

A Question of Respect: A Qualitative Text Analysis of the Canadian Parliamentary Committee Hearings on *The Protection of Communities and Exploited Persons Act*

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Introduction

In 2007, three sex workers from Ontario, Canada, launched a constitutional challenge to the country's prostitution laws. Terri-Jean Bedford, Amy Lebovitch and Valerie Scott challenged sections of the *Criminal Code of Canada* concerning activities related to prostitution, including keeping or

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being found in a common bawdy house, living off the avails of a person in prostitution and communicating in a public place for the purposes of prostitution. Upon considering the extensive evidence, the Supreme Court reached a unanimous decision to strike down these provisions because they represented an unjustifiable infringement of sex workers' rights to life, liberty and security of the person enshrined in the *Canadian Charter of Rights and Freedoms* (*Attorney General of Canada v. Bedford*, 2013). The decision, reached in December 2013, was suspended for a period of 12 months to give the government an opportunity to respond with a new legal framework.

In Canada and beyond, academic researchers, legal experts, and sex worker activists have over decades been amassing evidence that they hoped and continue to hope will inform prostitution policy (Allen et al., 2014; Amnesty International, 2016; Atchison et al., 2015; Atchison, Vukrimovich, and Burnett, 2015; Benoit and Millar, 2001; Bowen, 2006; Canadian Alliance for Sex Work Law Reform, 2014; Chu and Glass, 2013; Cler-Cunningham and Christensen, 2000; Csete and Cohen, 2010; Dodillet and Östergren, 2011; Krüsi et al., 2014; Lazarus et al., 2012; Lowman, 1989, 2000, 2004; Lowman and Fraser, 1995; Pivot, 2004, 2006; Shannon, 2010; Shannon and Csete, 2010; Shannon et al., 2008; Skarhed, 2010; Skilbrei and Holmström, 2013; UNAIDS, 2016; World Health Organization, 2012; Wright et al., 2015). Members of these epistemic communities hoped specifically that parliamentarians in Canada would engage in a careful consideration of evidence and arguments in developing a new legal frame for prostitution. Beyond these specific hopes, there is a broader normative—if not empirical—expectation that democratic governments engage in deliberation with experts, stakeholders, and members of the public on important policy decisions and that their deliberations are respectful, fair, and non-partisan. At least in principle, the committee system within representative governments ought to provide forums for such deliberation.

We evaluate the parliamentary hearings on Bill C-36 to determine whether this kind of deliberation occurred. We justify our examination of the bill on two interrelated grounds. First, while prostitution laws are a timely and important topic, not much has been written about them from a policy studies perspective that includes how they are formulated (see Wagenaar and Altink, 2012).¹ In addition to the academic literature concerning the impact of criminal laws on the health and safety of sex workers (see Allen et al., 2014; Atchison et al., 2015; Benoit and Millar, 2001; Bowen, 2006; Chu and Glass, 2013; Csete and Cohen 2010; Cler-Cunningham and Christensen, 2000; Dodillet and Östergren, 2011; Lazarus et al., 2012; Lowman, 1989, 2000, and 2004; Lowman and Fraser, 1995; Krüsi et al., 2014; Shannon, 2010; Shannon and Csete, 2010; Shannon et al., 2008; Skarhed, 2010; Skilbrei and Holmström, 2013; Wright et al., 2015), certain research focuses on sex workers as they face barriers when accessing health and social services (see Csete and Cohen, 2010; Krüsi et al., 2014; Lazarus et al., 2012; Shannon and Csete, 2010;

Abstract. We evaluate the Canadian parliamentary hearings on *The Protection of Communities and Exploited Persons Act* to determine whether respectful and fair deliberation occurred. Our focus is on the content, tone, and nature of each question posed by committee members in hearings in both chambers. We find that, on the whole, the vast majority of questions met this baseline but that committee members were biased toward witnesses in agreement with their position and against witnesses in opposition to it. In addition to our substantive findings, we contribute methodological insights, including a coding scheme, for this kind of qualitative text analysis.

Résumé. Nous évaluons les audiences parlementaires canadiennes relatives à la Loi sur la protection des collectivités et des personnes victimes d'exploitation afin de déterminer si elles ont donné lieu à des délibérations respectueuses et justes. Nous portons notre attention sur le contenu, le ton et la nature de chacune des questions posées par les membres des comités lors des audiences tenues dans les deux Chambres. Nous constatons, dans l'ensemble, que la grande majorité des questions ont satisfait à ces conditions de base, mais que les membres des comités manifestaient une certaine partialité à l'égard des témoins qui étaient en accord avec leur position et à l'encontre des témoins qui y étaient opposés. À côté de nos constatations substantielles, nous apportons des indications d'ordre méthodologique, y compris un schéma de codage pour ce genre d'analyse de texte qualitative.

Shannon et al., 2009) and in their relationships with clients, partners, and family members (see Atchison et al., 2015; Benoit and Millar, 2001; Bowen, 2006; Bowen and Bungay, 2016; Clancey and MacKenzie, 2015). All of this is important research, which can be complemented by a policy studies perspective. Through a policy lens, we see that prostitution is a classic case of morality policy, which often vexes researchers for not being based on sound arguments and evidence (Wagenaar and Altink, 2012). Examining this case, we can develop insights into how committee members deliberate on issues that are deeply polarized and polarizing and how they interact with and respond to witnesses who may strongly agree or strongly disagree with them.

Second, this case offers an opportunity to develop a methodological framework from an underresearched policy area that may be used by other researchers. Although there are several recent studies of parliamentary committees, they often focus on evaluating impacts (see, for instance, Hindmoor et al., 2009; Monk, 2010; Russell and Cowley, 2016; Tolley, 2009). Little analysis has been done on the interactions between committee members and witnesses, especially witnesses from, or witnesses representing or allying with, historically marginalized and stigmatized populations (in this case, sex workers and survivors of sexual violence), and their engagement in deeply contentious policy debates.²

Because we do not have examples of past work on similar data, and thus were not able to apply an a priori model, we took an inductive approach based on grounded theory (see Bryant and Charmaz, 2007; Corbin and Strauss, 2008; Hood, 2007; Kuckartz, 2014; Moghaddam, 2006; Suddaby, 2006; Tan, 2010). We established coding categories and rules as we progressed with our data collection and analysis and refined them as we became more familiar with the

hearing transcripts. An important contribution of this essentially exploratory work is that our coding scheme can be developed, applied and tested by other researchers interested in similar projects (see Appendix B in Johnson et al., 2017 for more detail).

