated to the Badgley Report's (1984) findings. Among them: "Innocent Victims: Report of widespread child sex abuse comes as little surprise: local experts;" "Sexual Abuse of Children Growing;" and the quote: "Its the first time we've had documented findings that confirm clinical impressions that the problem is pervasive" (McCormick 1986, 28). On the heels of public outcry and media coverage, professional commentators began to critique the Report. The Report incited long-standing public and academic debate, and their claims still remain the cornerstone of academic discussions on sexually exploited young people today.

Possibly the most controversial claim the Committee published was that young people involved in prostitution had experienced no more "unwanted sexual acts" in childhood than young people in the general population (Badgley Report 1984, 977). Additionally, they posited that a history of sexual abuse could not be considered "a significant factor that accounted for their subsequent entry into juvenile prostitution" (1984, 978). These claims are still widely controversial, and in many academic discussions a causal link between childhood sexual abuse and entry into prostitution is presumed (Brock 2009). For example, Christopher Bagley, while fully supporting the Report's proposals, dismissed the Report's claim that youth involved in prostitution have experienced no greater amount of sexual abuse than young people outside of prostitution (1985,

66). He also critiqued the Committee's research methodology and analysis. Bagley claimed that the Badgley Report's samples, a snowball sample of prostituted youth under twenty, and a national random sample of adults with ages ranging from seventeen to seventy, were not comparable. He further noted that the Badgley Report (1984) did not publish their research questions, and the two groups were contacted by different interviewers, the former interviewed by students, and the latter by a national poll organization (Bagley 1985). The mean age of each group was drastically different, and Bagley (1985) argued that the experiences of those involved in prostitution would likely lead to those young people construing sexual abuse differently than those in the general population. The argument that the Report's research was faulty provided much of the basis for their claims to be dismissed (McCormick 1986).

Many of the authors in the edited collection *Regulating Sex: An Anthology of Commentaries on the Findings and Recommendations of the Badgley and Fraser Reports* (1986), an authoritative collection on both the Fraser and Badgley Reports, claimed that the Report was a sensationalized picture of the reality of young people involved in prostitution (e.g McCormick 1986). McCormick commented that, because the Committee reported such a high incidence of sexual abuse in the general population, field professionals, along with the general public, were "moved to a near catatonic state by the size and scope of the problem… there seemed to be no way out of accepting the inevitability of sexual abuse" (1986, 31).

McCormick (1986) also documents that a common criticism levied at the Badgley Report (1984) was that it did not advocate a family-centred approach. Rather than upholding the family site as private, the Committee promoted criminal sanctions for familial incest (Badgley Report 1984). Critics claimed that "incest is a matter of family dysfunction," and criminalizing it "only increases the family's need to deny the existence of incestuous activity, increases its unwillingness to report

it, and shifts the blame for the situation onto the child victim" (McCormick 1986, 35). Such "disruption and hardship to the offender and subsequently to the offender's family, especially in instances where the offender is the breadwinner" was likely damaging and permanent (McCormick 1986, 35).

Other writers defiled the Badgley Report (1984) for being too paternalistic. Lorenne Clark for example, writes:

> …the dominant tone of the Report is decidedly paternalistic. That is what is most annoying about it. The Report maintains a high moral tone throughout. It appears to have been written from a perspective of profound moral outrage and shock, although its authors generally try to tone down outright feelings of disgust… The perspective seems to be that of persons on a lofty plane who can hardly believe what they are seeing and hearing about the world below them, but who have clear and unflinching moral, not to say moralistic, position on these events. (Clark 1986, 93)

The Committee members (1981) neglected to discuss the social relations, and conditions, which gave rise to such exploitation (Clark 1986). A capitalist state, for example, in which the accumulation of capital is the goal, creates a chasm between those who accumulate, and those who do not. Clark writes:

> …it is obvious to us that economic *laissez-faire* must necessarily, or at least frequently, give rise to such abuses precisely because it entail[s] no constraints on the behaviour of those in whose hands the engines of the economy were vested. (Clark 1986, 97)

In line with this criticism is the idea that, while "the overwhelming majority of the people who perpetrate these evils are male…this [fact] is not always made obvious in the Report" (Clark 1986, 94). Clark (1986) charges the Report for failing to provide any discussion surrounding their data that 98.8% of suspected sexual offenders were reported as male, as were approximately 97% of those who sexually exploited young people (Badgley Report 1984). Until the issues of male sexuality are addressed, and the "established patriarchal patterns of social relations between the

sexes" is questioned, women, children, and other men will be at risk for sexual exploitation (Clark 1986, 99). Clark summarized it well with her remarks:

> children and youths will only be protected when there are no longer large numbers of men who either want to do these things or are unable to control themselves when they do want to do them. What is wrong with present social arrangement is that men have given themselves all the power they need to control and ensure their access to sexuality, particularly female sexuality. They refuse to acknowledge that the wide discretion they have allowed to themselves in order to guarantee this objective must necessarily, and certainly frequently, lead to these abuses precisely because their powers have until now been virtually unlimited. (1986, 99)

Brock and Kinsman (1986) also drew attention to how the Committee neglected the patriarchal relations upholding sexual abuse by emphasizing changes to state policy. For example, the Badgley Committee did not challenge the power relations inherent in family and state (Brock and Kinsman 1986). Not challenging why sex-related violence is perpetuated overwhelmingly by heterosexual males sets up "abuse" to be treated as "a uniquely sexual problem, rather than being imbedded in a broader network of relations of age, class, and gender" (Brock and Kinsman 1986, 110-111). As we will see, the Badgley Committee (1981) was not the last such task force that neglected to question the patriarchal nature of social sexual relations.

The Badgley Report did concede that the law, as it stood in 1984, failed to protect young people from sexual abuse and offered amendments to the *Criminal Code* (Badgley Report 1984). In their preface to their recommendations on juvenile prostitution, the Commission stated they had "no doubt" that young people working as prostitutes became introduced to a "criminal way of life in which they become progressively more entangled" (1984, 92). Rather than using this understanding to discourage further entrenching responses to sexually exploited youth within law, the Commission emphasized law as "the only effective means" of reaching young people:

> The amelioration of the tragic plight of juvenile prostitutes lies….chiefly in the implementation of social rather than legal initiatives…there are no effective means of bringing these children and youths into situations where they can receive

> guidance…the implementation of criminal sanctions…must be made a legal possibility by creating an offence in order that social intervention can take place. (Badgley Report 1984, 94-95)

To this end, the Report recommended that

> 45(1) Every young person who offers, provides, attempts or agrees to offer or provide for money or other consideration to engage in a sexual act with another person is guilty of a summary conviction offence. (Badgley Report 1984, 95)

Brock argues that these efforts resulted in a "legal foothold for the retention and treatment of young prostitutes" (2009, 77). And while the Committee documented their reluctance to criminally sanction young people involved in prostitution, and noted that opinions were divided on the subject, their end reliance on law demonstrates the power of law to withstand efforts to divest its power in favour of social and economic powers (Smart 1995). Law is thus capable of transforming and resisting demands of social and economic change.

The Badgley Report (1984) substantially altered the way sexually exploited young people are viewed and discussed. For example, the Badgley Report silenced experiences of the young people they interviewed and individualized youth prostitution. The Badgley Committee identified young people involved in prostitution as "the juvenile prostitute" (Brock 2009; Lowman 1986). Lowman (1987) suggests that by taking this position, the Committee represented young people as "bring[ing] upon themselves the demonstrated hardships of street life" (Lowman 1987, 104). This identity of juvenile prostitute essentially serves to silence the life experiences and invalidate the social conditions of sexually exploited young people. Instead, as Brock (2009, 108) notes, the Report "was critical to the *making* of the urban phenomenon of the 'street kid'…and its synergistic relative, the 'child' prostitute."

Finally, the Badgley Committee's examination of the race, class and gender relations within prostitution was troublesome. In fact, the only effort to reference the structural location of race,

class, and gender of sexually exploited young people was under the broad umbrella of "social background" (Badgley Report 1984, 967). For Badgley, social background included the young person's age, sexuality, family make-up, the presence of parents in the youth's original family home, and the parents' alcohol use, drug use, and employment status. The youth were also questioned on their highest level of education, how often they had attempted running away from home, and their memories of home life (1984). Sullivan (1986) has commented on the economic underside of youth prostitution as Badgley reported:

> Of the young people interviewed, about 80% of the females and 63% of the males had no other forms of employment at the time. For those with other forms of employment, the jobs were typically low-skill, low-wage positions as waiters, cashiers, ice cream vendors, kitchen helpers, and housekeepers… Employment, job creation and retraining are rarely mentioned as treatment alternatives, although the Badgley Report (1984) does recommend circumscribed specialty programs. (Sullivan 1986, 182-184)

Though it could be argued that the Committee addressed class by discussing the employment status of parents and family household's access of government financial support, the Committee missed a key opportunity to discuss the classed nature of prostitution in Canada (Lowman 1987). The Committee also did not question or discuss the race of their interviewees. In fact, young people's race was not touched on at all. By not investigating race, the Badgley Committee was unable to challenge how Canadian society systemically disadvantages the racialized 'other.' Sherene Razack underscores that "when the terrain is sexual violence, racism and sexism intersect in particularly nasty ways to produce profound marginalization" (1994, 897). To neglect race compounds the silencing of the experiences of young Indigenous people's battles with systemic racism in a colonial society.

Despite these critiques, the Badgley Report (1984) made several lasting contributions to the discourses and practices surrounding youth involved in prostitution. First, the Badgley Committee

(1981) re-conceptualized the previously individualized problem of "juvenile prostitution" to the "sexual abuse of children" as a social problem, which informed the creation of PChIP (Brock 2009, 109; Brock and Kinsman 1986). This conceptualization continues today under PSECA (PChiP's successor). Second, the Badgley Committee (1981) fulfilled their mandate of recommending "improvements in laws for the protection of young persons from sexual abuse and exploitation" (1984, 3). However, in doing so, they encouraged the criminalization of both exploiters and sexually exploited young people (Badgley Report 1984; Brock and Kinsman 1986; Brock 2009).

The Fraser Committee

The Special Committee on Pornography and Prostitution took up the question of prostitution again in 1983. Known as the Fraser Committee, it was appointed by the Government of Canada to investigate all aspects of prostitution and pornography in Canada. The seven-member committee included civil lawyer and Chair Paul Fraser, a senior National Parole Board member, academics in the fields of law, sociology, and women, and two additional lawyers (The Fraser Report 1985). Specifically, the Fraser Committee was mandated to:

1) Consider prostitution in Canada, especially loitering and street soliciting for prostitution, the operation of bawdy houses, living on the avails of prostitution, the exploitation of prostitutes, and the law relating to these matters;
2) Ascertain public views on ways and means to deal with the problem;
3) Consider the experience and attempts to deal with prostitution of other countries; and
4) Consider alternatives, report findings and recommend solutions to the problems associated with prostitution in Canada.

(The Fraser Report 1985)

For almost two years, the Committee travelled to Canadian centres, heard presentations and briefs on prostitution and pornography, and organized various research projects into the subject. John McLaren (1986b, 46), a member of the Fraser Committee, admits that the Committee was "sensitive" to both "politically saleable" recommendations and to those which they believed to be "right for society." He reflects that the Fraser Committee very much desired to develop

recommendations, which recognized both the socio-political and cultural realities of broader Canadian society (1986b). Though this could have the effect of limiting recommendations, the Fraser Committee worked to challenge Canada's "collective mind" and "craft realistic and sensitive strategies for dealing with our social problems" (McLaren 1986b, 47).

The majority of the Fraser Committee's findings regarding young people were drawn directly from the Badgley Report (Brock 2009; Bittle 2002). The Fraser Committee also relied heavily on the Badgley Report's findings when constructing their recommendations on youth involved in the sex trade. Like the Badgley Committee, the Fraser Committee reasserted the necessity of protecting young people through law, the validity of *parens patriae,* and supported the conceptualization of young prostitutes as victims (Lowman et. al 1986). Brock (2009) suggests that the Fraser Committee unknowingly constructed the Badgley Committee as authorized knowers by relying so heavily on their data and findings. The Fraser Committee thus strengthened the Badgley Report's recommendations regarding young people. However, the Fraser Committee departed from the Badgley Committee's stance that young people involved in prostitution should be criminalized (Fraser Report 1985). In doing so, the Fraser Committee instead adhered to the philosophical underpinnings of the *Young Offenders Act* (1984), which dismissed the creation and implementation of status offences for young people (Lowman 1986).

However, the Fraser Committee focused, in large part, on multi-faceted recommendations and social methods to deal with prostitution. Unlike the Badgley Committee's "general and vague" social recommendations, the Fraser Committee strove

> to make it abundantly clear that the solutions to the sexual exploitation and abuse involved in both pornography and prostitution lie in the realms of progressive economic and social policy rather than repression by the law. (McLaren 1986b, 48)

When legal responses were required, the Fraser Committee stressed that such responses must be viewed within a comprehensive social framework, particularly for victims of sexual exploitation (McLaren 1986b). Arguably, the Fraser Committee was better positioned to achieve this than was the Badgley Committee, which was likely constrained by their mandate to "recommend improvements in laws for the protection of young persons from sexual abuse and exploitation" (Badgley Report 1984, 3). Though Brock (2009) stresses that the Fraser Committee (1983) was still limited to legal mandates, they were less constrained than the Badgley Committee, as their mandate was to investigate the harms associated with pornography and prostitution and "consider alternatives, report findings and recommend solutions to the problems associated with pornography and prostitution in Canada" (Fraser Report 1984, 5-6).

To this effect, the Fraser Committee acknowledged the various systemic barriers embedded within the Canadian state that women face, such as gender structured inequality (McLaren 1986b; Lowman 1986). They encouraged the Canadian government to battle existing gender inequalities in state education and other social practices (Fraser Report 1985). They advocated for greater funding to community programs to increase the awareness of sexual abuse (Fraser Report 1985). Though the Committee recognized that social change was most desirable, they also underscored that it was a long-term process and admitted they could not "delay legislation, however, until this process has been completed" (Fraser Report 1985, 28). Ultimately, the federal government relied heavily on the Fraser Committee's legal recommendations rather than social recommendations (Brock 2009). The Fraser Report proposed three amendments to the Criminal Code:

1) That prostitution related activities of both prostitutes and customers should be removed from the Criminal Code, except insofar as they contravene non-prostitution related Code provisions, and do not create a definable nuisance or nuisances
2) Amend the Criminal Code to enable small numbers of prostitutes to work from their homes and to permit provinces to regulate theses small scale prostitution establishments

3) Rewrite the procuring and living-on-the-avails sections to prohibit behaviour only when it involves force or threats of force.
(Fraser Report 1985)

Like the Badgley Report (1984), the Fraser Report (1985) faced its share of criticism. Lowman (1986, 207) laments that the Fraser Committee neglected to distinguish between "nuisances" and "moral issues" for their recommendation that Section 171 of the *Criminal Code* be amended to include controlling customer and prostitute conduct in public places. The argument goes that if nuisance was really the issue, then *all* public nuisances should be accountable under law:

> …why are we not just as concerned about door to door salespersons and religious ideologues, and about the widespread invasion of privacy created by telemarketing and other advertising techniques? Most people are victims of far more of these nuisances every month than they ever will be of nuisances created by prostitutes and their customers. The Fraser Committee's recommended street prostitution law, because it employs the prostitute's status as a 'prostitute' (or the customer's status as a customer) to define a 'nuisance' would create a status offence. (Lowman 1986, 208)

While noting this limitation, the Fraser Report (1985) was firm in its conviction that the nuisances attached to prostitution did create harms for inhabitants, and that the law should be utilized to discourage such nuisances.

Regrettably, the Committee sought to expand the definition of public space and its regulation (Fraser Report 1985; Brock 2009). To compensate, the Committee suggested that current bawdyhouse legislation be repealed and replaced with legalized, small licensed establishments for prostitution purposes (Fraser Report 1985). The Committee also suggested that majority-aged men and women be permitted to use their residence for prostitution, as a "less exploitive alternative to hotels, motels and other premises" (Fraser Report 1985 in Brock 2009). Brock asserts that in doing so, the Fraser Committee "made room for the increased regulation of prostitutes' lives, depending on how vigorously the police enforced proposed legislation" (2009, 75).

Finally, the Fraser Report (1985) was scrutinized for not going "far enough" with their social and economic recommendations:

> …what forms should state initiatives take? What political philosophy should guide them? ...it is not just a question of commitment to remove inequality – it is a question of how to do so. (Lowman 1986, 209)

While the above criticisms stand, the Fraser Report was largely successful in its attempts to develop recommendations balancing the use of law with a desire to challenge the social relations surrounding prostitution. For example, many of the "answers" to prostitution presented in public briefs and hearings to the Fraser Committee involved further entrenching prostitution in law. Options provided to them by the public included a return to the *Vagrancy Act* of 1872, which enabled police to detain and charge women who were unable to provide "a satisfactory explanation to their whereabouts"; or creating a new offence redefining "public space" to include motor vehicles (Fraser Report 1985, 516). Decriminalization advocates proposed to the Committee the removal of street soliciting from the Criminal Code and increased sanctions for pimps and procurers (Fraser Report 1985). Finally, some promoted the full legalization of prostitution (Fraser Report 1985). Fraser's discussions of all responses appeared balanced. For example, when discussing "getting tough" on prostitution, Fraser writes:

> …the only consequence of the inclusion of tougher offences in the *Criminal Code* would be to shift the location of the problem rather than to cure it. There is little evidence to suggest that in the days when Vag. C held sway it did any more than to confine street prostitution to those areas where no one would object…[or be] taken seriously. (1984, 517)

It appears that the Committee struggled most with a proposal put forward by Constance Backhouse and law students at the University of Western Ontario. They argued that law should punish procurers and traffickers, and offences punishing the sale of sex be removed from the *Criminal Code* (Fraser Report 1985). They also put forward the idea that prostitution exists because society

continues to "countenance such exploitative demand and behaviour" of men seeking out women "to satisfy their particular sexual urges and proclivities through the availability of a special class of women ready to respond for money" (Fraser Report 1985, 520). The group underscored that:

> …victims of the aberrational behaviour of males, the prostitutes, should be recognized as such and the proscriptions against them removed from the *Code.* (1985, 520)

In his discussion, Fraser questioned the likeliness of law to respond in an appropriate way. Specifically, he writes:

> The underlying motivation of this approach is one with which we can empathize. However, there is a fundamental question, which may be raised, and this is whether the law is likely to provide the instrument for social change which the advocates of this view desire. It may be argued that it is social strategies such as education and other forms of non-coercive socialization which are the most likely to succeed and that law can at best play an ancillary role in changing attitudes and behaviour. (1985, 520-521)

Rather than entrenching responses to prostitution in law, the Committee appeared to ask, and grapple with, tough questions regarding what law can reasonably do to ameliorate the negative impacts of prostitution.