We qualitatively analyzed the transcripts from the hearings of the Standing Committee on Justice and Human Rights and the Senate Standing Committee on Legal and Constitutional Affairs, which took place in the summer and fall of 2014. Our focus was on the content, tone, and nature of each question posed by committee members to witnesses either in favour of (pro witnesses) or in opposition to (con witnesses) the bill. We found that the vast majority of questions were respectful, neutral, and fair but that committee members were biased toward witnesses in agreement with their position and against witnesses in opposition to it. While this may not be surprising to observers of parliamentary politics, this finding is derived from a systematic analysis that makes contributions to the literatures on prostitution, morality policy, and qualitative methodologies. Before turning to a discussion of our study, we briefly review the literature on parliamentary committees.

Parliamentary Committees in Canada and Beyond

Parliamentary committees play an important role in policy development. As Schofield and Fershau write, “the committee of the whole House, which consists of all elected members of an assembly,” is responsible for reviewing draft legislation and spending estimates (2007: 355). Parliamentary committees meeting outside the chamber are smaller groups of private members who together represent officially recognized parties in proportion to their respective total seats. According to Franks, committees “offer the prospect of more channels for processing legislation...[and] getting more business through parliament” (1987: 161). Activities include studying bills, which involves examining evidence and hearing from witnesses. As Pedersen and colleagues write, committees “function as an important linkage between state and civil society” (2015: 409).

Docherty argues that parliamentary committees are valuable in large part because of their non-partisan tendencies (2005). In his words, they “operate outside the more formal atmosphere and media glare of the chamber,” in a “more relaxed mood,” where there is “often less overt partisan tension” and greater co-operation; they “are more directly engaged in policy discussions than the legislature as a whole”; they encourage specialization, which can result in members being less inclined to participate in “partisan heckling”; they have greater authority over activities under their remit, “particularly regarding the calling of witness testimony and documents;” and they are “staffed with employees of the legislature” who are non-partisan (2005: 165–66). However, despite the general tenor of committees being more collegial than that of the chamber (Docherty, 2005; Franks, 1987; Hindmoor

et al., 2009; Samara, 2011a, 2011b; Skogstad, 1985; Stewart, 1977), they are often characterized by intense debate and entrenched positions.

Skogstad notes that committees fulfill two overarching roles, conflict management among groups and representation of individuals, and that both can be derailed by partisan politics (1985). Partisan manoeuvres by committee members and deep divisions among their client groups may bring these two roles into conflict. The representation of specialist interests on committees decreases the likelihood of conflict management. In such circumstances, “the intense adversarial relationship between government and opposition committee members is unlikely to promote consensus-building between divergent groups” (1985: 771). Other factors inhibiting non-partisan deliberation within committees include party discipline, which is often enforced by member substitution and rotation. The non-profit organization Samara finds in a recent study of former Canadian parliamentarians that “many MPs complain that their parties directly interfered with their Parliamentary work by disrupting committees” (2011a: 17). As Atkinson and Nossal write, “the pervasiveness of party discipline means that committee members will never be entirely willing or able to insist on the integrity of committee proceedings” (1980: 290). Park also notes the prevalence of party politics within committees (2011). Similarly, Hindmoor and colleagues discuss the role of politics in committee deliberations (2009).

Despite the interest group politics and party influences, the epistemic communities centring on prostitution law reform hoped that the new policy would be based on a serious consideration of the evidence in a respectful, fair, and non-partisan manner. Moreover, harking back to Franks, there remains a normative expectation that committees should be a place for collective deliberation by committee members and witnesses with a diversity of expertise and insights. In the following sections, we outline the parliamentary hearings on Bill C-36, discuss our methodology, and present our findings.

Parliamentary Hearings on Bill C-36

In June 2014, the Standing Committee on Justice and Human Rights invited individuals and groups to submit briefs concerning Bill C-36. The Standing Committee included seven members of Parliament from the governing Conservative Party of Canada (CPC), two from the opposition New Democratic Party (NDP) and one from the Liberal party, although during these hearings, eight CPC members, three NDP members, and one Liberal party member participated at various times. The committee’s chair was a CPC MP and the vice-chair was from the NDP. The hearings were held in Ottawa on July 7, 8, 9, 10, and 15, 2014. On average, each session had seven witnesses representing either an organization or as individuals. Organizations could have multiple witnesses but were given a total of 10

minutes for their opening statement. As Senate appointments can only be made by the Government of Canada, the Senate Standing Committee on Legal and Constitutional Affairs included eight Senators appointed by the Conservatives, three appointed by the Liberals, and one appointed by the Conservatives but who was sitting as an independent. A Conservative appointee chaired the committee and a Liberal appointee was the vice-chair. The hearings were held in Ottawa on September 9, 10, 11, and 17 and October 29 and 30, 2014. The bill passed in the House on October 6 and in the Senate on November 4. It received Royal Assent on November 6 and came into force and effect on December 6, 2014.

In terms of the numbers of witnesses either against or in favour of the bill, there was an imbalance (Tables 1a and 1c; for more details, see appendix A).³ For the commons committee, the total number of individual and organizational witnesses in favour of the bill was 37 (67.27%), whereas the total

TABLE 1A
Standing Committee on Justice and Human Rights—Summary by Pro and Con Witnesses

Stance on Bill C-36	Number of Individuals	Number of Organizations	Total Witnesses
Pro	7	30	37 (67.27%)
Con	4	14	18 (32.73%)
Total	11	44	55

TABLE 1B
Standing Committee on Justice and Human Rights—Summary by Pro and Con Briefs Submitted

Stance on Bill C-36	Number of Individuals	Number of Organizations	Total Submissions
Pro	4	20	24 (41.38%)
Con	13	21	34 (58.62%)
Total	17	41	58

TABLE 1C
Standing Committee on Justice and Human Rights—Briefs and Witnesses

Stance on Bill C-36	Total Briefs Submitted	Submitted Brief Only	Submitted Brief and Testified	Testified Only	Total Witnesses Who Testified
Pro	24 (41.38%)	8	16	21	37 (67.27%)
Con	34 (58.62%)	23	11	7	18 (32.73%)
Total	58	31	27	28	55

number of witnesses against it was 18 (32.73%). For the Senate committee, there was a more equal distribution of witnesses but still a larger number of those in favour: 24 (58.54%) to 17 (41.46%) (Tables 2a and 2c).