Perhaps it was the attempt at balance visible in the Report that made it, generally, better received than the Badgley Report (1984). Both reports "serve[d] as a focal point for discussion in the ongoing debate over the dimensions of sexuality and control" (Lowman et. al 1986, xv). Ultimately, the Fraser Committee departed from the Badgley Committee's reliance on law and pushed for the state's response to involve social and economic change. However, the efforts of the Fraser Committee to promote a unified, rather than piecemeal, approach to prostitution in Canada were seemingly undercut before the ink on the Report was dry (Lowman 1986; Lowman 1989). In fact, while the Committee recommended the partial decriminalization of street solicitation, the government instead revised section 195.1 to state that every person who in a public place

> Stops or attempts to stop a motor vehicle; impedes the free flow of pedestrian or vehicular traffic; stops or attempts to stop or in any manner communicates or attempts to communicate for the purpose of obtaining the services of a prostitute is guilty of a summary conviction offence. (CCC S. 195.1)

Lowman notes that, in creating the above Bill C-49, the government rejected *both* the Fraser and Badgley platforms of enacting "any legislation aimed singularly at the visibility of prostitution," and instead, followed the recommendations of the Standing Committee on Justice and Legal Affairs of 1986 (1986, 203). The Fraser Committee understood that there "are dangers in criminal law being used in inappropriate ways to solve problems which may be more susceptible to other legal strategies or to non-legal social regimes" (1985, 23). Indeed, they took considerable precautions to avoid repeating history and mirroring "the impulses of the reformers to see the criminal law used as a weapon against exploiters" (McLaren 1986b, 48). McLaren further writes the committee recognized it was

> …important to stress that the criminal law is only one element in a broader strategy that must focus on the economic and social impulses which lead children into commercialized sex. Moreover, we were aware of the opinion that, as far as protection of young people is concerned, child welfare legislation with its proactive potential should provide the major legal vehicle for action. Nevertheless, the criminal law should be invoked to punish those who prey on and exploit children… (1986b, 49)

McLaren expressed disappointment that by 1986 the federal government had only implemented "an isolated attempt to deal with the problem of street prostitution" in the form of Bill C-49 (1986b, 52). While the Fraser Committee had attempted a balanced, politically savvy approach to the sexual exploitation of youth, it was a piece-meal legal approach the government used. Smart thus reminds us that "…we must have limited expectations of legal reforms and that while formulating radical demands it is vital to know how the law can resist and transform these" (1995, 129). The Fraser Committee attempted to address the social conditions which give rise to

sexual exploitation; however, section 195.1 thus followed Smart's understanding in which patriarchal relations are reproduced in law, while social change and overt conflict are minimized.

Municipal and Citizen's Task Forces: Edmonton and Calgary Address Prostitution

The early 1990s continued to be marked by numerous attempts to investigate and address prostitution in Alberta. The Department of Justice's *Street Prostitution: Assessing the Impact of the Law Synthesis Report* (1989) discusses what was happening in Canada at this time:

> The early 1980s had witnessed the appearance of considerable numbers of street prostitutes in several major cities, including Vancouver, Calgary, Toronto, Montreal and Halifax. These men and women often carried out their activities in residential areas and were seen as a serious problem by any communities. Local citizens, individually and in organized groups, complained of traffic congestion and honking horns; noise throughout the night in previously quiet areas; trespassing on private property; residents being pestered and treated abusively by prostitutes and their customers; the negative impact on youth activities in the area and neighbourhood businesses; and increased crime and violence. They demanded that politicians, municipal offices and police remove street soliciting from their neighbourhoods. (Lowman 1989, 1)

In mid-1990s Alberta, however, the discussion of young people's involvement in prostitution took on the tone of a moral panic. The result was that between 1990 and 1995, five different Committees studied prostitution and the sexual exploitation of children in Edmonton and Calgary. Sometimes, as in the case of "Safer Cities" Task Forces in Edmonton and Calgary, prostitution was a sidebar of larger conversations on community safety and violence. Other times, prostitution was the primary focus, as in the *Action Group on Prostitution* (AGP 1992), and the *Prostitution Policy, Service and Research Committee for the Calgary Community* (PPSRC 1995). Each Committee contributed to the growing conversation regarding sexual exploitation of children in Alberta's two biggest cities. As we will see in Chapter Three, by 1995, new child-saving and white slavery rhetoric had reached a fever pitch in the Alberta Legislature.

Calgary: The Mayor's Task Force on Community and Family Violence (CFV 1990)

The CFV (1990) was initially struck to investigate ways to improve the lives of street-involved youth in Calgary. The Committee was made up of fourteen members, with representatives from Calgary Police Services, the City of Calgary, Alberta Family and Social Services, Calgary Board of Education and Alberta Mental Health Services.

Originally called "Kids at Risk," was prompted by a series of informal conversations the Calgary Mayor and his staff had with young people around the city. In the introduction to the final Report (1991), task force chair Ron Ghitter writes: "The young men and women spoke of the violence in their lives and the scars, both physical and psychological, they carried as a result" (1991, 1). As the Committee researched, and inquired into, the violence in young people's lives, they became convinced a broader examination was necessary. The CFV thus delved into family, gang, school, and cultural violence, and identified local agencies working in the area, current trends, and issues surrounding and contributing to violence in the Calgary community (CFV Report 1991). The 126-page Report included 61 final recommendations to prevent and address violence. The Report sought out experiences of violence in the lives of young people, the elderly, families and immigrants. Four particular areas of the Report are especially relevant to the larger discussion of sexually exploited children: child sexual abuse within families; the unique needs of Aboriginal youth; pathways into street-life and prostitution for young people; and the final section of the Report, "Male Related Issues" (1991).

The CFV was cognizant of race, class, and gender in their discussion of pathways to the street for young people. They discussed barriers to equal economic, social and cultural participation, including the impacts of ongoing colonialism Aboriginal young people experience (CFV Report 1991). Their discussion of young people on the streets was insightful:

> Having [often] been recipients of interrupted or chaotic early care few are capable of adequately caring for themselves. Since they are legally minors, it is the

> responsibility of the community to ensure their needs are adequately met. These young people have the right to live on their own, but they need supportive community services…[Sexually exploited youth] require housing…It is possible that youth, with well-entrenched needs, will stay in this form of housing long enough to be assessed, their needs determined and some of them met. (1991, 46-47)

Lack of funding, long-wait lists for programming, and a slow response by Child Welfare services were highlighted throughout the Report as primary issues for young people seeking or requiring aid. For example, many youth looking for provincial income support "fall through the cracks:" youth under fourteen who have left the family home do not qualify for support, and young people aged sixteen to seventeen do qualify, but only if they have Child Welfare status; and those youth without Child Welfare status face massive barriers to income support. When youth do qualify, they receive less funding than people over eighteen, limiting their ability to obtain safe housing and other basic needs. The CFV worked to address these issues through multi-faceted recommendations, including:

- The JIMY(Joint Integrated Measures for Youth) program and AFSS (Alberta Family and Social Services) be expanded, and continue to contract out services to address the needs of 16 and 17 year olds in Calgary whose needs are not being met;
- The two Calgary School Boards partner with community service-providers to reduce the adolescent drop-out rate through programming;
- Alberta Mental Health embark on a pilot project to train therapists to work with male survivors of childhood sexual abuse;
- Expand and better coordinate residential and out-reach services for youth who live on the street;
- The Action Committee Against Violence establish a work team to identify and coordinate services for abused children and their families.
  (CFV Report 1991)

Given their consideration of gender, they stated that child abuse, including sexual abuse, is not "a gender neutral issue," but rather, "the vast majority of perpetrators are male" (1991, 34). The lack of services for male perpetrators of violence was "an issue of extreme urgency" for the Committee (1991, 92):

> It is puzzling there is such a lack of services available for men, when you consider they are usually the perpetrators of violence in our community. Simplistically put, it seems obvious violence could be reduced if men who perpetrate the violence could obtain treatment designed to help them. (1991, 90)

To this end, the CFV recommended greater support and funding for men with violent tendencies. The CFV's push for treatment and preventative programming was prevalent throughout their Report and in their recommendations. Of their 61 recommendations, only ten fell under the legal purview. Of those ten, none involved promoting the entrenchment of responses to violence in law, but rather were focused on creating clear procedures for police when addressing domestic violence, such as driving victims home from the police station and clearer paperwork mandates.

Their emphasis on programming over law was present from the first sentences of the Report, when Chairman Ghitter wrote:

> On behalf on your Task Force on Community and Family Violence, I respectfully submit our report. I frankly do so with the knowledge that the recommendations that we regard to be very useful in this report will, of themselves, not be sufficient in that we will also require, over time, basic changes in the structures and attitudes within our community if we are to overcome the societal dysfunctions that cause man to commit violent acts against others. (1991, 1)

This task force is something of an anomaly. In 1990, rhetoric condemning young offenders was just ramping up in Alberta. Calgary Mayor Duerr, however, appears to have struck this particular task force to investigate the violence in young people's lives and create meaningful, social change for youth. While the task force was firm in its conviction that perpetrators of violence "must be held accountable and responsible for their actions" (1991, 13), they emphasized that those existing at the margins of society face the greatest risk of violence. They also noted, and resisted, the idea that

> Calgarians who came forward with input to the Task Force on the issue of violence and adolescents were more concerned about adolescents as perpetrators of violence, and less focused on their victimization… Gang and school violence made headlines at various points while the Task Force was meeting… We also

> heard of other problems of adolescence, such as teen pregnancy, parenthood, prostitution, street life, and racial discrimination. (1991, 39)

Instead of falling prey to discourse advocating for greater punishments of youth, or the panic that vulnerable young people must be protected at all costs, Ghitter and his committee appeared to resist public pressures and present a balanced, thoughtful approach to youth violence.

Edmonton Mayor's Task Force on Safer Cities (SC 1992): Toward a Safer Edmonton for All

The Mayor's Task Force on Safer Cities (SC), too, challenged the prevalent discourses that dichotomized the protection and punishment of young people. The SC was struck in 1990 by Mayor Jan Reimer to promote Crime Prevention through Social Development (CPSD) (SC 1992). The Task Force was comprised of fifteen citizens representing various community sectors, alongside experts in crime and social development (SC 1992). The Task Force was chaired by Mayor Reimer. CPSD is the concept of addressing societal conditions generally linked with crime such as lack of housing, unemployment and under education (*Report of the Children and Youth Committee* CYC Report 1992). The SC Task Force investigated five aspects of CPSD: family violence, safe housing, young adult employment, urban design and safety, and issues specific to children and youth in Edmonton. Each committee released its own report as it was finished. The RCYC, titled "Children and Youth are Today," addressed the greatest cross-section of issues affecting youth, from the rights and responsibilities of children, to mental health, child welfare, and juvenile prostitution. This discussion focuses specifically on this Report.

The Task Force was vice-chaired by Member of the Opposition Howard Sapers, who also advocated for a balanced response to sexually exploited youth in the Legislature throughout the 1990s. We will see in Chapters Three and Four that MLA Sapers persistently challenged the

Progressive Conservative party's law-and-order rhetoric. In the introduction to the 1992 Report Chairperson and Mayor of Edmonton Jan Reimer wrote:

> What can we do to make our communities safer? This question is asked more and more by Canadians across the country. For many, the obvious answer is more 'cops, courts, and corrections.' But it is becoming increasingly clear that this response does not work very well. If we are to succeed in improving the quality of life in our communities, we will need to do much more to prevent crime, and to deal with the underlying social problems that cause it. (1992, 5)

The SC thus challenged the premise that answers to social problems, and specifically the problems of youth lie in legal responses.

The CYC did contribute to the growing concern around sexually exploited young people. By the time the CYC was released in April 1992, "juvenile prostitution" was recognized as a serious problem with few services and programs available (CYC Report 1992, 19). The CYC advocated for an integrated approach to youth prostitution, with aid from the Edmonton Police Service, community agencies, and child welfare. They stated:

> Almost all juvenile prostitutes are runaways or have been victims of child abuse; physical, emotional and/or sexual…Juvenile prostitution can be minimized by ensuring that alternate means of existence (for example, affordable housing, jobs) are available to teens and support services are in place to aid them in leaving street life. Young prostitutes must be taken seriously when expressing views on the factors forcing them into prostitution and their inability to effectively use traditional child welfare, educational and social services. Services for juvenile prostitutes must be designed with a multi-disciplinary approach and be 'user-friendly.' Further, services for these young 'street people' must also invite them to participate in defining their own needs and in planning appropriate responses. (1992, 19)

The CYC advocated for greater financial resources to assist sexually exploited young people to leave the street. They also pushed for Alberta Family and Social Services (AFSS) to take more responsibility for providing these services, and recommended that AFSS review its current mandate and provide "clear policy direction with respect to child protection and juvenile prostitution" (1992, 20). Additionally, they advised the Edmonton Community and Family Services (ECFS) convene

"stakeholder organizations" to develop a coordinated strategy to address youth prostitution. Finally, they recommended that "clients" of juvenile prostitutes be charged with sexual abuse or sexual assault (1992).

Though simple on the surface, the CYC's discussions and recommendations to support young people were holistic, thoughtful, and entirely feasible. The advantage of a Committee dedicated specifically to children and young people yielded comprehensive recommendations. Further, and particularly important, is the CPSD approach the Committee took. The CPSD approach ensured that the Committee's recommendations were rooted in addressing the social conditions of young people, providing a safety net, and creating pathways out of the street. For example, like the Calgary CFV, the CYC Report identified sixteen and seventeen year-olds as in need of better Child Welfare services, including income support, to live independently or exit the streets. They advocated for both increased access to these supports, and to provide this age group with access to "full adult benefits and rates to support themselves" (1992, 25). They supported increasing the minimum wage, providing safe housing, and promoting youth-centred addiction programs. The result was the promotion of a comprehensive safety net for young people.

Edmonton's Action Group on Prostitution (AGP 1992)

Another extension of the SC Task Force was the Action Group on Prostitution (AGP 1992), mandated by Edmonton City Council to "develop a comprehensive strategy to address the many issues of street prostitution" (AGP Report 1993, 1). The AGP was a working group of interested community parties, made up with representatives from the Edmonton Police Services (EPS), Edmonton Board of Health, Crown Council and the McCauley Community (where many Edmonton inner-city social services are located). Other contributors were Edmonton sex trade workers,

members from Action Against Johns, Communities for Controlled Prostitution and local business leaders (AGP Report 1993).

The final AGP Report (1993) was presented in two separate submissions: juvenile prostitution and adult prostitution. As an "action group" the AGP was a fundamentally different type of task force than the others discussed in this thesis. When convened, the AGP was mandated to take immediate action whenever possible, in addition to making "medium and long term" recommendations (1993, 1). As such, the Report details not only their inquiry into prostitution and recommendations, but also specific actions already implemented by the AGP to immediately address prostitution in Edmonton. This discussion focuses on their work targeting juvenile prostitution.

Overall, the AGP executed seventeen actions and provided an additional nine recommendations for future implementation (AGP 1993). Their actions and recommendations covered much of the same ground as the CFV's (1990) and SC's (1990) discussions. The Report tackled four aspects of juvenile prostitution: i) services for youth who have run away from home, are missing school, or have addictions; ii) health issues, including sexually transmitted diseases, HIV, and teenage pregnancy; iii) preventative interventions for families in crisis; and iv) changes to the law "that would enhance the ability of the Edmonton Police to lay charges against pimps and Johns and to remove the juvenile from the street" (AGP Report 1993, 10). Though the AGP advocated for legal change, it was alongside social recommendations and actions. They also questioned the extent to which law can be employed to ameliorate the social conditions of young people who become, or are, entrenched in a life of sexual exploitation. Further, the AGP promoted community support, safe housing, and health measures for young people.

The first issue addressed in the Report was implementing "immediate action" on behalf of young people leaving the street. Like the CFV and SC, the AGP recognized that gaps in service and time delays due to staff and program shortages meant that the limited window front-line workers have to assist sexually exploited youth to exit street life is especially small (RCYC 1992; CFV 1992; AGP Report 1993). To this end, the AGP executed three actions. The first was hiring two additional Child Welfare staff, specifically to provide financial existence to 16 and 17 year-olds exiting the street. The second and third actions involved creating 28 new beds in 7 new residences for sexually exploited young people. The AGP also encouraged Edmonton City Council to request the Minister of Family and Social Services expand financial support for youth under 16, pursue the enforcement of parental maintenance and support for children living outside of the home, and provide emergency financial support for 16 and 17 year-olds prior to family reconciliation (AGP 1993).