Looking at the pool of prospective witnesses who submitted briefs to both committees (Tables 1b and 2b), we find that the inequality of representation was not based on the initial distribution of perspectives for and against the bill. There were more prospective witnesses articulating serious criticisms of the bill than those highlighting its strengths. Thirty-four (58.62%) who were against the bill and 24 (41.38%) who were in favour of it submitted briefs to the commons committee, and 38 (66.67%) who were against and 19 (33.33%) who were in favour submitted briefs to the senate committee. Of the 24 individuals and organizations in favour that submitted briefs to the commons committee, 16 (66.67%)

TABLE 2A
Standing Senate Committee on Legal and Constitutional Affairs—
Summary by Pro and Con Witnesses

Stance on Bill C-36	Number of Individuals	Number of Organizations	Total Witnesses
Pro	6	18	24 (58.54%)
Con	7	10	17 (41.46%)
Total	13	28	41

TABLE 2B
Standing Senate Committee on Legal and Constitutional Affairs—
Summary by Pro and Con Briefs Submitted

Stance on Bill C-36	Number of Individuals	Number of Organizations	Total Submissions
Pro	3	16	19 (33.33%)
Con	11	27	38 (66.67%)
Total	14	43	57

TABLE 2C
Standing Senate Committee on Legal and Constitutional Affairs—Briefs
and Witnesses

Stance on Bill C-36	Total Briefs Submitted	Submitted Brief Only	Submitted Brief and Testified	Testified Only	Total Witnesses Who Testified
Pro	19 (33.33%)	9	10	14	24 (58.54%)
Con	38 (66.67%)	29	9	8	17 (41.46%)
Total	57	38	19	22	41

testified. Of the 34 individuals and organizations against, 11 (32.35%) testified. In addition, the committee invited 21 individuals and organizations favouring the bill and 7 opposing it that had not submitted briefs (Table 1c). The senate committee heard from 10 (52.63%) of the 19 pro individuals and organizations that submitted briefs and 9 (23.68%) of the 38 con individuals and organizations from the group who submitted briefs. An additional 14 pro and 8 con individuals and organizations that did not submit briefs were invited (Table 2c).

Description of Methodology and Analysis

Our overarching question centres on whether committee members treated witnesses testifying on Bill C-36 respectfully and fairly. It is important to highlight that our methodology is interpretative and qualitative but that our findings are expressed in numeric terms amenable to statistical analysis. Like most qualitative analyses, ours is inductive (see Hood, 2007; Maxwell, 2005). Our justification for taking an inductive approach derives from the fact that we cannot find in the academic literature any content analyses of parliamentary hearings involving policy issues that are polarized and that involve marginalized populations, and their representatives and allies. Little, if any, study has been done on the *content, tone, and nature* of committee member questioning of witnesses.⁴ Our approach is appropriate because we are engaging in exploratory research (Campos, 2004) into a phenomenon about which “little is known” (Gerbic and Stacey, 2005: 50; see also Chong and Yeo, 2015; Robson, 2002; Wright, 2009).

Our analysis of the hearing transcripts is informed by grounded theory. Grounded theory approaches build and refine coding categories as researchers become more immersed in the data. As Hood writes, drawing from Glaser and Strauss, the key components of grounded theory include a “spiral of cycles” of data collection, coding, analysis, writing, design, and categorization; “constant comparative analysis” of theoretical categories throughout each cycle; theoretical sampling of categories developed from ongoing data analysis; codes that emerge from the data and that are not imposed a priori on it; and resulting theory that is “developed inductively from data rather than tested by data” and that is “continuously refined and checked by data” (2007: 154).

In mid-fall of 2014, the three authors began reading the transcripts, examining the micro level of single words and phrases with the intention of identifying macro level patterns. Working consensually, we identified questions as our unit of analysis, as they stood out as the most common form of communication between committee members and witnesses. Most were easily identified by a question mark at the end. On occasion, questions would appear as statements and not contain a question mark.

We identified these implicit questions by asking ourselves if they could be followed by “Is that what you meant?” “Do you agree or disagree?” or “Do you care to comment?” If these statements still made sense, and if the witness or witnesses responded as though they believed these statements were questions, we counted them as such.

Our initial reading of the transcripts led us to conceptualize three dimensions for questions; we saw that each question could be understood in terms of its content, tone, and nature. We refined questions as our unit of analysis by incorporating a focus on these dimensions, which we developed into both measurable and generalizable core categories and evaluative codes. Our process resulted in three categories and eight codes. For content, we evaluated each question as either respectful or disrespectful; for tone, we evaluated each question as positive, negative, or neutral; and for nature, we evaluated each question as either sympathetic, combative, or fair.

As we became increasingly familiar with the content of the transcripts, we refined our core categories and began defining evaluative codes. We then began coding the transcripts in the chronological order of the sessions. It is important to point out that we coded each question in terms of content, tone, *and* nature. Kuckartz writes that “qualitative text analysis tends to use a procedural approach that aims at minimizing coding differences by discussing and resolving any questionable or conflicting codings as a research team” (2014: 46). Kuckartz notes that coders do not have to calculate coder-reliability coefficients but that they must use appropriate procedures, such as consensual coding, to ensure that they “agree in their understanding of how to apply the category system.” (2014: 47). We engaged in consensual coding, which involved weekly meetings to check our individual coding of session transcripts, confirm our consistent application of codes, resolve differences among our applications, and further tweak our codes. We viewed validation as an ongoing comparison of our established interpretations against new data emerging from the session transcripts, and we conducted a continuous comparison of our codes to validate our interpretations and ensure generalizability across the entirety of the transcripts. While we focused primarily on the print transcripts, we often referred to the video and audio recordings of meetings.