The AGP also attended to some of the health concerns surrounding prostitution by placing an Edmonton Board of Health Birth Control Clinic employee at the Boyle Street Co-op one half day a week to provide information on birth control and pre-natal care. Additionally, a nurse with the STD Clinic began attending the Boyle Street Co-op one-half day a week. They advocated for continued Needle Exchange Services, and worked with AADAC to develop an inventory of services for street-involved youth, a plan for a support group and an information-sharing network with front-line agencies (AGP Report 1993).

The AGP implemented seven actions and provided five recommendations to prevent the sexual exploitation of young people (AGP Report 1993). To this end, they addressed truancy and drop-out rates by recommending that the Edmonton Public and Catholic School Boards work with Alberta Education to create an inner-city school for young drop-outs. Conceptually, the school

would accept all youth and address financial assistance, counselling, health, unemployment and familial reconciliation (AGP Report 1993). The AGP also encouraged the City of Edmonton to learn more about the "demand" side of juvenile prostitution by promoting future investigation into "Johns" and "pimps" (AGP Report 1993, 8).

The final recommendations of the Report attempted to answer the question, "How can the law be changed to control, limit or prevent Juvenile Prostitution?" (1993, 8). Like the Badgley, Fraser, and CFV committees before them, the AGP understood that "juvenile prostitution" was child sexual abuse. In their preface to this discussion, the AGP stated that

> Our laws are poorly designed to deal with juvenile prostitution. Any sexual act involving an underage person is sexual abuse and needs to be addressed. (1993, 8)

The AGP recommended that City Council lobby the federal government for three changes to the *Criminal Code of Canada* (CCC):

1) That any person, including the parent or guardian of a young person who, knowingly or willfully a) aids, causes, abets or assists a young person in the commission of a criminal offence, or; b) engages in any act, that promotes, contributes or is likely to contribute to a young person's involvement in criminal activity is guilty of an offence punishable upon summary conviction or is guilty of an indictable offence and is liable to a term of imprisonment not to exceed seven years.
2) To change Section 213 to make it a hybrid offence…[allowing] for fingerprinting and photographing of johns and prostitutes thereby enabling Prosecutors to bring up prior offences, and enable the Police to track juveniles when they are moved from city to city by their pimps.

One of their last actions implemented was to create a partnership between the EPS and Crown Counsel to better utilize and enforce the sections of the CCC relating to child sexual abuse (AGP Report 1993). Their final action was to write the Minister of Justice about the difficult enforcing those CCC provisions.

The Prostitution Policy, Service and Research Committee for Calgary (PPSRC 1994)

The sexual exploitation of children was again addressed in 1994, when the Calgary Police Commission requested an investigation into "problems related to child and youth prostitution, and devise solutions" (PPSRC 1996, 2). The committee was co-chaired by Sue McIntyre, Director of Community Services at Wood's Homes in Calgary, and Bev Longstaff, Alderman of the City of Calgary. Community organizations banded together with the Calgary Police Service, Alberta Mental Health, City Council and parents and youth to address the Calgary sex trade, and focused specifically on young people's involvement. The PPSRC outlined the challenge Calgary faced:

> During the past two decades many efforts have been made to control prostitution in Calgary, but it continues to thrive. Prostitutes openly solicit customers on city streets and in neighbourhoods. Trick pads employing girls as young as 13 have been uncovered by police. The sex trade has also become more violent. Since 1988, ten young women involved in prostitution have been murdered in Calgary. One of the most worrisome aspects of prostitution is the number of children engaged in it. (1996, 2)

Following the discourse of committees before them, the PPSRC recommended that youth involved in prostitution be treated as victims of sexual abuse rather than criminals (1996). The PPSRC did however, advocate that the shift in discourse be translated into real change for sexually exploited young people:

> If prostitutes under the age of 18 are to be treated as victims, rather than young offenders, provincial legislation concerning child welfare and child abuse must be changed. (1996, 3)

They also recommended the Child Welfare Act of Alberta, section 1(3)(c) be amended to add "including prostitution related activities," thus reading:

> S.1(3) for the purposed of this Act, (c) a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour, including prostitution related activities.

The PPSRC believed this amendment "would make it easier to protect children and youth procured for sexual activity and charge customers" (1996, 4). They also charged that this revision

would enable four key changes to current practices: first, that assumptions underlying child protection agencies and law enforcement would be re-examined so young people involved in prostitution would be protected rather than punished; second, policies and procedures of enforcing agencies would thus be adjusted; third, as a result, young people would receive intervention services as victims rather than offenders; and fourth, charges laid against sexual abusers would increase.

Through their investigation, the PPRSC found a "lack of coordinated services to help youth prostitutes, and an absence of guidelines for professionals in education, health, justice and social services" (1996, 3), or "professional paralysis" (1996, 14) among organizations working with young people. They also focused on increasing awareness across such services so that "vulnerable children and youth can be more easily identified and supported" (1996, 5).

The PPSRC recommended preventative reforms for schools, health services, social services, and the justice system. The majority of the recommendations focused on awareness and professional development campaigns for educators, health professionals, members of the legal profession, and families (including "at risk" young people). Their recommended targets for information and dissemination were exhaustive and included teachers, counsellors, youth, parents, administrators, physicians, public health personnel, medical and family planning clinics, youth probation officers, community organizations and interest groups. It seemed their goal was to provide information and awareness on young people involved in the sex trade to every professional in the education, health, social service, and justice system likely to have contact with an "at-risk or vulnerable" youth or "potential sex trade customer" (PPSRC 1996).

The PPSRC limited their legal recommendations to the single amendment to s. 1(3)(c) to the Child Welfare Act to add the words… "including prostitution related activities" , though they did

write that "obviously, [they support] any proposed Criminal Code amendments increasing penalties for using or living off the avails of child prostitutes" (1996, 3-4). Their "Justice System" recommendations focused on disseminating useful information to members of the legal profession, designating one Crown Prosecutor for all criminal prosecutions, minimize delays of trials and support young people in testifying against pimps or customers. Crisis interventions for the same systems were proposed, along with goals and recommended actions for treatment, support, follow-up, and exit strategies.

Other PPSRC recommendations for action were lofty. One example was their proposed creation and use of a "resource group (teachers and other personnel) *in each school* who can work with any young person identified as being at risk" (PPSRC 1996, 5, emphasis added). They recommended increased "collaboration with other services systems so there is a comprehensive children's mental health system" (1996, 7) and establishing "portable funding so funding follows child if he or she moves into a different region" (1996, 9).

The PPSRC advocated for a comprehensive safety net for young people at risk of entering, or involved in, the sex trade. The Committee did note in their *Handbook* that they wished to "accept its mandate with a view to proposing action which is reasonable, therefore workable, and co-ordinated, thus imposing responsibility through the Calgary Community" (1996, 15). The *Handbook*, however, suggests the Committee lacked the Fraser Committee's commitment to both politically "saleable" and realistic recommendations. Their efforts appeared to be reticent of available monetary resources in a time where Alberta was increasingly shifting responsibility from the state onto individuals, families, and communities, and cutting funding in the areas of children's services and primary school funding (Taft 2012). Further, in their report, and unlike the Fraser Committee, the PPSRC did not discuss the obstacles involved in creating and implementing such a

far-reaching and comprehensive system. The financial, organizational, and collaborative efforts alone in promoting a province-wide awareness and treatment campaign requires deep pockets and sweeping support.

Though the PPSRC promoted change on macro, meso, and micro levels, they did not discuss the social living conditions of young people who "choose" prostitution in any depth (working from their writing that "the decision to enter the sex trade is typically made when a person is 14" (1996, 2)). They did acknowledge that runaway youth and those with histories of sexual and/or physical abuse "have the highest risk" of entering prostitution (PPSRC 1996, 7). And while they addressed poverty and unemployment, it was in one bullet point under treatment and support:

> Give young people and their families the resources to help themselves. Treatment cannot be used as an alternative to problems rising from poverty or unemployment (1996, 11).

The Committee overlooked race, class, and gender, as well as the competing media and political rhetoric present in the mid-1990s. They also did not discuss the patriarchal relations that make sexual exploitation of children possible. Given their efforts to impose sweeping change into the acting youth prostitution framework, their neglect of the systemic issues facing young people in the 1990s is notable, particularly after the CFV's (1990) recent research and focus on addressing the systemic issues youth living on the street face.

Finally, though it is clear the PPSRC advocated for the protection of sexually exploited young people, it is worth noting that in the seventeen-page *Handbook,* the Committee vacillated between presenting young people involved in the sex trade as victims and as young people who engage in a sexual transaction. The Committee used terms like "customers" and "consumers" rather than "exploiters." For example, under the section "Victims not Criminals" were the following bullet points:

- 75 per cent of children and youth engaged in the sex trade were victims of sexual abuse before they became prostitutes.
- The customer/prostitute relationship perpetuates the sexual abuse.
- Customers are often violent with prostitutes.
- Customers, pimps, and onlookers regularly harass prostitutes.
- Pimps use violence or threats of violence to keep prostitutes on the street.
- Pimps control all the money prostitutes earn.
(1996, 3)

Their language this suggests an understanding of sexual exploitation as labour and a transaction, rather than as victimization (Saewyc et. al 2013).

Whatever its limitations, as we will see, the PPRSC hugely impacted the creation of the Alberta government Task Force on Children Involved in Prostitution and the resulting bill, PChIP (1999).

Conclusion

By 1995, the five task forces had produced a glut of research on prostitution, sexual violence, and the sexual exploitation of children in Canada. It is significant that of the hundreds of recommendations put forward by each committee, only a few involved legal responses. With the exception of the Badgley Committee (1984), which was mandated to recommend legislative change, the task forces overwhelmingly promoted change to existing power relations and social structures rather than further entrenching responses in the law. Creating better education and employment opportunities for women and youth, social programming for men, and a recognition of how race, class, and gender operate within, and uphold, sexual exploitation were all explored. However, it is also significant that the same social and economic conditions were tackled in 1995 as in 1985, suggesting that few gains in these areas were made. Legal changes, however, had occurred through both Bill C-49 (1986) and Bill C-15 (1988). This suggests that legal responses, while possibly least able to assist in ameliorating those sexually exploited, are the most likely actions to be instituted.

Finally, this chapter demonstrates that prostitution and the sexual exploitation of young people had been studied exhaustively by 1996. Chapter Three begins addressing why, and how, yet another task force, the Task Force on Juvenile Prostitution, was able to gain such traction in the Alberta Legislature in the late 1990s.

Chapter Three: The Children Have Too Many Rights

This chapter delves further into two opposing discourses as they unfolded in the Alberta Legislature in the 1990s: demands to protect sexually exploited children in Alberta and heated cries to strengthen legislation punishing young offenders in Alberta and Canada. Alberta's Progressive Conservative Party utilized both discourses within weeks of each other. This chapter draws on Bernard Schissel's theory about the operation of the moral panic. According to Schissel (2006), moral panics are often interdependent, such that when there is a call to condemn young people, an equal call to protect them often occurs. This was clearly the case in 1990s Alberta. This chapter focuses specifically on how these two competing discourses became fully realized through the creation of two task forces: one, the YOAPR (1994) and the CIP (1996). This chapter will show that by 1995, the politics of child hating were occurring alongside narratives of saving sexually exploited children. Further, safeguards protecting sexually exploited children were firmly in place prior to the CIP being struck. This chapter sets up Chapter Four to discuss how PChIP gained traction in the Alberta legislature following heated debates condemning young offenders, and how racialized, gendered, and class-based claims fuelled a Legislative response to the sexual exploitation of children through prostitution.

By 1997, Alberta was firmly entrenched in what has become known as "the Klein Years." Ralph Klein, former mayor of Calgary, swept the 1993 provincial election on promises of a "leaner, meaner approach to politics" and wiping out the provincial debt (Harrison 1995, 56; Helmer 1995). Klein made good on his campaign promise and swept in a new era of Alberta politics (Harrison and Laxer 1995). At a rapid pace, in what Helmer (1995) labels a "peacetime blitzkrieg," Klein's Progressive Conservatives downsized government, restructured the public sector, and slashed budgets across the board (1995, 73). Under the guise of debt-reduction, hospitals closed, post-

secondary tuition rose, the government discussed replacing skilled nurses with unskilled workers, and any group rallying to defend such special interests were publicly criticized by Klein and his ministers (Helmer 1995). We will see that the Klein years were marked by attacks on youth crime and the *Young Offenders Act* (1984), the *Charter of Rights and Freedom* (1982) and the *United Nation's Convention on the Rights of the Child* (1989) (Denis 1995). Alberta in the 1990s was thus undergoing a "deep cultural transformation" that focused in part on toughening responses to young offenders and limiting state intrusions into the family sphere (Dennis 1995, 97).

Throughout my research into the discourses of young offenders and sexually exploited youth, I consistently uncovered the discourse of children's rights. The *Charter,* the *UN Convention,* and the *YOA* were three key documents, and movements, outlining a shift in how Canada, and the world, viewed children. All three promoted increased safeguards to protect the rights of children in society, in the family, and under the law. Alberta, as a traditionally conservative province deeply protective of family privacy, vocalized deep objections to all. In fact, Alberta was the last province in Canada to sign the *Convention* (Pellat 2001). Children as humans having innate rights was condemned in the Legislature and in the media, and the promotion of increased rights of young people in the late 1980s and early 1990s was connected to youth being out of control. "At this particular time," quipped Forsyth, "the children have too many rights" (MLA Forsyth, Alberta *Hansard* April 20 1994, 1338). The PC Party promoted reducing the rights of children as key to increasing public safety.

Creating the YOAPR

In the 1990s, political, public, and media discourse condemning young offenders in Canada peaked (Schissel 2006; Hogeveen 2005; Hogeveen & Smandych 2001). Canadian's called for an increasingly punitive response to youth crime as reports of violent youth were splashed across the

front pages of newspapers (Hogeveen 2005). The Alberta government joined other provinces, the media, and Canadian citizens to pressure the federal government to enact tougher youth crime legislation. In April 1994, mother of two, Barb Danelesko, interrupted three Edmonton youth's breaking into her home in Millwoods. She was stabbed in the chest and later died on the way to the hospital (Feschuck 1994). Ms. Danelesko's tragic death sparked an outrage in Edmonton, where a petition to toughen penalties for youth crime circulated, and protesters demanding changes to the *YOA* surrounded the Alberta Legislature. Newspaper headlines screamed for justice on behalf of the Danelesko family, and also condemned the government for failing to protect its citizens: "Rage Swells as mindless crime claims the innocent" (Feschuk 1994), and "A neighborhood fears for its safety; Randomness of slaying leaves friends feeling vulnerable in their homes" (Plischke 1994). These headlines appeared alongside sinister announcements from Alberta's Premier: "Klein Calls for Execution of Young Offenders" (Johnson 1994); and "Hang 'Em High" (Edmonton Sun, 1994).

On April 20, 1994, an emergency session was called in legislature to discuss encouraging the federal government to amend the *YOA* and toughen sentences for youth convicted under the act (Alberta *Hansard* April 20 1994). The following motion was introduced by MLA Day:

> Be it resolved that the Legislative Assembly of Alberta urge the government of Canada to significantly strengthen the Young Offenders Act to allow judges sentencing youths at either the youth or adult court level to impose lengthier sentences and to allow, where warranted, a more expeditious transfer of young offenders to adult court. (Alberta *Hansard* April 20 1994, 1330)

With few exceptions, the debate that followed was a vitriolic condemnation of the *YOA* and of young offenders themselves in both Alberta and Canada. MLA's called for the return of corporal punishments, and even the death penalty for young offenders:

> MLA West: There's one thing I was taught when I was brought up: there were consequences for your actions in a society… if you went too far, you had a response immediately. That consequence for your actions started very young by discipline in your home, by bringing you up with the principles of what violence would bring,

> what stealing from your brothers and sisters or within the family would bring, what abusive language meant, how you acted in front of seniors, the fact that you never touched private property or other people's property without consequence, respect, the fact that education was a privilege, and so it goes on. The fact of killing somebody or maiming them for the rest of their life was absolute. At that point in time there was still a death penalty….
> Well, now we're in 1984… My gosh, they strapped people with a black strap in the class. Can you believe they would do that to a child? Corporal punishment, what a terrible thing. Consequence for your action? No, no. Find out where its wrong someplace else. In 1984 the hell starts (April 20 1994, 1332-1333).
> MLA L Taylor: I for one am not afraid, to use his term, to stand here and beg the federal government for rougher justice, because that's what we need in this society. Its quite apparent that rehabilitation is not working. These are repeat offenders we are talking about. Rehabilitation is not working. Its time to get back to a punishment model for some of these young offenders. For some reason in our society, in our prison system, in our Young Offenders Act punishment isn't seen as acceptable. Well, I see nothing wrong with punishment.
> MLA Henry: Hanging?
> MLA L Taylor: If necessary, yes.
> (April 20 1994, 1331)

The discourse of lax legislation and executing and physically abusing out of control young offenders was supplemented by condemnation of the *Charter of Rights and Freedoms* (1982). The Conservative side of the house also criticized the rights of youth enshrined in both the *YOA* and the *Charter* for creating the conditions for youth to commit crime without fear of consequence:

> …part of our problem goes back to the Charter of Rights and Freedoms that was brought into this country. It is going to be the absolute abomination and ruination of this country if that in fact is not changed. Mr. Speaker, I read a Supreme Court ruling recently that dealt with the Charter of Rights and Freedoms, and I'll never forget the comment [that] this Charter of Rights and Freedoms was there to protect the minority from the wilful destruction of the majority. I thought, "What a recognition to send out to this country, that the majority of the people could not be protected"…That told me right there that that Charter was wrong, and it would be the ruination of this country.
> Mr. Speaker, when I go into a school, whether it be an elementary school where my son goes to school, and I hear children saying, "I can do what I want because I have rights," I explain to them in no uncertain terms they have no rights… I learned respect for school. School is a privilege…not a right. (MLA Black April 20 1994, 1335)

> …What we have in Ottawa – and it doesn't matter which political party it is. They will not address this, because they do not want the orchestrators of the Young Offenders Act and all the dangerous offenders Acts, the parole system and everything else, to admit that all that work through the '60s and 70s and the Charter of Rights was a mistake, that they applied principles against utopia and not a real society. (MLA West April 20 1994, 1334)

MLA Forsyth also commented on the rights of young people, and would later repeat these same sentiments in media and in the Legislature when discussing both young offenders and sexually exploited young people:

> What we have to understand here, under the Young Offenders Act and what has to be done, is that at this particular time the children have too many rights. They have too many rights in the system under the young offenders, and before anything can be changed, we have to start giving the rights back to the parents, to the teachers, to the police. Until that's done nothing is going to be done about young offenders.
> How many more people have to die, be broken into, assaulted? How many more petitions have to be signed before we do something about changing the young offenders? (MLA Forsyth, April 20 1994, 1338)

Across the floor, Members of the Opposition tried to temper the heated debate and pleaded for reason:

> When I hear the comments that are coming forward: hang 'em high; put the parents in prison; hold the parents accountable – how many of us can sit back and say that we don't know good, decent parents that have tried their very, very best, but for whatever reason their children have gone astray?
> Its almost like there's a certain pride in being a so-called redneck, right-wing, vigilante, hang 'em high cowboy, shooting-type dude out here in western Canada and being proud of it. I cannot believe it. Stop and think. Stop and think of the comments made by the Premier to the press. We're talking about individuals that may be as young as 12. To suggest a possibility of executing them. Twelve years old…. Like who's the one that's going to tie this noose and so-called hang 'em? Or who's the one that's going to inject the lethal drug? Or who's the one that's going to pull the switch? Stop and think. (MLA Wickman April 20 1994, 1338)

MLA Sapers, Member of the Opposition, attempted to remind the Members that the Alberta government had the tools to protect the public and hold young offenders accountable. He also

challenged the Progressive Conservatives to deal with young offenders in their own house rather than blame the federal government:

> It doesn't make any sense to try to pass the buck. In fact, I'm quite dismayed at my colleagues on the other side of the House who feel that the best thing they can do is try to shove this off onto the federal government and say its their fault because its a bad law… What we have to do, Mr. Speaker, is pay attention to violence in the homes, to the attitudes that we bring to children, that we bring to women, to the respect that we must show to children and to parents, and to the supports that families and communities need… When I hear members opposite talking about the abolition of alternative measures programs, when I hear members opposite talking about hanging 10-year olds and 12-year-olds and then incarcerating their parents for the crimes of their children, I am shocked and dismayed and deeply disappointed in the simplistic, knee jerk, and totally unacceptable level of response to this very serious, very complex, and very, very, vexing problem. (MLA Sapers, April 20 1994 1330-1331)

However, the Opposition Party's comments seemed to fall on deaf ears. The PC Party continued to rally for increased punishments for young people and tougher legislation from the feds:

> So if there's one thing we can do, we can hammer the heck out of our legislators to put legislation in place that brings this whole society back to focus on who we are and what social normalities are in our society… *Somebody says, you believe in the death penalty? And you said: would you start at 16 or 17? I'm afraid so.* (emphasis added, West, April 20 1994, 1334)

Shortly after this debate, Premier Klein announced the creation of a task force to investigate youth crime in Alberta and Canada, to be headed by Progressive Conservative MLA Heather Forsyth. Forsyth had campaigned on toughening the *YOA*, and shortly after she won the election in 1993, stated that "Right now citizens and parents have no rights, the young offenders have the rights" (Adams 1993). When questioned on the efficacy of a provincial task force on federal legislation, the PC's only comment was to acknowledge that it was not usual, "but is also true that Albertans' and Canadians' growing concerns about issues of youth crime and punishment are bigger than a jurisdictional question" (Coulter 1994). When discussing the task force in the media,

Forsyth was quoted, "Anybody who's concerned about the young offenders system… all they have to do is read the newspapers" and stated that their future report would lobby for longer sentences for young offenders (McConnel & McKeen 1994).

"Protection of Society is No. 1": The YOAPR Recommendations

The YOAPR was made up of five Progressive Conservative party members: MLAs Forsyth, Stelmach, Coutts, Pham, and Doerksen. Throughout June and July 1994, they held sixteen public forums, three stakeholders meetings, and discussions with young offenders in Young Offender Centres and treatment centres across the province (YOAPR 1994). In the YOAPR Report, the committee outlined their concerns and recommendations: the administration of the Young Offenders Act (1984), including discussions on alternative measures, youth justice committees, group homes and work camps; other "child-serving departments" such as education, child welfare, Family and Social Services, Health/Mental Health/AADAC; and the role of community with administering the YOA. When Liberal MLAs in the Legislature requested that the Premier make the YOAPR an all-party task force, Premier Klein replied:

> Well, Mr. Speaker, as much as the members of the opposition would like to be a part of the government, the simple fact is that they are not. They are not. It is our responsibility to develop government positions. This is not unusual. (Alberta *Hansard* May 2, 1994, 1579)

In response, the Liberal Party struck their own panel to examine the entire youth justice system, rather than focusing "narrowly" on the *YOA* (Jeffs, May 20 1994). The panel was comprised of MLAs Gary Dickson, Murial Abdurahman, and Howard Sapers. Their report was tabled in the Legislature on October 26 1994. Earlier that week, MLA Dickson spoke to the Calgary Herald about alternatives to youth crime, including the following:

- Prevention of youth crime by getting more police involved in communities and schools;
- Encouraging the development of an anti-crime public education programs; and

- Developing more appropriate sentencing options for young offenders and ensuring that less serious offenders are kept separate from the serious offenders.
  (Bergen, Calgary Herald October 23 1995)

The YOAPR made headlines upon its announcement. As Chair, Forsyth was quoted often regarding what the committee expected to find throughout their investigation. In May of 1994, she stated to the Edmonton Journal, "People have a perception that a lot of these young offenders come from single-parent families or social or economically bad homes, and that's not true… I'm going out to listen to what Albertan's have to say. We have to get away from the emotion and back to reality" (McConnel & McKeen 1994). The article also printed: "Forsyth refused to elaborate on her comments and said her personal views on the issue will not effect the report submitted to Ottawa… The rookie MLA expects Alberta's report will be a push for changes to the current law and said the federal government will likely hear a call for longer sentences." However, as the YOAPR task force delved further into their public consultations over the summer months, Forsyth's rhetoric shifted. "Youth picture contains greys… Heather Forsyth is discovering that things aren't black-and-white when it comes to youth crime" (Calgary Herald 1994) was a headline in June that year:

> The MLA admitted she had heard from experts that the actual number of crimes occurring hasn't risen much in recent years… Forsyth is also coming to grips with the fact that some crimes committed by young offenders may be more complicated than they appear on the surface... The Tory also has some thoughts on why the public may be getting so angry. 'People feed off the media and it becomes emotional,' she said.

The summer's media coverage on the task force makes the committee's recommendations, fed in bits to newspapers, appear random and sporadic. The following quotes are taken from several papers in 1994:

> Forsyth, Tory MLA for Calgary Fish Creek, said that tying restitution to social-security numbers would ensure young offenders are held financially responsible for their actions. Wages would be garnished until debts are paid, even if it took several years. Forsyth believes hitting youths in the pocket book is a message they'll understand. (Calgary Herald, 1994)

> ‘What we’ve heard consistently is a call for more parental responsibility and more community involvement,’ said Forsyth (The Vancouver Sun 1994)
>
> A committee of Tory MLAs reviewing the Young Offenders Act says the federal government should allow children under 12 who commit serious crimes to be tried in the courts and elevate 16-17 year olds to adult court for severe sentences. ‘Protection of society is No. 1 and the youths have to be accountable for what they’ve done,’ said Calgary-Fish Creek MLA Heather Forsyth. (Johnson, 1994)

Though a confusing picture of the YOAPR was presented in the media, the task force’s report presented twenty-five clear recommendations for both the federal and provincial government, many of which clearly departed from prevailing Tory law-and-order rhetoric. The committee recommended an evaluation and expansion of the young offender Legal Aid project, a reduction in the number of delays and court appearances per case, promoting awareness of alternative measures among prosecutors and defence lawyers, increased community service, and victim compensation through personal services. They also recommended a review of open custody placement resources, rehabilitative programs, and life skills and employment readiness programs be provided for young offenders.

However, the YOAPR Report did not entirely shy away from the claims many Tory’s made just months earlier in Legislature. Under two “Notes” sections, following recommendations, the Task Force wrote:

> Participants raised the issue of human rights and expressed their dissatisfaction with the Charter of Rights and Freedoms. A common theme concerned the perception that ‘rights’ of the offender superseded ‘rights’ of the victims and those of the community at large. Concerns also centred on the perception that control and authority has been taken away from parents and teachers, replaced with a fear of being accused of abuse. (1994, 5-6)

and

> The Task Force has recommended changes to the Young Offenders Act to establish minimum sentencing, increased focus on protection of society and restrictions on the use of probation when a subsequent offence was committed

> prior to the expiry of an existing probation order. The related recommendations are believed to sufficiently address concerns raised by participants about sentencing consistency. (1994, 6-7)

They also recommended increased responsibilization of families, individuals, and communities:

> Individuals and communities should be encouraged to take a greater role in the development of productive outlets for youths, supports to youth at risk, mentoring, friendship and role modelling of community standards and values… Despite negative life circumstances, there are key factors responsible for reducing a young person's risk for criminal involvement and contributing to their success in life… a caring and supporting relationship with family, extended family or community member; involvement in a community where high expectations are held for youths; participation in a family and/or community environment that holds and consistently communicates high expectation for the behaviour of youths; and an environment/community where young people have opportunities to participate and become actively involved in meaningful activities. (1994, 16)

Placing more responsibility for crime on the shoulders of individual citizens, families, and communities was a strategy often used by the PC government in the late 1990s (Bittle 2006).

Overall, the Task Force made comprehensive recommendations targeting the evaluation of, and greater support for, young offenders and families in the justice system, as well as community, social and child welfare, and in education and health. The Task Force thus allowed "the youth justice system to focus on intervention with serious young offenders through specific sanctions and rehabilitation" (1994, 17). The Task Force did not discuss or make focused recommendations based on the unique circumstances of racialized and Indigenous youth, or recommendations based on gender.

The Flip Side of Child Hating

The above section demonstrates that the politics of child-hating were firmly in place on the PC side of the Alberta Legislature in the 1990s. As concern with youth crime mounted in the 1990s, so too did media and political discourse centred on the plight of sexually exploited young people.

Schissel labels this the "interdependence of panics," when the success of one youth moral panic lends credibility to another:

> …when issues of youth crime and violence predominate on the airwaves, there are usually concurrent discussions of teen sexuality, youth prostitution and unwed motherhood…resulting in a generalized 'problem of youth'…that transforms a problem that originates with the structure of society to one that appears to originate with youth themselves. (2006, 21)

On the heels of the YOAPRs Report (1995), which called on the federal government to establish minimum sentences, increase societal protections, and restrictions on the use of probation for young offenders, Forsyth made a call in the Legislature to create a provincial task force to address the sexual exploitation of children. The remainder of this chapter focuses on the *Task Force on Juvenile Prostitution*, later the *Children Involved in Prostitution* (CIP 1996), and sets up Chapter Four to answer the following questions, "*How was the Task Force on Juvenile Prostitution able to gain traction in the Alberta Legislature against the competing discourse of young offenders;*" and, "*In what ways were claims promoting the protection of sexually exploited youth gendered, classed, and racialized?*"

The Frustration: Another Meeting, Another Study

The issue of "juvenile" or "teen prostitution" as it was labelled in the *Hansards* in the early 1990s gained increasing attention in the legislature, and in the public, alongside heated debates on punishing young offenders. Prior to 1991, it had been seven years since the last discussion of sexually exploited young people. At that time, in 1984, the Fraser Committee had been convened for one year, and the Badgley Committee released its seminal report, bringing the sexual exploitation of young people to the forefront. That year in the Alberta Legislature, underage prostitution, rising numbers of venereal disease in children, and underage pregnant teens were discussed in the Legislature. In 1991 the discussion became more focused. The Edmonton courts

had prosecuted a man in a rare case for sexually exploiting a "14-year-old child who was working as a prostitute" (MLA Laing *Alberta Hansard* April 26 1991, 820). The charge and resulting sentence prompted a brief exchange on protecting sexually exploited children in the Alberta Legislature. Edmonton-Avonmore MLA Laing commended the Edmonton police and Crown Attorney for obtaining the conviction, and called on the Minister of Family and Social Services:

> Last year Edmonton police made 37 arrests of young offenders, girls and boys, who were working as prostitutes, and this year already 22 arrests have been made. My question is: given that the recent case highlights the problem of sexual exploitation of children who resort to prostitution in order to survive, will the minister now act on his mandate to protect these children by establishing safe houses and treatment programs for children involved in prostitution? (Alberta *Hansard* April 26 1991, 820-821)

The Minister's reply highlighted some of the existing supports sexually exploited youth had in Edmonton:

> We will continue to offer all the resources, all the supports necessary, all the supports available to children at risk or children in need. I would point out that here in the city of Edmonton I'm really pleased to be able to work in partnership with groups like the Youth Emergency Shelter, who are out there working with young people helping them to get off the streets, working with our government. I would also want to say that we're pleased with the work of community groups like Crossroads who are out on a daily basis talking to prostitutes that are on the streets, making sure that if there are underage girls or boys on the streets, they are again referring them to the appropriate supports that are there. (Alberta *Hansard* April 26 1991, 821)

MLA Laing championed the case of sexually exploited young people throughout her remaining years in Legislature, continuing to call on the Minister of Family and Social Services and the Attorney General to address juvenile prostitution until her exit from politics in 1993. She covered all aspects of prostitution, and drew attention to the federal, provincial, and municipal task force studies on the sexual exploitation of children. In particular, she advocated for the apprehension of sexually exploited youth in 1991, 1992, and 1993.

On April 2 1992, Laing sparked a debate that would last the rest of the spring session and highlight Alberta's specific responses to youth prostitution when she questioned the Family and Social Services Minister:

> The problem of juvenile prostitution has been drawn to our attention by task forces in both Calgary and Edmonton. *The Child Welfare Act directs that a child, any person under the age of 18, who is at risk of emotional, physical or sexual harm is a child in need of protection by the minister…* will the minister now commit to intervening on behalf of these children through apprehension, provision of support and treatment services, education opportunities, and through charging customers of child and adolescent prostitutes with child abuse? (emphasis added, Alberta *Hansard* 1992, 232)

The AFSS Minister replied that when "it can be shown that there are children that are legitimately at risk," the department steps in and provides support and resources. However, MLA Laing's question is noteworthy for three reasons. First, she references the Calgary and Edmonton task forces and second, she demonstrates a clear understanding of the supports required for young people to exit prostitution. Finally, she mentions the Child Welfare law (emphasis above), which shows clearly that legislation directing FSS to protect sexually exploited young people existed years prior to Forsyth's recommendation.

The final debate worth noting here was sparked by a Private Member's Motion put forward on May 11, 1993:

> 242. Moved by Mr. Schumacher on behalf of Mr. Shrake:
> Be it resolved that the Legislative Assembly urge the government to ask the federal government to explore with all the provinces and territories alternative means of dealing with the social problems caused by prostitution. (Alberta *Hansard* May 11 1993, 2688)

Though the Motion died on the Order Papers when the Legislature broke at the end of May, Motion 242 ignited an intense debate on prostitution in Alberta. In his introductory speech for the Motion, MLA Schumacher discussed a myriad of issues that citizens, businesses and government grapple with when addressing prostitution. He largely focused on NIMBYism, but also the lives of people

exploited by prostitution – exposure to violence, abuse and sexually transmitted infections. He then turned to law:

> All of these interests serve to take the focus away from where it should be if we are really to work with the problem; that is, on the prostitutes themselves. There is a real and valid question as to whether the law has been effective in dealing with prostitution… The research shows that [Bill C-49] had a very minimal impact on preventing prostitution... Municipal bylaws across Canada have had similar problems. Many municipalities have tried to enact bylaws prohibiting prostitution locally. Most of these laws have proved either ineffective or have been deemed to be unconstitutional. (Alberta *Hansard* May 11 1993, 2688-2689)

Rather than emphasizing law, he proposed a number of "focus areas… as effective alternative means of fighting the problem:" actions to aid abuse victims, addictions, preventing youth from dropping out of school, and better enforcement of maintenance payments. The ninety-minute debate was eleven pages in *Alberta Hansard* (1993, 2688-2697). Previous task force recommendations such as preventative measures, interventions for young people, punishments for johns and pimps, and community safety were all addressed in considerable detail. A recurrent theme throughout the deliberations on both sides of the legislature was that of law. While the Legislature was quick to form the YOAPR investigating out of control youth, here there was a clear desire by many to avoid "another exploration" and increased "legal-based solutions" that "simply don't work" (MLA Dickson 1993, 2694).