Seventeen months after we finished our consensual coding, two authors repeated the coding of the entire set of transcripts to test and refine our coding scheme.⁵ For this second round in 2016, we were careful to code separately and to record our individual coding before consensually deciding on the final codes. We were thus able to test the *inter-coder* reliability and agreement between our individual coding (that is, before the final coding). In addition, we compared the results of the 2014 and 2016 final rounds of (consensual) coding. We refer to the comparison of the two rounds of coding as an *inter-transcript* reliability and agreement

TABLE 3
Inter-coder Reliability (between 2016 coders)

	Content	Tone	Nature
Kappa Coefficient (K_w)*	0.82	0.69	0.63
Per cent Agreement	99.56%	92.30%	81.19%
			n = 909

*Weighted kappa (Cohen, 1968).

TABLE 4
Inter-Transcript Reliability (between 2014 and 2016 rounds of coding)

	Content	Tone	Nature
Kappa Coefficient (K_w)*	0.63	0.53	0.51
Per cent Agreement	98.97%	84.42%	75.26%
			n = 873

*Weighted kappa (Cohen, 1968).

test. For both tests, we provide kappa coefficients and per cent agreements (see Tables 3 and 4).

We have very high percent agreements, and the weighted kappa coefficients show substantial to “almost perfect” values for the 2016 round.⁶ We have high percentages for inter-transcript agreement but moderate to low weighted kappa coefficients between the 2014 and 2016 rounds. These findings are very interesting, suggesting that our coding scheme became more refined and robust. Moreover, they suggest that we more consistently applied it in 2016. The following paragraphs provide a basic description of each of our core categories and evaluative codes (see Appendix B in Johnson et al., 2017 for more detail).

Content

On our initial analysis of the transcripts, we observed that the content of questions, that is, the phrases used by committee members, was generally respectful but, on occasion, disrespectful. We thus developed a core category for content and evaluative codes for respectful and disrespectful. Respectful content includes careful and sensitive language that communicates deference to and appreciation of the experience, insights, and knowledge of witnesses as they pertain to the hearings. The following example includes clear indicators of respectful language, which we have bolded.

Mr. Sean Casey (Charlottetown, Lib.): **Thank you.** Back to you, **Dr. Bruckert.** **I know you were here this morning** when we heard the chief of the Calgary police say that a conviction under a summary offence does not result in a criminal record. **I don't know if you shared my reaction, but I'd be interested in yours first.** Secondly, **can you share your experience on what actually does happen** when there's a sweep or when people involved in the sex trade are criminally charged? (Standing Committee on Justice and Human Rights, July 8, 2014, Meeting 37)

*To Christine Bruckert, Professor, Department of Criminology,
University of Ottawa (con witness)*

Conversely, we developed an evaluative code for disrespectful content to include gratuitous or inflammatory language that dismisses, diminishes, or trivializes the experience and experiences of witnesses as they pertain to the hearings. The following is an example.

Mr. Bob Dechert (Mississauga-Erindale, CPC): A commercial enterprise, **for your edification**, refers to an organized brothel, a massage parlour, a strip club; it is not the individual prostitute providing her services or a co-operative between two, three, or more prostitutes working together in their own space, where they're sharing expenses equally. **That's what you're not understanding, and to say anything different would, in my view, be absurd.** (Standing Committee on Justice and Human Rights, July 8, 2014, Meeting 37)

To Elin Sigurdson, Lawyer, Pivot Legal Society (con witness)

Tone

Also on our initial analysis of the hearings, we found that there were variations in the tone of questions. There were questions that were expressed in either friendly, "snarky," or matter-of-fact tones. We thus created and developed a core category based on the tone of the question, that is, how the question sounds, and evaluative categories of positive, negative, and neutral.

As an adjective describing a person's disposition, *positive* refers to someone having constructive attitudes or taking constructive action. It expresses a willingness to engage productively with others, hear their perspectives, and receive their insights. It involves an affirmation of someone's views. The following is an example of a positive tone question, in which we see expressions of praise and goodwill.

Mrs. Joy Smith (Kildonan-St. Paul, CPC): Thank you so much. I would like to ask some questions now of Chief Hanson. **I have to congratulate you and the Calgary Police Service. They are doing amazing work in**

terms of human trafficking and this whole issue. **Your coming here today and your thoughtful comments mean a great deal on this committee.** I have a couple of questions. You were talking about the exit strategies and the need for more money, and that has come out **very comprehensively**. You've also talked about the overrepresentation of Aboriginal women and the need to reduce the gender bias in our society. I thought that **very compelling** because 10 years ago we would not have heard that from police forces. Can you expand a little bit more clearly on what you've seen on the streets in terms of underage girls on the streets and also about the idea of how women are expected to be treated and accepted and this kind of involvement in the sex trade? Could you expand on what you were saying a little earlier more fully? (Standing Committee on Justice and Human Rights, July 8, 2014, Meeting 35)

To Rick Hanson, Chief of Police, Calgary Police Service (pro witness)

Conversely, the adjective *negative* expresses, conveys, or implies a denial, refusal, or dismissal of something or someone. It expresses a lack of affirmation. Thus negative tone questions sound irritated, dismissive, or discouraging and use phrases to indicate these meanings. Negative tone questions are often expressed repeatedly or persistently in ways that cut off the witness. In the following example, we see a committee member almost haranguing witnesses.

Mrs. Stella Ambler (Mississauga South, CPC): Do you agree that johns should be criminalized and that the buying of sex should be illegal in Canada?