> There's a concern that we simply add one more study and one more report to a long list of studies and reports that have already been undertaken. In August 1984 Dr. Robin Badgley had undertaken and produced a committee report on sexual abuse of children. In April of 1985 Mr. Paul Fraser produced his report; he'd investigated prostitution and pornography. In 1985 Mr. Crosbie, the then Minister of Justice, introduced Bill C-49. This was a revision of the soliciting law. It didn't deal with nuisance per se; it attempted to focus on identifiable public behaviour. It also provided for a review within three years of the legislation coming into force. In May of 1987 the federal Department of Justice commissioned studies in the centres of Calgary, Regina, and Winnipeg.

MLA Laing also noted:

> …the government has done a couple of task forces into the area…what is required now is the will to act on this issue, to take it seriously…we need the will to change what has always been, because what we are talking about is an age-old exploitation of women and children. (ibid)

Politics, however, has a short memory. Shortly after reconvening for the Fall Sitting of Legislature, discussions once again turned to prostitution and, specifically, sexually exploited children. On October 18 1993, MLA Heather Forsyth prompted the following exchange when she questioned the Minister of Justice:

> MLA Forsyth: …Present legislation does fine the practitioners of prostitution. Would you consider equally applying this legislation to the customers by fining them and publishing their names?
> MLA Rostad: Mr. Speaker, that's again an item that's been at issue, and frankly it isn't in my jurisdiction as to whether the names are published or not. If people appear at court, all court documents are in face public, and if the press wishes to publish those names, that's within their domain.
> MLA Forsyth: I'm concerned about child prostitution. What initiatives is the Department of Justice taking forward to prevent the increase of child prostitution?
> MLA Rostad: Mr. Speaker, probably the most odious part of the whole area of prostitution is in face child prostitution, as we discussed, and the Member for Edmonton-Centre was very eloquent on the seriousness of this component of prostitution. From the Crown prosecutor's point of view we pursue it with diligence. Unfortunately - or fortunately, I guess, in other aspects; unfortunately in this aspect – when you bring the matter to court, you must have sufficient evidence to proceed on. In most instances the parties involved in child prostitution do not willingly come forward with their evidence, be that the prostitute or most certainly the john, and innocent bystanders or participatory bystanders do not come willingly forward. Until that happens or we can get some other concrete form of evidence, regretfully not much more is able to be done, but hopefully through this dialogue we can have any idea, good or bed, brought forward on how we can attack this profession that's been in existence for centuries.
> (1993, 866)

The above dialogue occurred less than one month after MLA Herard introduced Motion 202 in the Legislature. The motion urged the Alberta government to lobby the federal government to "make immediate changes to the Young Offenders Act by reducing the minimum age to 10 and requiring violent crimes of murder and sexual assault to be referred directly to adult court" (Alberta *Hansard*

September 14 1993, 226). At the same time as the need to protect young people was being advanced, so too was the desire to condemn them at a younger age and with more force.

It was two years before sexually exploited children were again discussed in any detail in the Alberta Legislature. In March 1995, Liberal party member Dickson addressed the acting deputy Premier:

> Child prostitution is a booming industry in Alberta, and its a dangerous one. In Calgary alone from 1987 to 1992 10 young Calgary prostitutes were murdered. Seven of the 10 were under 18 years. Today there are about 800 children forced to sell their bodies on streets in the cities of Edmonton and Calgary. Now, we've seen leadership in the province. We've seen leadership from Mayor Duerr and Alderman Longstaff at the municipal level in promoting community initiates. We see leadership at the federal level from Justice Minister Rocker, who's introducing amendments to the Criminal Code. But there is deafening silence from this government on this important issue. To the acting deputy Premier: will that minister tell Albertans the top three initiatives in this area to protect our children? (Alberta *Hansard* March 9 1995, 477)

The Minister of Justice dodged the question by replying that the government is working closely with the federal Justice minister to increase penalties for customers and pimps under the *CCC* and municipal representatives to "assist communities to have a proactive response to this very, very serious problem" (Alberta *Hansard* March 9 1995, 477). Evans also pointed to amending the Criminal Code according to the recommendation by the PPSRC:

> Mr. Speaker, there's a third initiative that's extremely important and that I've talked to Mayor Al Duerr and Alderman Bev Longstaff about face to face, and that is about moving in the direction of a charge under the Criminal Code that recognizes, particularly with these younger people, that we are talking about child abuse. I promoted the principle when I met with my colleagues the Justice ministers in Victoria… I'm enthusiastic that we are going to make these changes quickly, that this is a focal point, and that we'll get after this terrible situation as expeditiously as possible.

The sexual exploitation of children was discussed three more times during the 1995 legislative session. Each discussion had a similar focus: what is being done to protect this population? How can we punish pimps and johns? The following week, MLA Forsyth returned to

the line of questioning she first took in Legislature when she asked the Minister of Justice: "How do we get the message out that normal men don't buy kids? Can we print their names when they are sexually abusing and exploiting these children?" (Alberta *Hansard*s March 16 1995, 633). She also spoke of task forces: "Child prostitution continues to be a serious problem. I recently attended a meeting, and the frustration is another meeting and another study" (ibid). Curiously, the Young Offenders Act Task Force, headed by Forsyth, had published its recommendations less than six months previously. Only a few months later however, she proposed a provincial task force to address the sexual exploitation of children (AB *Hansard* October 18 1995). She prefaced this proposal with a series of questions addressed to the Minister of Justice:

> Prostitution has been a problem for a number of years. It may be summed up best by a pimp who, when being examined by a prosecutor when giving testimony, said: there ain't no rules; that's why we win. We as members of a civilized society play by the rules. Prostitution is like economics: its supply, and its demand… In most jurisdictions the Attorney General may apply for a civil injunction if prostitution is considered to be a public nuisance. This injunction would restrict prostitutes from being in a specific area. Would the minister consider this? (1995, 1992)

When the Minister noted that historically such an approach proved only to move prostitution to another area of the city, Forsyth asked: "Would the minister, then, give authority for the police to send letters to motorists who are known to frequent prostitution strolls?" (ibid). Forsyth's focus in 1995 on addressing the "demand" side of sexual exploitation would later continue on through the provincial Task Force on Juvenile Prostitution and what would eventually become PChIP (1999).

Though brief, the above discussion demonstrates that in the early 1990s two competing panics, focused on both condemning and saving young people, arose in the Legislature. Further, Legislative members demonstrated a clear understanding of how to prevent child sexual exploitation and facilitate the exit out of street life for youth in the two decades leading up to Forsyth's investigation. Finally, *Hansard* discussions show that men were being charged under the

CCC for sexually exploiting young people, and "exit strategies" for young people existed and were being utilized under the appropriate Child Welfare legislation. How, then, was a task force and legislation promoting increased protections for sexually exploited young people able to gain traction in the Legislature? The remainder of this chapter discusses how authorized knowers utilized racialized, gendered, and class-based claims to fuel the moral panic surrounding sexual exploitation, thus creating an agenda to protect "good" children.

Forsyth and the CIP Task Force

A key claim of this thesis is that the interdependence of moral panics surrounding young people allowed the creation of greater measures of control for both the punishable young offender and the "good" sexually exploited child. Like retired Staff-Sergeant Ross MacInnes, Forsyth was clearly a knowledge- and claims-maker whose claims "grew legs." In February 1996, Forsyth challenged her same-party colleague, the Minister of Social Services to follow the PPSRC's task force proposed legislative amendment:

> MLA Forsyth: When 12 and 13 year olds sell their bodies, we are not only dealing with prostitution, but we're also dealing with a sick society of men. Preventing men from paying for sex with young girls is a problem that must be addressed. A john is a john, and yes, he is also a pedophile who travels the popcorn stroll looking for these young children. Will the minister commit to amending the Child Welfare Act, section 1(3)(c), and adding words including prostitution-related activities? (Alberta *Hansard* February 21 1996, 123)

The legislation would thus read:

> S.1(3) for the purposes of this Act, (c) a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour, including prostitution-related activities.

Crossing jurisdictional lines did not seem to be an issue for the PC government, as we saw first with the YOAPR, and again with this amendment. At first, Minister of Social Services Cardinal

repeated earlier replies that the Child Welfare Act "could not be used to cover areas that are federal jurisdiction, such as prostitution" (ibid). Forsyth then turned to the Minister of Justice:

> Can the minister take steps to fast-track the trial of these pimps who victimize children to enable the children to get on with the healing process?
>
> Can the minister instruct the Crown prosecutor to initiate charges under section 280(1) of the Criminal Code so that young girls are protected and their parents regain authority over their children?

The Minister of Social Services came under fire again during question period on March 4 1996, when Liberal Native Affairs Critic Hanson asked Cardinal:

> Are we to assume from the minister's earlier response that this government can do nothing when a 14-year-old child coerced by her 19-year-old pimp is thrown on the streets to again be victimized sexually?... When will the minister find some spine and stop waiting for Ottawa and add prostitution to the Child Welfare Act so that kids will be protected and entitled to intervention services in Alberta? (1996, 355)

To which Cardinal replied:

> I'm not blaming Ottawa. I'm not blaming any other jurisdictions in Canada, Mr. Speaker. Its a very, very, complicated issue… in Alberta we have the best programs for children's services at this time. We have the most human resources. We have the most dollars spent in children's services, and we are moving with major reforms to allow the communities to help us in resolving these problems. (1996, 355-356)

Forsyth relied heavily on MacInnes' discourse, and often lauded Street Teams' and POD's efforts to promote her agenda in the Legislature. On March 5 1996, she introduced Motion 503:

> Be it resolved that the Legislative Assembly urge the Government to address the problem of child prostitution in order to end the exploitation of Alberta's children. (1996, 391)

Before being passed unanimously a mere seven days later, the Motion was discussed in three separate debates. In her introduction to the Motion, Forsyth covered the same ground as she had previously: amending Section 1(3)(c) of the CWA, getting tough on the "demand" side of child prostitution, and the establishment of a provincial task force to look at solutions (Alberta *Hansard* March 5 1996). Of Street Teams, she stated:

> …The horrific stories of these children's lives are real. I have devoted much of my time over the past year to working with the Calgary vice squad and the Calgary-based Street Teams to address child prostitution in this province. In fact, in response to my effort to assist Street Teams, I have been named an honorary member…
>
> …Through outreach workers and counseling, Street Teams builds a relationship with the girls on the street based on trust and love. When the girls are ready, Street Teams provides counseling and the support necessary to help these girls begin a normal, healthy life… (Alberta *Hansard* March 5 1996, 391-392)

Much of Forsyth's rhetoric in the legislature virtually duplicated MacInnes':

> If a child does not turn enough tricks to achieve the targeted amount of money, she will face the consequences usually a severe beating. Mr. Speaker, pimps have been known to take bats or red-hot coat hangers, commonly known as pimp sticks, to the girls as punishment… Soon after entering the life of prostitution, the girls will be badly malnourished and addicted to drugs or alcohol. (Alberta *Hansard* March 5 1996, 391)

Just months before, MacInnes was quoted in the *Alberta Report:*

> If a teen hooker fails to earn a "trap" of hundreds of dollars per day, her owner will beat her with fists and feet, and perhaps whip her with a "pimp stick" (an unraveled coat hanger, sometimes heated until it glows)… the child will numb herself with drugs and alcohol, as much as her pimp will buy her… Within months a teen-age prostitute, whether or not she is being pimped, will be badly malnourished, underweight and addicted to drugs or alcohol. (Sillars 1995)

Forsyth relied on the PPSRC's recommendations to amend the CWA and called on the government to increase the services and funding available to sexually exploited youth. Other MLAs quickly jumped on board and called for greater services for young people, sexually exploited children, increased preventative measures, and greater punishments for pimps and johns. And while the Motion passed unanimously on March 12, Liberal Member for Calgary-Buffalo was critical of the motion:

> I've looked through and listened to what everybody has said speaking in support to this motion, and I guess I'm disappointed. When I was in this Chamber in the spring of 1993, Gordon Shrake, who was then the member for what is now Calgary-East, came in and brought in almost the equivalent motion. We heard the same kinds of speeches about the importance and the need to do something with it, In fact, we'll go away from this saying that we've really addressed this serious problem. It seems to me that if we really are genuinely

> concerned about this, why aren't we holding the feet of the Minister of Family and Social Services under first?
> You know, there's been a specific recommendation in the report I tabled on February 29 from the Calgary Prostitution Policy, Service and Research Committee, a specific recommendation to amend the Child Welfare Act. Why aren't we doing that? That's what counts. (MLA Dickson, Alberta *Hansard* March 12 1996, 505)

While Forsyth was publicly championing her cause and critiquing the Minister of Social Services, the Designated Supply Subcommittee for Family and Social Services was working to address the problem of sexually exploited children behind closed doors. Minister Cardinal and PC MLA Woloshyn had the following conversation during the subcommittee meeting on March 15 1996:

> Woloshyn: …I think the Child Welfare Act has got sufficient teeth in it, where permitting the continuation of child prostitution in Edmonton and Calgary is unacceptable. My question is: when are Justice and social services going to get their heads together, quit hiding behind federal legislation and prostitution laws, take these young girls off the streets, put them in homes, do your early intervention, and hope like hell we can save at least one out of 10?
> Cardinal: That's a very good question, because it is one of our top priorities right now. In fact, we've commenced meetings with our staff between the two departments and also the two ministries. Within the next two weeks we want to have an official meeting with the minister and myself to look at how we're going to deal with that issue. We have to deal with it. We have no choice…We can amend the Child Welfare Act and put legislation in place.
> Woloshyn: We don't need to, Mike.
> Cardinal: But we can if we want… One of the problems with the children: if they are arrested, for example, it has been found that the majority will not testify against [the pimp].. and if they don't testify against the pimp, then it can't go to court. That's the problem: how do we make these young people testify against the pimp?
> Woloshyn: Mike, we're focusing on the wrong end… I can't think of a way to make them testify. What bothers me more than anything is that same young kid goes back into the same activity because the policeman on this thing gives up because she won't testify, because a social worker hides behind some innocuous thing and doesn't want to get involved, and mostly because we don't have any safe house to just put them in… taking that girl out of circulation in a positive way and giving her, while she's young enough to influence, alternatives.
> Cardinal: …That's all you could do. You can't do anything else. You'd have to arrest the child, apprehend the child and put him in a safe place and provide the counseling. Now, that can be done you know, with the existing legislation, right? (Alberta Family and Social Services March 15 1996, DSS119-120)

The Committee of Supply was clearly able to remove sexually exploited children from the streets under existing child welfare legislation, and was prepared to do so. However, the following week in the Legislature, a bipartisan "informal work committee" was suggested to address the issue of juvenile prostitution (AB Hansard March 18 1996, 646). The moral panic surrounding young people, promoted particularly by MacInnes and Forsyth, enabled the conditions for yet another task force to further examine sexually exploited children.

The Task Force on Juvenile Prostitution

On June 27 1996, 114 days after Motion 503 was introduced in the Legislature, the Task Force on Juvenile Prostitution convened its first meeting. Their mandate was to examine research and recommendations made by other task forces, committees, and communities; research implemented programs in other jurisdictions on their effectiveness; and make informed recommendations on combating youth prostitution to the Minister of Alberta Family and Social Services (*Children Involved in Prostitution Report*, hereafter CIPR, 1997). The Task Force, which later became the Task Force on Children Involved in Prostitution (CIP), operated on the premise that children engaged in prostitution were victims of sexual abuse. This philosophy attempted to mirror what federal, provincial and municipal task forces had been pushing since the Badgley Report in 1984 that suggested children involved in prostitution were not to be treated as offenders, but rather as victims of child abuse. In their CIPR (1997), the Task Force discussed the importance of language, and the reason for their name change:

> As the members learned more and more about the issue, the importance of language became apparent. In order to highlight the concern as one involving children, the Task Force has retitled its report to "Children Involved in Prostitution"… The report attempts to stay away from language that implies that child prostitution is part of a business transaction i.e. "the sex trade" and "customer." The use of language is important as it reflects attitudes and beliefs. Labels such as "child prostitute," are not used, but rather language that addresses the children's behaviour, i.e. "child involved in prostitution." Language discussing the behaviour of individuals who procure

> children, and who use their sexual services reflects the basic premise of the Task Force that these children are victims. (CIP Report 1997, 3)

However, while the CIP task force framed youth prostitution as the sexual abuse of children, they continued to struggle with the language of prostitution as a business or choice. The CIP Task Force did not contextualize the problem of sexually exploited young people within intersections of race, class, or gender, and thus continued to individualize the conditions in which young people make the "choice" of prostitution. Indeed, the CIP Report goes so far as to say that prostitution is not a "choice that children make from a healthy vantage point" (1997, 3). The CIP couched their discussion of the social conditions of marginalized young people in language of "community," drug and alcohol "abuse," "lack of education and few job readiness skills," and "loose or dysfunctional ties to family" (1997, 8).

Like the five task forces before them, the Forsyth Committee addressed prevention, crisis intervention, treatment, and continuing support (CIPR 1997). Specifically, the Task Force was mandated to:

- Examine the work done and the recommendations made by various task forces and communities;
- Research and examine programs in other jurisdictions which may be effective within Alberta; and
- Make recommendations for action to the Minister of Alberta Family and Social Services (CIP, 1997).

The CIP worked to create recommendations that focused on prevention, early intervention for both parents and children of youth involved in prostitution, treatment, assistance and support for sexually exploited young people, sanctions for "johns" and those living on the avails, and the creation of "an information system which will allow improved tracking and counting of children involved in prostitution, "johns" and "pimps" (1997, 2).