Ms. Christa Big Canoe: That would be our opposition to the bill, that the criminalization—[**cut off**]

Mrs. Stella Ambler: **In principle you disagree that we should criminalize the mostly men who buy sex.**

Ms. Christa Big Canoe: Yes, because of the adverse impact it will have on sex workers. The adverse impact it will have on sex workers is the driving of the most vulnerable, the street-level sex workers or survival sex workers, into darker corners or into places where they become unsafe. Contrary to what the Supreme Court had to say about them having the measures—and I don't say "screening" in quotations because it's an actual valid exercise. In doing that, you've pushed— [**cut off**]

Mrs. Stella Ambler: **We've had witnesses here who've said there is no such thing as "underground" or "in dark corners"** because when johns want to purchase sex, they have to find the prostitutes. (Standing Committee on Justice and Human Rights, July 10, 2014, Meeting 41)

To Christa Big Canoe, Legal Advocacy Director, Aboriginal Legal Services of Toronto (con witness)

We also created an evaluative code for neutral tone questions. The adjective *neutral* implies something or someone not belonging to either of two established categories. On our reading of the transcripts, questions expressed in a neutral tone sound neither discouraging nor encouraging. They generally include phrases indicating impartiality and dispassion. In the following example, we do not include bold formatting because the entire passage indicates a neutral tone, containing neither explicitly positive nor negative phrases.

Mr. Bob Dechert: If we don't do anything, what do you think Canada will look like in terms of the prostitution business in 10 years? (Standing Committee on Justice and Human Rights, July 10, 2014, Meeting 42)

To Mélanie Sarroino, Quebec, Canadian Association of Sexual Assault Centres (pro witness)

Nature

Finally, on our initial analysis of the transcripts, we noticed that the nature of questions also varied. Some seemed to be “softball” questions. Some appeared to be designed to confuse or provoke the responder. Some tended to be open-ended, inquisitive questions. We therefore created a core category for the nature of questions and corresponding evaluative codes for sympathetic, combative, and fair questions.

The word *sympathetic* refers to an affinity or correspondence between individuals. We defined sympathetic questions as those intending to elicit or highlight an agreement between a committee member and witness. These questions appear to reinforce the argument of the committee member asking the question. They are often expressed in the same language as the witness used in her or his opening statement. The following is an example of a sympathetic question, with key phrases in bold.

Mrs. Joy Smith: Thank you very much. Keira and Hilla, **you've been amazing over the years. I've just loved partnering with you in so many ways**, and you are in the real world, on the ground. For the committee today, **what is the most important message this committee has to get, because you deal with trafficking victims every day of the week?** That's for either one of you. (Standing Committee on Justice and Human Rights, July 10, 2014, Meeting 41)

To Hilla Kerner, Collective Member, and Keira Smith-Tague, Front Line Worker, Vancouver Rape Relief and Women's Shelter (pro witnesses)

Conversely, we define *combative* questions as those appearing to highlight disagreement between a committee member and witness, to bring out contradictions in the witness's position, to put him or her in a difficult position, to confuse him or her, or to shut him or her down. Combative questions

appear to be attempts to force witnesses to respond in particular ways, casting them in an unfavorable light. Like negative tone questions, combative questions are often persistent or repeated and can contain a demand for a closed response. The following is an example of a combative question, with key phrases in bold.

Senator Donald Plett [CPC appointed]: You have been emphatic here on saying that you haven't been able to find where people actually want to be violent. Senator Frum asked you and Senator Batters asked you. We had a lady here yesterday who said that at the age of 15 she had to have 15 stitches in her cervix and could not have children because of the way she had been abused. We have heard over and over and over about this. **And then you sit here and you somehow self-righteously say that we shouldn't be calling those people perverts.** We haven't called one person around this table a pervert, nor have we any of the other sex workers present here this week. I don't believe they are. I believe they are trying to eke out a living. These two men right here are trying to make a living. I haven't called them perverts. Robert Pickton is a pervert. He's a killer. I won't apologize for calling him that. **And for you to suggest that we should somehow call them something else and for you to sit here and suggest that we don't have violence, continued violence, I find objectionable. Is this the way you usually conduct yourself when people disagree with your point of view?** (Standing Senate Committee on Legal and Constitutional Affairs, September 11, 2014)

*To Chris Atchison, Research Associate, Department of Sociology,
University of Victoria (con witness)*

Fair questions, as we define them, seek to explore or clarify a witness's position. They are open-ended and exploratory and typically expressed in qualified language. They encourage the responder or responders to elaborate. They tend to be discursive, in the sense of carrying on a conversation with no pre-established conclusion in mind. The following example contains no bolding because the entire passage is expressed in fair manner.

Mr. Sean Casey: Thank you, Mr. Chair. Ms. Phillips, we've heard from a couple of lawyers who have expressed some concern over the reverse-onus provisions. You describe it in your brief as an assumption of guilt in regard to persons who live with or are habitually in the company of persons. I know you talked about that in your opening statement. I get the sense, however, that your concern over this provision is more from a policy perspective than from a legal and constitutional one. So tell me whether or not that is the case, and feel free to expand on why you find this offensive outside of the legal constitutional context. (Standing Committee on Justice and Human Rights, July 10, 2014, Meeting 42)

*To Rachel Phillips, Executive Director, Peers Victoria Support Society
(con witness)*

Each question was coded three times, corresponding to the three core categories and their evaluative codes. The following is an example of how we did this for a respectful (bold), positive (bold and italics), and sympathetic question (bold and underscore):

Mrs. Joy Smith: **Thank you, Mr. Chair. Thank you to all the witnesses for coming here today to give us your opinions. Mr. Swan, I applaud you for all the work you do in Manitoba. I really applaud your support of Bill C-36, and your advice on some amendments.** For the first time in Canada, the purchase of sex will be illegal, and that will help a lot of things. First-time advertising by third parties will be addressed, and for the first time we have compassion in the bill. Having said that, **could you expand a bit on what a victim actually needs? With living in the part of Winnipeg you live in and being on some of the streets that both of us have been on, perhaps you could give the committee insight as to what really happens.** (Standing Committee on Justice and Human Rights, Meeting 34, July 7, 2014)

*To Hon. Andrew Swan, Minister of Justice and Attorney General,
Government of Manitoba (pro witness)*

Findings

We present our findings from our 2016 coding. We coded 909 questions, with the CPC asking 485, Liberals 271, and NDP 153. The pro witnesses were asked more questions than the con witnesses at a ratio of approximately 3:2 in both absolute numbers (Table 5) and percentages (Figure 1). The CPC and the NDP asked significantly more questions to pro than to con witnesses. Liberal members asked questions to both witnesses in favour and against at an equal ratio. This distribution of more questions to pro witnesses than to con witnesses can be explained by the distribution of witnesses either for or against the bill. Again, there were more witnesses in favour than against; a bias toward those favourable to the bill was effectively built into the lineup of witnesses.