The CIP made a total of 57 recommendations in legal, provincial, education, health, social support and implementation arenas. Such recommendations included a provincial "awareness program[s]" for students in all schools regarding child prostitution; and educate teachers, parents, professionals, and the general public (CIP 1997, 21). They recommended alternative, accessible education for high-risk youth, targeted, accessible health services, and support for families whose children are involved in prostitution (CIP 1997). The CIP's recommendations strongly echoed those of the previous task forces. As demonstrated above, the Fraser Committee, CFV, SC, AGP, and PPSRC groups had all proposed a comprehensive and well-balanced safety net for sexually exploited youth. The CIP also continued the campaign of previous task forces of framing sexually exploited children as victims. Possibly because it was a government task force, the CIP focused more heavily on policy recommendations than other task forces, including the following:

> - That Alberta Family and Social Services undertake to provide clear policy direction to their staff, identifying child prostitution as sexual abuse
> - That the Regional Steering Committees involved in the Services for Children and Families initiative be encouraged to include this issue in their discussions on their service planning or future delivery of services
> - That the draft "Child Abuse Protocol" between Alberta Family and Social Services, Alberta Justice, Alberta Health and Alberta Education be amended to reflect the fact that child prostitution is sexual abuse
> - That each Federal, Provincial and Territorial government department, municipal authority, community and non-governmental organization involved with youth examine their policies, procedures and protocols to ensure that they recognize child prostitution as sexual abuse and incorporate this concept into their practice.
>
> (CIPR 1997, 11)

The CIP also shifted from other task forces by using the framework of "supply and demand" economics, and promoting secure care as the most viable response to youth involved in prostitution (CIP 1997, 9). Addressing the demand side of sexual exploitation had been a clear agenda of Forsyth's since her first weeks in the Legislature. Prior committees, while identifying sexually exploited youth as victims, still utilized language that reflected the "business side" of prostitution

such as customers and prostitution (PPSRC 1996, 4; Fraser Report 1985, 387). The CIP, however, departed from this language, and went so far as to outline supply and demand economics as one of two cornerstones of their Report (1997, 9-10). One way the CIP focused on the 'demand' side was increased criminal penalties:

> Johns and pimps keep prostitution alive. The economic equation of "supply and demand" is inescapable… These individuals need to be dealt with seriously and effectively. (1997, 14)

Like the Badgley Committee (1981), the CIP also pushed for "john" sanctions, punishment for pimps, and the creation of an information system to "allow improved tracking and counting of children involved in prostitution, 'johns', and 'pimps'" (1997, 2). The CIP also recommended releasing to the media the names of perpetrators convicted under S. 212 of the *CCC* (CIP 1997). The CIPR states:

> Johns and pimps keep prostitution alive. The economic equation of "supply and "demand" is inescapable. The Task Force believes that legal remedies are one way of addressing the "demand side" of the issues… It is entirely appropriate that the names of individuals found guilty of offences involving children be provided to the media for publication. (1997, 14)

Forsyth's influence on these recommendations is clear in the *Hansard* debates. In 1993, for example, Forsyth suggested releasing the names of convicted "customers" of prostitution (Alberta *Hansard* October 18 1993, 866). In 1995, she asked the Minister of Justice if he would give authority to the police to send letters to motorists known to frequent prostitution strolls (Alberta *Hansard* October 18 1995, 1992). The CIP also recommended a series of changes to the CCC, including a recommendation of mandatory jail sentences for all offences perpetrated against young people.

Like MacInnes, the CIPR appeared to frame sexually exploited children as primarily white, middle class young women who came from good homes. In their Report, the CIP write:

> …there is growing indication that young girls involved in prostitution also run to the streets, or are recruited to prostitution, from 'normal, average, every day' families. They become involved with peers or boyfriends who bring them into a world they perceive as exciting and perhaps even glamorous. (1997, 7)

That the CIP was focused on protecting young women from good homes is also nuanced by their discussion of family and their recommendations under "Health." The Children Involved in Prostitution task force discussed family environments in a bifurcated fashion by positioning families as both a precursor to entry into prostitution and/or the child's salvation from prostitution – either way, the family is responsible. Research suggests that many young women sexually exploited on the streets were either "thrown away," or ran away, from their home environments (Highcrest 2000 in Bittle 2006, 199). These homes, varying from traditional, foster, or group home settings, should be considered as the environment in which many young people first face (or continue to face) physical, sexual, or emotional abuse (Bittle 2006). In their discussion, *"Who are these children? Why are they involved? What will help?"* framing their Report, the CIP write:

> The literature reveals that a significant proportion of home and school experiences for children involved in prostitution have been characterized by various difficulties – parental abuse, including emotional abuse, unconventional peers, early sexual experiences, promiscuity and drug and/or alcohol abuse… having had these experiences at home and school, these youth either run away or gravitate to the streets. (1997, 7)

The CIP thus recognized that family environment could impact a young person's entry into the sex trade. Though the CIP evidenced awareness of these experiences, they recommended that parents should be made aware of "warning signs" their child has become involved in the sex trade and know who to talk to should this occur (1997, 23). The CIP's health recommendations advised that parents/guardians *are* responsible for the costs of any health care services provided to young people at the street level (also recommended) *"regardless of where the child lives"* (1997, 25, emphasis added). Costs were estimated to include physical health care, mental health care,

pregnancy, and disease-treatment and prevention. They also proposed a sliding scale "to assist parents where payment of certain costs would create a hardship," but conceded treatment would continue where payment was not possible (1997, 25).

Their recommendation that parents are responsible for health costs regardless of whether the young person resides in the family environment suggests knowledge that many sexually exploited young people have left the family home (CIPR 1997) or, as they put it early in their report: "either run away or gravitate[d] to the streets" (CIPR 1997, 7). Regardless of this knowledge, the CIP placed responsibility for detecting "warning signs" onto parents, thus assuming that children are in a home in which warning signs can be detected. Additionally, placing the costs for healthcare onto families whether the child resides at home or not suggests that the sexually exploited young people are coming from a class or economic position, which can afford the expensive costs of emotional rehabilitation and physical health care.

That the CIP was focused on protecting a particular subset of girls could explain their apparent reticence about the involvement of child welfare in the lives of sexually exploited youth. In Nixon et. al's (2002) qualitative study of women involved in prostitution in western Canada, 64% of their respondents had been involved with the child welfare system as children. After being removed from family homes and placed into foster or group homes, many of the young women Nixon et. al interviewed were further abused by their new caregivers (2002). While the CIP acknowledged that "authority figures and those wishing to help (police, social workers, doctors, educators, etc.) are often viewed by youth with scepticism, distrust and suspicion" (19967, 8), they did not acknowledge possible foundations for this distrust, including possible previous experiences of police abuse of power, or earlier childhood experiences with social workers. Further, the language of "distrust[ing] those wishing to help" implies that sexually exploited young people are

frequently offered the opportunity to exit prostitution, or have homes to return to, but are too stubborn to accept. Nixon et. al's (2002) qualitative study of 47 women involved in prostitution in Western Canada addresses women's history of accessing services as children:

> Looking at the girls' and young women's interaction with the protective and social service systems, it becomes apparent why they would be reluctant to access traditional services. The majority had been abused in some way by family members and removed and placed into alternative living arrangements…a number were then abused by caregivers. (2002, 1039)

Additionally, Nixon et. al maintain that their respondents often reported a history being "sexually abused, propositioned, harassed, and physically assaulted by the police" or knew of someone who had been (2002, 1040). Participant's history with social services and police suggests viable reasons for such distrust of authority and reluctance to access services. The CIP, however, spent little time addressing such details.

Conclusion

The fact that the same political party, and the same politician, promoted two seemingly opposing task forces, is peculiar at first glance. Both task forces were a result of, and contributed to, a growing panic surrounding young people in Alberta. By the mid-1990s, discourse surrounding youth crime was entrenched in the politics of child-hating, with the PC caucus calling for the return of corporeal punishments and the death penalty for children (Alberta *Hansard* 1994). They further condemned The *UN Convention of the Rights of the Child,* the *Canadian Charter,* and the *YOA* for enshrining the rights of out of control young people in law. It seemed the PC caucus preferred a different approach: MLA Black, for example, liked to tell school children "in no uncertain terms they have no rights" (Alberta *Hansard* April 20 1994, 1335). The discourse of children having too many rights played out frequently in Alberta newspapers with both the Premier and MLA Forsyth leading the charge. Schissel (2006) writes of the politicization of crime and punishment:

> One of the central principles of a critical approach to the study of crime and justice is that the control of crime is essentially a political act; it involves domination by wealthy men over poor men, by men over women, by politically dominant racial groups over marginalized racial minorities, and by enfranchised adults over children… for the last three decades, right-wing political movements were fraught with arguments and images of a growing criminal underclass that preys on ordinary citizens. (2006, 47)

Understood this way, and combined with watershed events like the murder of Barb Danelesko, it is not surprising that the Alberta government were focused on controlling the growing problem of youth.

At the same time, just as the PC caucus was releasing its report promoting tougher punishments for young offenders, government efforts to protect sexually exploited children were ramping up. Schissel notes that this "interdependence of panics" is the norm more than not:

> …when issues of youth crime and violence predominate on the airwaves, there are usually concurrent discussions of teen sexuality, youth prostitution and unwed motherhood. Issues of youth exploitation and disadvantage, then, become linked, by temporal association, to issues of youth menace and dangerousness, resulting in a generalized "problem of youth." (2006, 21)

The discourse of saving sexually exploited children, and the discourse of condemning young offenders occurred virtually simultaneously; they were fully realized through the creation of the YOAPR (1994) and the CIP (1996), respectively. While the interdependence of panics is common, it does not explain how claims promoting increased safeguards for sexually exploited children were able to gain traction in the Alberta Legislature just as acerbic discourse concerning young offenders was peaking. Chapter Four continues this discussion by examining how exactly, the claims promoting increased safeguards for sexually exploited children gained traction in the Alberta Legislature.

Chapter Four: Alberta's Twenty-First Century Moral Panic

Chapter Three demonstrated that safeguards protecting sexually exploited young people were firmly in place decades prior to Forsyth's call for an investigation in the Legislature. However, like the white slave trade panic in the late nineteenth and early twentieth centuries, calls for protection applied primarily to a particular class of people: young, Caucasian, upper-middle class females. In Alberta, sexually exploited young people are primarily female, Indigenous, and impoverished. This chapter will show that gendered, racialized, and class-based claims fuelled the call to protect sexually exploited youth. Two authorized knowers in particular, Forsyth and MacInnes, were successful in promoting increased protections for white middle-upper class females. In Chapter Two I argue that the task forces' research and recommendations demonstrate that the structural conditions leading to youth prostitution were well known, and efforts to increase social change were occurring as a result. The CIP, however, placed significance on individual and legal-based solutions to sexual exploitation over the knowledge and actions of task forces and action groups in Alberta.

Producing Hysteria

As discussed in Chapter One, just prior to the breakout of World War One, Canada was rapidly urbanizing and taking in large numbers of non-British and non-Protestant immigrants. As moral reformers and sexual purists amped up efforts to create a "pure" society, racialized claims about the dangers to young women proliferated. Indeed, the peak of the white slave trade hysteria in late-nineteenth and early-twentieth century Canada saw multiple publications of "pseudo-eyewitness accounts" cataloguing lists of dangerous places and people ready to kidnap innocent Caucasian young women for the purpose of sexual trafficking (Valverde 2008, 96). Italians, Chinese, blacks and Jews topped the lists of dangerous people, while virtually every public place,

including music halls and "chop-suey palaces" were deemed risky for young women (Valverde 2008).

1990s Alberta saw claims-makers spouting remarkably similar discourse about the dangers of black or Asian pimps preying on girls from "good, solid homes" in pool halls and mall food courts (MacInnes 1998, 113). Shortly after being turned out by her pimp, the child

> has not eaten properly for months; she's foraged on whatever she could from fast food outlets or convenience stores, existing mostly on diet sodas and candy bars…angry red welts, evidence or repeated beatings, scar her back and buttocks. With two teeth knocked loose, and an open sore on her right shin where someone kicked her with heavy work boots, she requires immediate medical attention. Prior to falling in with a pimp she weighed a healthy 100 pounds but in the intervening year she's lost weight and now tips the scales at just under 88 pounds. Malnourished, her hair has thinned and is falling out, her eyes are sunken and dull, and she suffers from rickets. A medical examination reveals she's infested with body lice, and further tests reveal she also has gonorrhoea. (MacInnes 1998, 114)

Two particular authorized knowers, Ross MacInnes and Heather Forsyth, repeated stories like the one above vividly and often in the years leading up to Bill 1. MacInnes, a retired Staff-Sergeant from Calgary, relayed his experiences working the streets several times to the right-wing news magazine *Alberta Report* before publishing his own book *Children in the Game: Child Prostitution – Strategies for Recovery* in 1998. MacInnes' book conveys his account of his work with sexually exploited children and his organization *Street Teams*. The book is divided into two parts: the first half tells us the stories of five young women lured or sold into prostitution, and the second half presents "players in the game" and exit strategies for young women (MacInnes 1998).

MacInnes was a member of the CIP (1996) task force, and his impact on the CIP's standpoints and recommendations, and thus Bill 1, clearly demonstrates his role as an authorized knower. MacInnes calls readers to action with this book, which he labels "a handbook for battle, designed for use by every adult who honors, values, and wished to protect children" (1998, 9). The message MacInnes is conveying is clear: you are with us or against us in the fight to save *our*

children. The message is a powerful one. His claims, however, are profoundly problematic, in that they i) are racialized, gendered, and classed; and ii) reproduce the patriarchal relations which uphold and make possible the sexual exploitation of children.

MacInnes and his group Street Teams fall under what Schissel labels a "moralizing group:"

> …many of the moral entrepreneurial groups are closely connected to orthodox political or religious groups. While public leaders often spearhead these groups, it is unlikely that these individuals have substantial influence. These groups tap into existent public fervour for their own political credibility and exacerbate the emotional levels of the debates. (2006, 50)

MacInnes' book follows five young women through their journey into "the game" and describes how their experiences on Calgary's street life end. Three of the five young women MacInnes describes came from "what many consider a normal family" (1998, 11). Jackie "was a good student enjoyed school, was popular, and didn't seem to have too many problems at home – at least none that were significantly different from any other young teenager" (1998, 44). Christine came from the quintessential perfect family:

> Family life for the Jameisons was all they had ever hoped and planned for. They had a beautiful daughter, commitment to each other, and a family full of love. Throw in a pastoral setting, far from the corruption of the city, and Norman Rockwell couldn't have painted a better scene…Christine flourished with her parent's love and dedication. She became an above average student, enjoyed a large measure of popularity, and was the envy of every girl her age in the community of mainly white, blue collar families. (1998, 80)

Sukan's story was of sexual trafficking from Cambodia into Canada, where she was sold for $42000 to the highest bidder at an auction (MacInnes 1998). Tanya came from a normal home with caring parents, and only Kara, with an alcoholic lazy mother and an abusive stepfather, came from a problematic home environment. In his book, all sexually exploited children are female, and all exploiters (pimps or "clients") are male (1998, 4). Excluding Sukan, all of the young women were Caucasian and were turned onto the streets by pimps. In his book, MacInnes (1998) relies heavily

on pimps as the reason sexually exploited girls end up on the streets. All "pimps" in MacInnes'(1998) book are pathological liars, self-centered and narcissistic, and are single-handedly responsible for the sexual exploitation of children. They seduce, coerce, or kidnap young girls. In his chapter on "Breaking Free," MacInnes begins by noting:

> This chapter describes how a child becomes involved in prostitution, and how she may leave or be rescued from 'the life.' Breaking fee of the influence of bother her pimp and the lifestyle can be a daunting task for a young girl… we must examine the forces that brought her to the point of selling herself to strangers. *While we know something of the various techniques used by pimps, it is important to understand how girls become vulnerable to their approaches*. (emphasis added, 1998, 120)

For example, Elizabeth met Andrew in the mall food court, where she had taken to spending her afternoons in:

> She could smoke in the area and there were always people who would give her a few dollars, share some 'butts,' and in general, be the friends she always wanted. She was sitting alone at a table one day when she heard the pleasant voice of a man standing next to her. 'May I sit down?' he asked… For the next hour Andrew spoke to Elizabeth. He was so understanding, so kind, so thoughtful. He seemed to know exactly what she was going through and the turmoil inside her. He instinctively knew she wanted more from life than what she had: nice things, a safe place to call home, and people around her who could understand her and respect her. Her new found friend seem to be the only person she had ever met who truly cared about her… Over the next week she met Andrew with increasing frequency. He bought her cigarettes, meals and clothes. One day he even bought her a cute necklace. Although he was ten years older than Elizabeth, the difference didn't seem to matter. He treated her with respect – and really listened to her. Soon she was madly, hopelessly in love. (1998, 12-14)

Within a matter of days, Elizabeth moved in with Andrew and two other girls and became "Tanya," forced to prostitute for "Drew." Jackie was drawn into prostitution after unknowingly incurring a $6000 drug debt through a man she met in a pool room. Upon their first meeting, "Roach" gave Jackie marijuana, and later different kinds of pills she would mix with alcohol at parties. After several months, Roach introduced her to Doug and informed her she could either give Doug $1000 for the drugs he's been supplying, or begin having sex with men to pay down the debt.