In terms of the content of the questions (see Table 6 and Figure 2), we found that nearly all questions were respectful (CPC = 97.53%; LIB = 100%; NDP = 100%). The only disrespectful questions were asked by the

TABLE 5
Total Questions by Party and Witness

	CPC	Liberal	NDP	Total
Con Witnesses	205	134	59	398
Pro Witnesses	280	137	94	511
Total	485	271	153	909

FIGURE 1
The distribution of questions addressed to pro and con witnesses for each party

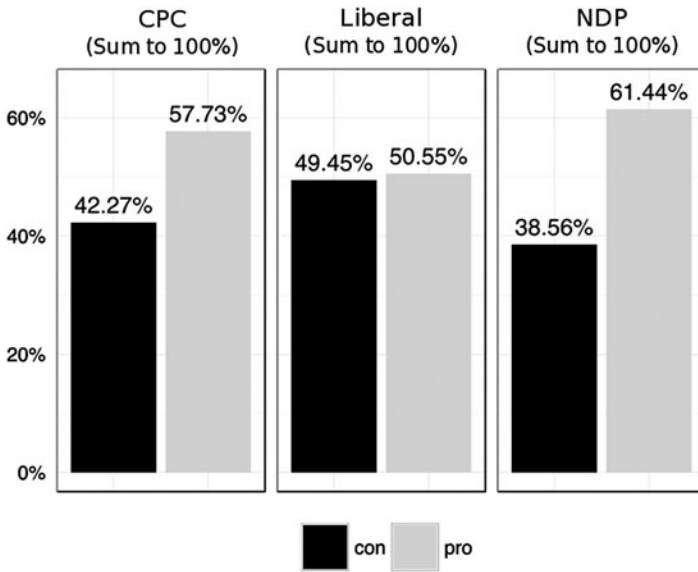
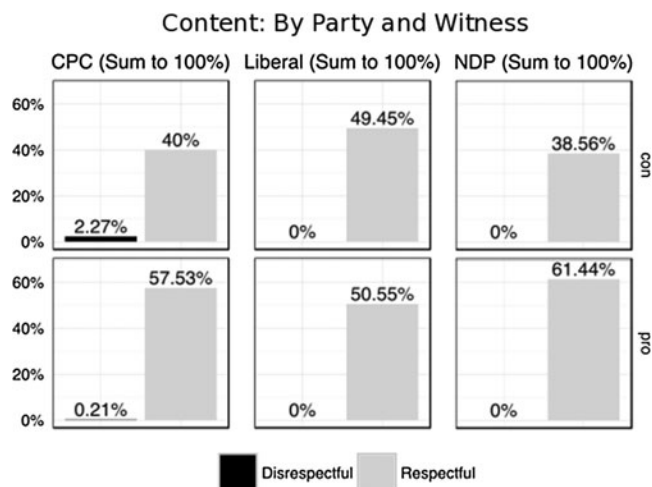


TABLE 6
Content–Total Questions by Party and Witness

Witnesses	Disrespectful		Respectful
		CPC n = 485	
Con	11		194
Pro	1		279
Total (CPC)	12		473
		LIB n = 271	
Con	0		134
Pro	0		137
Total (LIB)	0		271
		NDP n = 153	
Con	0		59
Pro	0		94
Total	0		153
		Summary n = 909	
Content Total	12		897

FIGURE 2

The distribution, measured in terms of percentage (%), of disrespectful and respectful questions addressed to con and pro witnesses by each party



CPC ($n = 12$), amounting to 2.47 per cent of the party's overall questions. When looking at the distribution of respectful and disrespectful questions to either witnesses in favour or against, we see that 91.67 per cent of disrespectful questions asked by the CPC were directed to con witnesses ($n = 11$ disrespectful questions to con witnesses and 1 disrespectful question to a pro witness).

With respect to tone (Table 7 and Figure 3), we found that the vast majority of questions asked by all parties to all witnesses were neutral (CPC = 80.62%; LIB = 86.71%; NDP = 92.16%). All parties asked positive tone questions. Negative tone questions were asked infrequently. CPC members addressed all of their 23 negative tone questions to con witnesses, while a Liberal member addressed his one negative tone question to a pro witness. Of the positive tone questions asked by the CPC, almost all were directed to the witnesses in favour (92.96%; $n = 66$ positive tone questions asked by the CPC to pro witnesses and 5 to con witnesses). NDP members posed 9 positive tone questions to witnesses in favour of the bill and three to those against it (75% to pro witnesses and 25% to con witnesses). The Liberals posed 21 positive tone questions to witnesses in favour and posed 14 to witnesses against (60% to pro witnesses and 40% to con witnesses).

Concerning the nature of questions (Table 8 and Figure 4), a substantial majority of questions asked by all parties to all witnesses were of a fair

TABLE 7
Tone: Total Questions by Party and Witness

Witnesses	Negative	Neutral	Positive
		CPC n = 485	
Con	23	177	5
Pro	0	214	66
Total (CPC)	23	391	71
		LIB n = 271	
Con	0	120	14
Pro	1	115	21
Total (LIB)	1	235	35
		NDP n = 153	
Con	0	56	3
Pro	0	85	9
Total (NDP)	0	141	12
		Summary n = 909	
Tone Total	24	767	118

nature (CPC = 65.15%; LIB = 85.24%; NDP = 68.62%). All parties asked combative questions, but the CPC asked the most. All parties asked sympathetic questions, but the NDP and the CPC asked the most. All combative questions asked by the CPC were directed to con witnesses (n = 58

FIGURE 3
The distribution, measured in terms of percentage (%), of negative, neutral and positive questions addressed to con and pro witnesses by each party

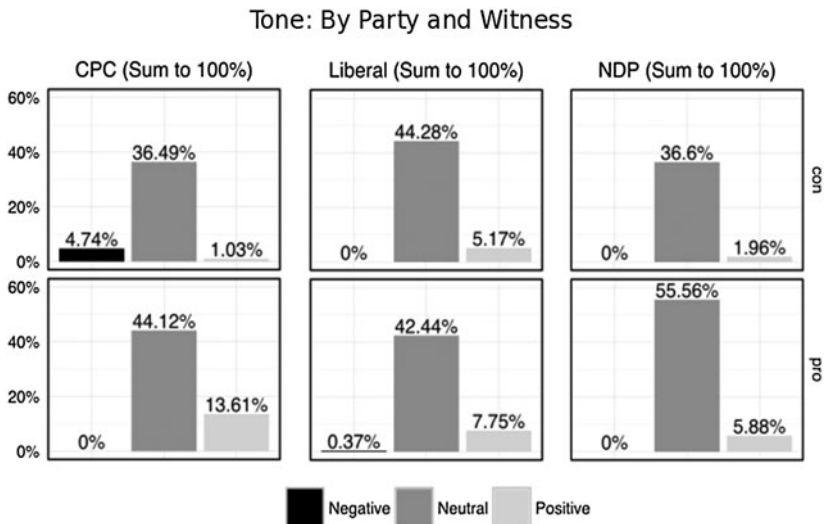


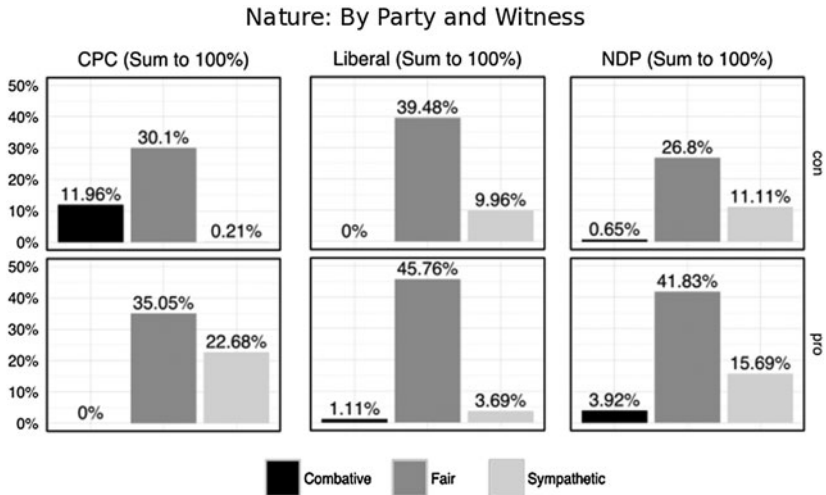
TABLE 8
Nature: Total Questions by Party and Witness

Witnesses	Combative	Fair	Sympathetic
		CPC n = 485	
Con	58	146	1
Pro	0	170	110
Total (CPC)	58	316	111
		LIB n = 271	
Con	0	107	27
Pro	3	124	10
Total (LIB)	3	231	37
		NDP n = 153	
Con	1	41	17
Pro	6	64	24
Total (NDP)	7	105	41
		Summary n = 909	
Tone Total	68	652	189

combative questions). Nearly all combative questions asked by the NDP were directed to pro witnesses (n=6 to pro witnesses and 1 to a con witness). The three combative questions asked by Liberals were directed to pro witnesses. Virtually all sympathetic questions asked by the CPC

FIGURE 4

The distribution, measured in terms of percentage (%), of combative, fair, and sympathetic questions addressed to con and pro witnesses by each party



were directed to the pro witnesses (99.09%; $n = 110$ sympathetic questions asked by the CPC to pro witnesses and 1 to a con witness). Sympathetic questions by NDP members were more evenly distributed between witnesses in favour and against, with 58.54 per cent to pro witnesses and 41.46 per cent to con witnesses ($n = 24$ sympathetic questions to pro witnesses and 17 to con witnesses). Of the sympathetic questions asked by the Liberal party, 72.97 per cent were directed to con witnesses and 27.02 per cent to pro witnesses ($n = 27$ sympathetic questions asked by the Liberal party to con witnesses and 10 to pro witnesses).

Conclusion

In such an ideologically charged area as prostitution policy, there is a normative expectation that elected politicians will deliberate with experts, stakeholders, and members of the public, and that these deliberations will be fair and respectful. Deliberations on Bill C-36 were, on the whole, fair and respectful, but they were also significantly biased.

We found an inequality in the distribution of pro and con witnesses. Despite the larger number of potential witnesses articulating serious criticisms of the bill in their written submissions, more witnesses praising the bill were selected to testify. Since the CPC held a majority of seats on the committee, they were able to select more witnesses than the NDP and Liberal members and to vote down witnesses proposed by the NDP and Liberal members. The decisions concerning the participation of witnesses reveal both an inclusionary bias toward those in favour of the bill and a representational exclusion of those in opposition to it thus building partisanship into the very foundations of the hearings.

Moreover, our findings indicate bias in the content, tone, and nature of questions, especially those from CPC members. When looking at the content of questions, nearly all questions were respectful. However, all disrespectful questions were asked by members of the CPC, and all but one were posed to individuals testifying against the bill. The tone of the vast majority of questions was neutral, but CPC members asked the largest percentage of negative tone questions, all of which were directed to con witnesses. CPC members also asked the largest percentage of positive tone questions, nearly all of which were directed to pro witnesses. Although a substantial majority of questions asked were fair, we see biases in the nature of questions as well. CPC members posed all of their combative questions to witnesses opposing their position and virtually all of their sympathetic questions to witnesses favouring their position. The NDP and Liberal members showed similar biases but not nearly as pronounced.