When MacInnes mentions a pimp's race, they are black or Asian. After running away from home, Kara met Peter, Tran, and Huay:

> Kara was both repulsed and fascinated. She'd heard about 'Asian gangs' on the news, but never met any. She felt a twinge of fear…It didn't take much to figure out what was going to happen. The two men immediately started trying to kiss and touch the two girls. Sandy offered only token resistance, then responded to Tran's advances. Kara kept pushing her 'date' away, insisting that she was not interested. When Huay pulled back on his advances and settled back onto the couch, Kara relaxed. Under his skillful questioning, she told him her past – something she'd never done before with anyone. He learned that she had few friends, a violent relationship with her family, and no relatives she felt she could call upon…. By breakfast time, the three men were on the move – this time with Kara and Sandy… Seizing Kara by the shoulders, Huay looked deep into her eyes and told her in words that could not be misunderstood, that they were going to another city. (MacInnes 1998, 34-35)

After Christine found out from her Aunt that she had been adopted at a young age, she ran away and took to living on the streets. Soon she met Jamus, whose blackness is accentuated by MacInnes at every potential opportunity: "On this day, she was just pocketing her latest take when a voice alerted her. 'Say girl, watcha all doing' down here.' She looked up. The big smile of a young black man was the first thing she saw" (1998, 86). Within days of meeting Jamus, she was staying a lush hotel with him:

> The following days flew by in a whirl. She met many of his friends, went to another reggae party, traveled throughout the city, ate at the best restaurants, and made love to Jamus…

Soon, she asked to move in with him:

> 'I be wishin' you say that, sweet thing! You sure be right when you tell 'bout this place being too much cash. We can be moving' in together, sort of like man and his wife thing. I be getting' a job, and you can cook the good meals for me when I come back from workin'.' His words struck the right chords in Christine's heart. To be together with Jamus, to share a home – or at least an apartment – to cook his meals and to sleep with him; everything was going to be perfect… things went along smoothly, until one day there was a scowl on his face. 'I don' be knowin' how to tell you this sweet baby, but I ain' got no money left… (1998, 94)

Soon Christine was offering to "work" for him, and spent the next six months prostituting before Jamus was arrested and Christine was returned to her parents. The racialization of pimps in MacInnes' books, along with the characterization of young women from good homes and good families spark of picture of child sexual exploitation akin to images of early white slave trade discourse: dangerous black and Asian men plucking vulnerable Caucasian women from public places. The pages in MacInnes' book are littered with the gendered claims that frame sexually exploited children as always female and exploiters as always male.

When pimps cannot explain a young girls' entry onto the street, MacInnes (1998) falls back on "one of two compulsions" young girls deal with: they have been either running *from something* or *to something"* (1998, 120). Those running to something "believe that the streets are an exciting place" and after several months on the street, experience a "bizarre change" in their thinking:

> Girls feel safer on the streets than in a loving home. They feel more wanted and accepted by their 'street family' than by anyone else in society. They also show a higher degree of self-esteem when on the run than when in therapy or in a secure, loving environment. (1998, 121)

With the above quote, MacInnes sets the reader up to question: "What can we do if they don't want to leave the streets?" The answer, according to MacInnes, is secure, residential treatment for young women, such as Street Teams' Point of Departure (POD) "that grooms girls to re-enter the normal world" (Sillars 1995). Indeed, Martin (2002) suggests that MacInnes was a pivotal force behind establishing the need for residential treatment for young women involved in the sex trade. In a 1995 article in *Alberta Report,* MacInnes details who needs to be helped and how Street Teams does it:

> Baby-faced rebels of 12, fresh from the suburbs, are an increasingly common sight in the Game… other kids just choose to run with the wrong crowd. Leanne, for instance, was gradually pulled away from home… 'She would be out all night' says Leanne's mother, 'then for three nights, then a week at a time. Then I found out she was into prostitution.' (1995)

MacInnes also described other hopeless girls who "may not make it home":

> As a vulnerable, naïve girl doing drugs and living on the streets, she is 'ripe'… When she has 'fallen in love' with [her pimp] (all pimps are pathological liars, according to Mr. MacInnes), he will allow some 'friends' to rape her, possibly for free… the child will numb herself with drugs and alcohol as much as her pimp will buy her… within months…the young whore will be emotionally unstable and her memory could be impaired. (Sillars 1995)

More than once, it is insinuated that middle class young women are at risk of ending up "the young whore," using language that Martin (2002, 386) describes as "vivid, even pornographic" (Sillars 1995; Martin 2002). Both Street Teams and POD work with young women to aid them in their exit out of street life:

> Street Teams tries to provide what so many girls are looking for – a sense of family. Last week Jody, 14, bounced into Street Teams' downtown office. 'Hi Daddy,' she says brightly to Mr. MacInnes. 'How are you doing, sweetie,' he replies, squeezing her around the shoulders. 'Have you seen Mom?' she asks, meaning Barb [the director of contact staff]. (Sillars 1995)

MacInnes' work appealed to neo-conservative values of family, hard work, and Christianity (Martin 2002), which were being re-asserted in Alberta in the mid-1990s . While *Street Teams'* method can be considered as "harm-reduction" (Petrie 2012) – a practice loathed by many conservatives – it is tempered by MacInnes' no-nonsense, "straight world" approach:

> 'We don't swear or use crude language' says Mr. MacInnes, and 'we don't try to be one of them. We represent the straight world.' (Sillars 1995)

The idea of the "straight world," alongside MacInnes' representation of sexually exploited children, frames secure care as *the* answer to child prostitution in Alberta. Martin (2002, 385) notes that MacInnes successfully framed "the issue of prostitution as an unaddressed problem of lost innocence and debauched morals."

The approach taken in Point of Departure is one preached by neo-conservative ethics: early mornings (6:45 am) beginning with martial arts, followed by life planning, correspondence education, supper, recreation time and bed (Martin 2002). This rigid structure is reinforced by

another neo-conservative value, that of family: "'Daddy' provides everything a girl might need, including a curling iron and cosmetics" (Martin 2002, 387). MacInnes as "Daddy" to sexually exploited young girls is deeply problematic. Smart has long identified the family

> as a focal point at which a range of oppressive practices meet. It is both an ideological and economic site of oppression which is protected from scrutiny by the very privacy that family life celebrates. (1995, 134)

The family is a, if not *the*, central site of male oppression over females for feminists (Smart 1995). For MacInnes to be positioned as the patriarch in a conservative outreach organization surely serves to increase governance and control of young female bodies. Rather than ameliorate the circumstances which found them there to begin with, the ideologies of female sexuality which appear within and through Street Team's approach to sexually exploited girls is one that reproduces the patriarchal relations that lead to the violence of prostitution.

MacInnes utilized racialized, gendered and class-based claims, which mirrored white slave trade rhetoric in late nineteenth-century Canada. Like the fears in nation-building Canada, young, Caucasian girls could at any time be swept off their feet by the racialized 'other' in public malls, food courts, and pool halls. These "baby-faced rebels of 12, fresh from the suburbs" are *our* society's children, and Asian gangs and black pimps are preying upon them. These claims encourage "urgent, even extreme rescue missions… Degradation, abuse and even death are waiting for Alberta's middle-class rebellious girls, and it is almost impossible to save them by existing means" (Martin 2002, 386). MacInnes was an authorized knower whose claims were heard, validated, and promoted by MLA Forsyth. Repeated in the Legislature and the media over several years, these claims helped fuel the moral panic around sexually exploited children, which in turn reproduced the patriarchal relations and ideologies of sexuality that informed Bill 1 (1999).

Evidence challenging Forsyth's and MacInnes' racialized, gendered, and class-based rhetoric was widespread in the 1990s, primarily in the form of task force reports. From the Badgley Report in 1984 to the PPSRC in 1996, an overabundance of information about sexually exploited children, and avenues for exit out of street life, were available in 1999. The following quotations are from the various studies:

- These youths grow up in families coming from all walks of life… what these youths have in common is that, for different reasons, many of them as children had run away from home…at different times in their lives, most of these youths have been in contact with different branches of public services… child protection agencies; family and criminal courts; the police; medical services; probation and correctional services; and community associations and agencies… if the problem of juvenile prostitution is be to contained, and reduced, then this outcome is only likely to be realized by the provision of relevant career alternatives for these youths and by a more open public acknowledgement of the broader social issues creating this problem (Badgley Report 1984, 961-962).
- Most of those who prostitute are a subset of homeless youths [who] are fiercely independent: want a sense of having some control; come from a home where they were sexually, physically and or/emotionally abused; or that is chronically dysfunctional, chaotic, violent or destructive (AGP 1993, Appendix III)
- Most who prostitute are 12-17 girls, chose to start: were not coerced, are often native (AGP 1993, Appendix III)
- Almost all juvenile prostitutes are runaways or have been victims of child abuse; physical, emotional and/or sexual…Juvenile prostitution can be minimized by ensuring that alternate means of existence (for example, affordable housing, jobs) are available to teens and support services are in place to aid them in leaving street life. Young prostitutes must be taken seriously when expressing views on the factors forcing them into prostitution and their inability to effectively use traditional child welfare, educational and social services.
  (CFV Report 1992, 19)

The Fraser (1985), Calgary Mayor's Task Force on Community and Family Violence (1990), and the Edmonton Mayor's Task Force on Safer Cities (1992) all noted that the patriarchal relations upholding the sexual exploitation of women and children must be challenged if lasting change were to be made. Further, both MacInnes and Forsyth acknowledged that the majority of sexually exploited young people existed at the margins of society. MacInnes stated that the majority

of sexually exploited children "were either permanent wards of the state" or from "dysfunctional families who could not – or would not – take the children back" (1998, 5). The CIPR noted that, "the reality is that it is not a choice that children make from a healthy vantage point. We know that children who fall into prostitution, as a method of survival, may have left a dysfunctional home environment" (1997, 3); and

> The literature reveals that a significant proportion of home and school experiences for children involved in prostitution have been characterized by various difficulties – parental abuse, including emotional abuse, unconventional peers, early sexual experiences, promiscuity and drug and/or alcohol abuse… having had these experiences at home and school, these youth either run away or gravitate to the streets. Here they find acceptance. Prostitution often becomes a means of survival… this social/educational profile also applies to males. Boys, however, frequently begin prostitution at an older age…boy may be either heterosexual or homosexual in their orientation, but they attract male johns. (1997, 7)

And as we know, the CIP also wrote:

> While this profile is certainly a dominant theme, there is growing indication that young girls in prostitution also run to the streets, or are recruited to prostitution, from 'normal, average, every day' families. They become involved with peers of boyfriends who bring them into a world they perceive as exciting and perhaps even glamorous.
> Girls are usually recruited by a individual (pimp) who wishes to live off their earning or other gains made through prostitution. These individuals prey on those who are particularly vulnerable. They offer the girls acceptance and "love," and meet their basic needs for survival. (1997, 7)

All the quotations above are examples of the knowledge *produced* (Snider 2000), while only the latter quotations were the knowledge *heard.* Forsyth and MacInnes clearly understood the demographics and experiences of the majority of sexually exploited youth, but instead focused on saving *our* children: young, Caucasian, girls from "what many consider a normal family" (MacInnes 1998, 11).

Conclusion

Though the CIPR was far subtler than MacInnes regarding race, class, and gender, the Report created framed a very particular snapshot of sexually exploited youth. White, middle-upper class

females from “normal, average, everyday homes.” Similar to earlier white slave trade discourse, Alberta’s moral panic surrounding sexually exploited youth advanced fear of the racialized other to promote greater strategies of control over young female bodies. The claims supporting what would become PChIP (1999) were thus racialized, classed and gendered. In turn, this moral panic created the conditions in which new legislation could be formed to protect young women, even though safeguards existed decades prior to the CIP (1997) being struck.

Chapter Five: "They Can Take Their Charter of Rights and Shove It"

This thesis has demonstrated that two interdependent moral panics promoting child hating and child saving were alive and well in 1990s Alberta. Together, these panics created the conditions in which legislation promoting the confinement of good, normal young women was possible. Within the discourse of the punishable young offender there existed another undercurrent of discourse: the discourse of children having "too many rights" (MLA Forsyth, Alberta *Hansard* April 20 1994, 1338). Chapter Three demonstrated the contempt PC Legislative Members displayed at the rights children had been afforded under the *Charter of Rights and Freedoms* (1982), the *United Nations Convention on the Rights of the Child* (1989), and the *Young Offenders Act* (1984). All three pieces of legislation together were part of a growing consciousness regarding the welfare of children and protecting their human rights. However, Alberta has historically emphasized the privacy of the familial sphere over expanding the rights of children (Howe 2001). Indeed, many of Alberta's PC MLAs appeared to detest the idea of children having rights.

As I delved further into media publications and *Hansard* debates concerning youth crime and the sexual exploitation of children, the condemnation of young offenders' rights was clearly visible. Forsyth, in particular, had much to say on the rights of children, having campaigned on the platform of reducing said rights, and chairing the YOAPR (1995). It should come as no surprise, then, that Forsyth's *Protection of Children Involved in Prostitution Act* was immediately subjected to a *Charter* challenge for violating the rights of children in the name of protection.

The Charter Challenge

Within months of its enactment, PChIP (1999) underwent a *Charter* challenge in Alberta's courts. As noted earlier, in its earliest form, PChIP was primarily a procedural document enabling police to pick up and detain children involved in, or suspected of being involved in, prostitution. In

1999, two youth challenged the Act after being detained for working in conditions consistent with a "trick pad" (*Alberta v. K.B. 2000 ABQB 976).* Calgary police apprehended K.B and M.J., both seventeen-year-old females, on September 13, 1999 after entering the premises looking for stolen property. There they found the girls and observed "drug paraphernalia, mattresses and condoms strewn around" (*Alberta v. K.B. 2000 ABQB 976*). Following PChIP's mandate, the young women were detained in a protective safe house under section 2(9) of the Act until a hearing two days later to show the court why the young girls' confinement was necessary. The show cause hearing was adjourned when the young women applied to challenge the Act under the *Charter.*

In response to the Charter challenge, the Provincial Court Judge, Honourable Karen J. Jordan, ruled PCHIP violated Sections 7, 8, and 9, of the *Charter of Rights and Freedoms* and that the violations could not be saved by section 1 of the Charter (*Alberta v. K.B. 2000 ABPC 113*). In her ruling, Judge Jordan noted that while attempts should be made to protect children from prostitution,

> [t]he Act, not unlike the tobacco control legislation, is far from perfect. It merely locks children up for a few days so that social workers and child care workers can attempt to gather some information about them, information which will hopefully enable the families, child care and mental health professionals to help these girls avoid or escape this sad, deplorable, dangerous lifestyle… There is no provision for determining the efficacy of the legislation. The Director would have the public believe that because hundreds of apprehensions are accomplished in a given period the Act is achieving its stated goal of protecting children. Yet we are left not knowing anything, except by way of anecdotal evidence, of the lives of the children after their periods of confinement are completed. How many accept the services offered? How many return to the same lifestyle? How many gradually escape from that world? Are those numbers any different from the numbers where the prostitutes have not been apprehended and confined but have moved onto a more conventional lifestyle? How many children who have been apprehended and confined are subsequently beaten by their pimps? Are those numbers any different from the beatings endured by girls in the trade who have never been apprehended? Are beatings by pimps taking place because they are sending a message to these girls and others that they must not reveal anything during the assessment which would

> endanger the pimp or effect him economically? Are there beatings by pimps which take place to encourage the girls to replace the income that was lost during the time of confinement? What attempts are being made to determine whether under-age prostitutes are actually leaving the trade or merely working in trick pads? The questions go on and on, but the Government of Alberta has not made a commitment to provide us with answers even though the liberty of children is being curtailed. (*Alberta v. K.B. 2000 ABPC 113*)

Judge Jordan noted that she believed that PChIP (1999) violated sections 7, 8, and 9 of the *Charter.* Jordan further grappled with the Act's lack of procedural safeguards for children:

> What of the poor child who is wrongfully apprehended but has no opportunity to convince a judge that the apprehension, although well intentioned, was not justified in law? If she was wrongfully detained by a police officer or officer in charge following a police investigation concerning a criminal offence she would be taken before a justice to determine the question of release. Is her right to be secure against arbitrary detention, which may result from the application of this Act to be ignored because she is a child, or because we are willing to sacrifice her constitutional rights so as to be able to protect another child?

Jordan also stated that "even in the pre-Charter days," greater concern for protecting the rights of people confined for their own protection was demonstrated, and that PChIP "demonstrates no similar concern for the protection of the individual… there is no proportionality in the Act between the means adopted and the desired objective" and that these could violations could not be saved by section 1 of the *Charter* (*Alberta v. K.B. 2000 ABPC).*

Though Judge Jordan raised significant and pressing questions about the Act and the rights of children to procedural safeguards, Alberta's Director of Child Welfare challenged the ruling in 2000 (see *Alberta v. K.B. 2000 ABQB 976).* The Court of Queen's Bench judge overturned the ruling on the grounds of *parens patriae:* the state's practice of assuming legal guardianship duty to protect children's welfare. In his ruling, CQB Justice Rooke asserted that PHCIP's measures of confinement were justified so as to protect youth victimized by the sex trade (*Alberta v. K.B. 2000 ABQB 976*). However, following the appellate process, the legislation was amended and renamed

the *Protection of Sexually Exploited Children Act* (PSECA 2000). Under the new Act, measures to uphold children's rights were included. For example, judicial authorization is now required when confining youth and an avenue for appeal was added.

Upon hearing the Judge Jordan's ruling, the Calgary Herald printed Forsyth's immediate reaction was "to shout that they should 'take the Charter of Rights and shove it'" (Lakritz 2000). Forsyth later described the response as one "of frustration" and stated she would not choose to use the same words again (Lakritz 2000). Forsyth's comment, however, is indicative of a disdain for the rights of children and the protections these rights are afforded under the law. In 1993, had Forsyth commented in both in the media and the Legislature that "at this particular time the children have too many rights" (Alberta *Hansard* April 20 1994, 1338). Along with the YOAPR and the Progressive Conservative Caucus, Forsyth actively worked to dismantle the legal protections of children under both the *YOA* and the *Charter.* Under the PC platform in 1990s Alberta, attempts to violate or reduce young offender's rights to protect society *coincided* with violating rights to protect sexually exploited children. The result was increased control at all levels of governance over the general problem of Alberta's youth, and an us/them dichotomy. Under the 1990s PC government, *all* children had too many rights. These rights stood in the way of both i) protecting society from out of control youth; and ii) protecting *our* children from sexual exploitation.

The Limits of Law

This thesis has also touched on, and will flesh out here, the ability of law to solve social problems. Smart argues that feminist scholars "must have limited expectations of legal reforms and that while formulating radical demands it is vital to know how the law can resist and transform these" (1995, 129). Chapter Two demonstrated law's ability to transform discourse. Of the hundreds of recommendations put forward by five task forces between 1985 and 1994, only a

handful involved creating new or changing existing legislation. Rather, the vast majority of recommendations focused on improving the social conditions of women and children, and strengthening social supports. After ten years of study and recommendations, the need to improve these conditions and supports were still recommended, and still necessary.

However, legislative change had occurred. Though the Fraser Committee had advocated for the removal of nuisance charges from the *CCC*, the government instead implemented Bill C-49, which made criminal the attempt to communicate with or to stop a person in a public place and private vehicle to obtain the services of a prostitute (Lowman 1989). Both the Badgley (1981) and Fraser (1983) Committees had attempted to avoid enacting piecemeal legislation "aimed singularly at the visibility of prostitution" (Lowman 1986, 203). The Fraser Committee further acknowledged the danger of criminal law being used to solve problems, "which may be more susceptible to other strategies of non-legal social regimes" (1985, 23). Fraser Committee member John McLaren was a notable moral regulation scholar, and the Committee thus took significant precautions to avoid repeating the history of early reformers, who championed law as the best way to respond to the "social evil" (McLaren 1986b). Regardless of these efforts, it was legislation that was improved over social conditions and supports for women and youth. This demonstrates the power of law to transform discourse, and reproduce the conditions, which prompted calls for social change (Smart 1995).

Both Bill C-49 and PChIP are examples of how, rather than effecting meaningful change in the lives of marginalized females, the law instead reproduces patriarchal conditions. The law must, then, itself be considered "a mode of reproduction of the existing patriarchal order, minimizing social change but avoiding problems of overt conflict" (Smart 1995, 144). The ability of law to transform narratives of social change is further evidenced by the creation and implementation of

Bill 1. The CIP made fifty-seven recommendations in their 1997 report. They covered much of the same ground as task forces before them, and promoted greater supports in areas of education, child welfare, income assistance, and housing for street-entrenched young people. However, of their fifty-seven recommendations, one Social Recommendation and one Legal Recommendation resulted in legislative action targeting this social problem:

> That a continuum of targeted services be provided for children involved in prostitution. These services should include:
> - Outreach services to connect with youth, form relationships, and facilitate and support their readiness to leave the streets.
> - *Accommodation (safehouses) where youth can live in safety, and receive initial assessment and short term counselling, when it is not possible for them to return home.*
> - Accommodation (group homes) where youth with substance abuse issues, in addition to psychological, emotional, and sexuality issues, can receive counselling and care.
> - Ongoing support/outreach after 'recovery' has occurred. It is recognized that the lure of the streets is powerful and that youth continue to deal with many issues after 'recovery' has begun. After care support must not only be long term, but include working towards reintegrating the child into the "mainstream community."
> - *Locked assessment/treatment facilities to assist youth who are not willing to leave prostitution but who are a danger to themselves or others.*
> - Services to support and protect youth awaiting trials to testify against johns or pimps.
> - Supports for work and training opportunities.
>
> (CIPR 1997, 27, emphasis added)

And,

> That a "Children Involved in Prostitution" Act be developed to provide legislative support for a continuum of services for children involved in prostitution. This new legislation will:
> - Define children involved in prostitution as victims of sexual abuse
> - Define youth as individuals under 18 years of age
> - Outline the continuum of services which need to be available to youth wishing to end their involvement in prostitution
> - Outline the continuum of services for children not wishing to leave prostitution
> - Consider the possible inclusion of sanctions against pimps and johns.
>
> (CIPR 1997, 19)

"Safehouses" for youth to live in safety, and locked assessment/treatment facilities to aid youth unwilling to leave the streets became known under one name: "secure care." Facilities were opened in Edmonton, Calgary and Lethbridge. PChIP (1999) thus demonstrates the ability of law to trump other discourse, such as narratives or measures aimed at effecting social change in the lives of young women. Further, PChIP exemplifies how law is able to *transform* social discourse into legal reform. Lorenne Clark (1986) writes:

> Our existing social arrangement produce or permit a significant portion of the male population to grow up seriously sexually disturbed and/or so unable to control their behavior such that large numbers of children and youths (not to mention adults, particularly female adults) are consistently victims of sexual assault, abuse and exploitation… It is naïve to believe that a problem of such dimensions can be cured without fundamental social change… Children and youths will only be protected when there are no longer large numbers of men who either want to do these things or are unable to control themselves when they do want to do them. What is wrong with present social arrangements is that men have given to themselves all the power they need to control and ensure their access to sexuality, particularly female sexuality. (1986, 98-99)

The sexual exploitation of women and children is a direct result of patriarchal relations, and in turn, these relations are reproduced within and through the law. This is not to say that the law is an instrument of patriarchal oppression, but rather that legal reform will not eliminate structures of power that exist outside of the law (Engels 1972; Smart 1995). Law, then, cannot be used to ameliorate the conditions of sexually exploited children without attending to the social conditions through which prompt the need for such legislation to begin with. The law will not address social conditions or improve social supports of its own volition. Instead, it transforms discourse of social change into that of legal reform.

Conclusion

Both the discourses of the punishable young offender and that of the sexually exploited youth existed alongside a third discourse of children's rights. MLA Heather Forsyth, who had

campaigned on reducing the rights on children, chaired both the YOAPR (1994) and the CIP (1997). Unlike the YOAPR, the *Children Involved in Prostitution* Task Force resulted in significant legal change for marginalized youth in Alberta. However, PChIP was immediately subjected to a *Charter* challenge for violating the rights of children in the name of protection and overturned in the *Court of Queen's Bench*.

Forsyth's infamous comment, that they should "take the Charter of Rights and shove it" (Lakritz 2000) upon hearing that PChIP was struck down, is demonstrative of a governing body that consistently worked to dismantle the rights of children in Alberta, both to protect society (in the case of young offenders), and protect "good" children from sexual exploitation. These efforts resulted in greater measures of control of Alberta's youth, and an us/them dichotomy. Good children, *our* children, deserve protections under the law. At the same time, out of control youth must be regulated better to protect society.

This chapter also demonstrated law's tendency to uphold patriarchal relations that make legislation like PChIP necessary. Of fifty-seven recommendations outlining an enhanced social safety net for young people, two recommendations of the CIPR (1997) resulted in a piece of legislation that, rather than challenging the social conditions that made it necessary, *reinforced* those conditions. The discourse of law thus trumps attempts to address or shift the social conditions, which give rise to such legislation.

Conclusion

In the 1990s, concerns surrounding out of control youth were mounting in Canada (Hogeveen & Smandych 2001, Schissel 2001). In Alberta, concerns about the problem of youth crime played out with increasing intensity in both the Legislature and the media. Following the murder of Barb Danelesko in 1994, verbal attacks on the *Young Offenders Act* (1984), the *Canadian Charter of Rights and Freedoms* (1982), and on children themselves became standard fare on the PC side of the Legislature. Following an emergency legislative session to discuss the ever-growing problem of youth, Alberta Premier Ralph Klein struck a task force to investigate youth crime in Alberta and Canada and named Forsyth as chair. Forsyth was often quoted in the media detailing what The Young Offenders Act Provincial Review (1994) expected to find: "Protection of society is No. 1 and the youths have to be accountable" (Calgary Herald November 9 1994); and "The rookie MLA expects Alberta's report will be a push for changes to the current law and said the federal government will likely hear a call for longer sentences" (McConnel & McKeen 1994) were typical comments made by Forsyth that year**.**

By the mid-1990s, Alberta was firmly entrenched in a moral panic about youth. Headlines such as "Youth crime soars in Alberta; Province leads the nation in number of kids charged, jailed" (Mulgrew 1991); "Rage Swells as mindless crime claims the innocent (Feschuk 1994); and "Klein Calls for Execution of Young Offenders" (Johnson 1994) reminded citizens that youth were out of control and the public's safety was at risk.

This thesis asked: *Why did Alberta create legislation promoting the protection of youth in 1999?;* and *How, with protective legislation firmly in place, and growing public and political discourse condemning youth, did PChIP gain traction in the Alberta Legislature?* The conditions supporting new legislation in 1990s Alberta were as follows: the interdependence of moral panics;

racial-, gender-, and class-based claims harkening back to earlier Canadian white slavery rhetoric; an us/them dichotomy allowing for the punishment of "bad" children and the saving of "our children"; and the Progressive Conservative government's disdain and dismissal of children's rights. Together, these conditions made the *Protection of Children Involved in Prostitution* Act (1999) possible.

Just as cries to condemn young offenders were mounting in the media and the Legislature, so too were efforts to protect sexually exploited children. Schissel terms this phenomenon the "interdependence of panics":

> Moral panics tend to emerge in groups and foster one another… For example, when issues of youth crime and violence predominate on the airwaves, there are usually concurrent discussions of teen sexuality, youth prostitution and unwed motherhood. Issues of youth exploitation and disadvantage, then, become linked, by temporal association, to issues of youth menace and dangerousness, resulting in a generalized 'problem of youth.' (2006, 21)

The interdependence of panics allows the state to address this problem of youth without attending to its own role in upholding the systemic marginalization of young people (Schissel 2001; 2006). As discussed in Chapters Two and Three, countless recommendations by the committees and task forces, particularly the Alberta-based committees, targeted the social conditions of young people to enhance their safety net and promote social inclusion. For example, Calgary's Task Force on Community and Family Violence (CFV 1990) worked to address barriers to young people's equal economic, social, and cultural participation by promoting easier access to Child Welfare, independent youth housing, sustained funding for both First Nations and immigrant youth programmes, and supportive community services (CFV Report 1991). Edmonton's Safer Cities Task Force (SC 1990) specifically stated:

> If we are to succeed in improving the quality of life in our communities, we will need to do much more to prevent crime, *and* to deal with the underlying social problems that cause it. (1992, 5)

And,

> Young prostitutes must be taken seriously when expressing views on the factors forcing them into prostitution and their inability effectively use traditional child welfare, educational and social services. Services for juvenile prostitutes must be designed with a multi-disciplinary approach and be "user-friendly." Further services for these young "street people" must also invite them to participate in defining their own needs and in planning appropriate resources. (1992, 19)

It is clear that task force and committee members understood that youth were systemically disadvantaged in Alberta's social, economic, and political spheres. However, the moral panics surrounding both out of control youth and sexually exploited children, allowed the state to appear to address the problem of youth, while at the same time absolve itself of responsibility (Schissel 2006). The moral panics surrounding youth in 1990s Alberta thus lent much to creating the possibility for PChIP.

The content of the moral panic of sexually exploited children was also key to determining how PChIP passed in the Legislature with virtually no opposition. The claims made by authorized knowers Forsyth and MacInnes were strikingly similar to the white slavery and child-saving rhetoric outlined in Chapter One. In late-nineteenth and early-twentieth century Canada, moral reformers rallied together to create a sexually pure, sober, and white Canada (Valverde 2008; Brock 2008; Strange & Loo 1997; McLaren 1986). As Canada industrialized and urbanized, economically and socially privileged men and women became increasingly distressed by the general decline of moral values they were witnessing (McLaren 1986, 129; Minaker & Hogeveen 2009). Valverde describes these reformers as "well-educated urban English Canadians who…were definitely learning from English, and increasingly, American sources" (2008, 17). As child-savers like J.J. Kelso promoted a more humane approach to children (Strange & Loo 1997; Minaker & Hogeveen 2009), social purists focused on reforming and organizing gender and class structure, and (re)shaping notions of individual morality (Valverde 2008). To that end, reformers created fear of a

new class of exploiter, the racialized 'other.' These working-class men (primarily Italian, African, and Chinese) were waiting in dance halls and Chinese restaurants to kidnap, exploit, and traffic Caucasian young women.

MacInnes' (1998) book reproduced these same claims in modern settings, where Asian gangs and black pimps lay in wait in pool halls and food court, ready to seduce 'our' children into a life of exploitation on the streets. Both MacInnes and Forsyth focused on every day, average young women from normal homes as the young women most in need of protection. Kara, Leanne, Christine, and Elizabeth were girls envied by others in their communities of "mainly white, blue-collar families (1998, 80). In turn, these claims served to encourage what Martin labels "urgent, even extreme rescue missions… Degradation, abuse and even death are waiting for Alberta's middle-class rebellious girls, and it is almost impossible to save them by existing means" (2002, 386). These racialized, gendered, and classed claims fuelled both the moral panic surrounding sexually exploited youth in 1990s Alberta, and created the conditions necessary for PChIP to pass seamlessly in the Alberta Legislature.

This research also uncovered that the PC government displayed contempt at the rights children were granted under the *YOA* and the *Canadian Charter.* Together, with the *United Nations Convention of the Rights of the Child,* these documents outlined a new approach to safeguarding the rights of children in the legal, social, and familial spheres (Howe 2001). PC MLAs displayed contempt for young people's lack of respect:

> MLA West: …That consequence for your actions started very young by discipline in your home, by bringing you up with the principles of what violence would bring, what stealing from your brothers and sisters or within the family would bring, what abusive language meant, how you acted in front of seniors, the fact that you never touched private property or other people's property without consequence, respect, the fact that education was a privilege, and so it goes on. Well, now we're in 1984… My gosh, they strapped people with a black strap in the class. Can you believe they would do that to a child? Corporal punishment, what a

> terrible thing. Consequence for your action? No, no. Find out where its wrong someplace else. In 1984 the hell starts. (April 20 1994, 1332-1333)

MLAs called for the return of corporeal punishment and the death penalty for young offenders, and this was supplemented by condemnation of both the *Charter* and the *YOA:*

> …part of our problem goes back to the Charter of Rights and Freedoms that was brought into this country. It is going to be the absolute abomination and ruination of this country if that in fact is not changed. Mr. Speaker, I read a Supreme Court ruling recently that dealt with the Charter of Rights and Freedoms, and I'll never forget the comment [that] this Charter of Rights and Freedoms was there to protect the minority from the wilful destruction of the majority. I thought, "What a recognition to send out to this country, that the majority of the people could not be protected"…That told me right there that that Charter was wrong, and it would be the ruination of this country. (MLA Black 1994, 1335)

Forsyth herself had won the Calgary Fish-Creek election with a platform focused on reducing the rights of young offenders. She was quoted often in the media, and also spoke in Legislature, about children having "too many rights." Over the course of the 1990s, Forsyth promoted dismantling or violating the rights of children to both protect society from young offenders, and protect sexually exploited children from society. Her response to PChIPs *Charter* challenge (they can take the Charter of Rights and shove it) speaks volumes to her views on children's rights. This theme further contributes to the us/them dichotomy of good and bad children.

Finally, this thesis answered the question, "*To what extent can we employ law to ameliorate the social conditions which give rise to such legislation?"* Chapters Two and Five demonstrated that of the hundreds of recommendations meant to address the marginalization and sexual exploitation of children in Alberta and Canada, only a handful focused on legal responses. Committee and task force members often made clear that the answer to sexual exploitation lay in the realms of progressive shifts to social conditions and patriarchal relations.

However, the same recommendations were made in 1996 as 1985. After over a decade of investigation into the lives of young people, the same changes were necessary. Legal responses, had

however, been made in the form of Bill C-49 (1986) and Bill C-15 (1988), and Bill 27 (1996). This demonstrates that law has the ability to transform discourses of social change into legal reform; and legal responses, while potentially least able to assist in ameliorating those sexually exploited, are the most likely actions to be instituted. Carol Smart has thus urged feminist scholars to both resist and challenge law as the means to aid women out of a life of sexual exploitation (1989; 1995). Rather than effecting meaningful change in the lives of society's most marginalized, law itself reproduces the patriarchal relations, which make legislation such as PChIP necessary (Smart 1989; 1995). Until our social structure shifts to *fully* realize, and include women and children, the law will be unable to solve the problem of sexual exploitation.

Appendix

Children Involved in Prostitution Report

Task Force Members

Chair:

Heather Forsyth, MLA, Calgary-Fish Creel

Members:

Elaine McMurray (public member)

Ross MacInnes (agency member)

Brian Serbin (Edmonton Police Service) to November 26, 1996

Ken Ogilvie (Edmonton Police Service) to November 26, 1996

Ernie Schreiber (Edmonton Police Service) to December 2, 1996

Harold Keller (Edmonton Police Service) to December 2, 1996

Dan Jahrig (Calgary Police Service)

Glen McKay (Calgary Police Service)

Verne Fielder (Calgary Police Service) to October 18, 1996

Shirley Hill (Calgary Public School Board)

David Shanks (Regional Steering Committee, Commissioner of Services for Children and Families)

Sharon Heron (Child Welfare Branch, Department of Alberta Family and Social Services)

Paddy Meade (Young Offenders Branch, Alberta Justice)

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