Our study provides insights into how committee members deliberate on deeply polarized issues and how they interact with witnesses with

whom they strongly agree or disagree. It provides insight into what witnesses can expect when invited to appear before a parliamentary committee. This is important especially for witnesses who are, or have been, marginalized or stigmatized, and for those representing them or allying with them. Such individuals engaging on these kinds of issues can expect to be treated consistently well insofar as they support the bill for which they are appearing. However, those expressing more critical views can expect a few disrespectful questions, some negative tone questions, and a few more combative questions. Numerically, these types of questions may not be significant, but from a qualitative perspective, they can seriously affect the experiences of witnesses. Witnesses opposing a contentious bill may experience a deep unease with regard to a process that *should be* respectful, fair, and non-partisan, as well as focused on sound evidence and arguments, but that is in fact not. This can be very upsetting, indeed traumatic, for certain individuals and it may cause them to disengage from important policy discussions. This is an important conclusion, especially for public hearings on morally contentious policy, in which we hope a broadly inclusive diversity of actors—representing different epistemic communities—participate.

In addition to our substantive findings, we provide a methodology for qualitative analysis and consensual coding that can systematically capture three dimensions of text: content, tone, and nature. We hope that our core and evaluative categories, our grounded theory approach, will inspire other qualitative researchers to further this kind of analysis.

Endnotes

- 1 For exceptions, Crowhurst (2012), Johnson (2015), Scoular and O'Neill (2007) and Wagenaar (2006).
- 2 For research on interactions between committee members and witnesses, see Grube (2014), Holli (2012) and Pedersen et al. (2015).
- 3 Our classification of witness as individuals or groups differs from the hearing transcripts in the following ways: 1) In his presentation, Megarry explicitly stated that he was speaking on behalf of the group, RÉZO. Therefore, we count his testimony as that of a group. Similarly, McConaghy, speaking for Ratanak International, is counted as a group; 2) Ed and Linda Smith, as well as Sarson and MacDonald, presented respectively on the same topic together and were allocated a single timeslot. We count them as single individuals.
- 4 Based on a frequency count of individual words, computer-aided analysis is effective at assessing the overall tone of a document. It is less effective when the unit of analysis is smaller (Young and Soroka, 2012: 209). Moreover, as Young and Soroka note, “automation counts but does not rate entries; it identifies but does not interpret semantic patterns; it quantifies concepts but not symbols” (208-09). It was our initial intention to take advantage of this technology (specifically, we had set out to analyze sentiment using Lexicoder) (Daku et al., 2015), but the small size and noisiness of our dataset precluded statistically significant results. While short in general, individual questions tended to be

of sufficient length necessary for computer coding (questions ranged from 5 to 875 words, with a mean length of 112 words and median of 83 words). However, the variance in content and the committee members' intended witnesses created the greatest obstacle to achieving significance. Many questions, particularly those exceeding 200 words, were proceeded by discourse covering multiple topics and often appear to be directed towards multiple and changing audiences (for instance, the general public, other committee members, witnesses that are not being questioned); it is common for only a few sentences of a long address to be directed at the witness who ultimately responds. Thus noise intrudes as content that is unrelated to the question or questions being asked of the witnesses and is often intended for other audiences (for example, see Françoise Boivin to Christa Big Canoe, Standing Committee on Justice and Human Rights, July 10, 2014, Meeting 41: 11). While these asides do provide valuable contextual information that informs our judgment as manual coders as to the content, tone, and nature of the questions, in the context of machine coding they create unbalanced error, potentially biasing results.

- 5 Since one of our authors is a sex worker rights activist and testified in the hearings, we decided to exclude her from this second round of coding as an additional step to ensure greater impartiality.
- 6 Allen and colleagues write that “kappa values above 0.61 are generally taken to represent ‘substantial’ agreement, while those above 0.81 indicate ‘almost perfect’ agreement” (2013: 174-5). Matthews and colleagues characterize a kappa value of .55 as moderate (2012: 287).

References

- Allen, Sarah, Darcie Bennett, Jill Chettiar, Grace Jackson, Andrea Krüsi, Katrina Pacey, Kerry Porth, Mae Price, Sex Workers United Against Violence, Kate Shannon, and Chrissy Taylor. 2014. “My Work Should Not Cost Me My Life: The Case against Criminalizing Purchase of Sex in Canada.” http://media.wix.com/ugd/22d091_bea4a0c8c05741c1a45ac4d7e6b9f12.pdf (July 15, 2016).
- Amnesty International. 2016. “Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers.” <https://www.amnesty.org/en/documents/pol30/4062/2016/en/> (July 29, 2016).
- Atchison, Chris, Cecilia Benoit, Patrick Burnett, Mikael Jansson, Mary Clare Kennedy, Nadia Ouellet, and Dalia Vukmirovich. 2015. “The Influence of Time to Negotiate on Control in Sex Worker-Client Interactions.” http://media.wix.com/ugd/22d091_5cb059e6a65543668c14bb5ae6b4d246.pdf (July 15, 2016).
- Atchison, Chris, Dalia Vukmirovich and Patrick Burnett. 2015. “Executive Summary of the Preliminary Findings for Team Grant Project 4—Sex, Safety and Security: A Study of Experiences of People Who Pay for Sex in Canada.” http://media.wix.com/ugd/22d091_e3207373cc204a60badd363d8dcfbad1.pdf (July 15, 2016).
- Atkinson, Michael M. and Kim Richard Nossal. 1980. “Executive Power and Committee Autonomy in the Canadian House of Commons: Leadership Selection, 1968–1979.” *Canadian Journal of Political Science* 13 (2): 287–308.
- Attorney General of Canada v. Bedford* [2013] 3 SCR 1101.
- Benoit, Cecilia and Alison Millar. 2001. “Dispelling Myths and Understanding Realities: Working Condition, Health Status, and Exit Experiences of Sex Workers.” Victoria: PEERS.
- Bowen, Raven. 2006. “From the Curb: Sex Workers’ Perspectives on Violence and Domestic Trafficking.” Vancouver: British Columbia Coalition of Experiential Women.

- Bowen, Raven and Vickie Bungay. 2016. "Taint: An Examination of the Lived Experiences of Stigma and its Lingering Effects for Eight Sex Industry Experts." *Culture, Health and Sexuality* 18 (2): 184–97.
- Bryant, Antony and Kathy Charmaz. 2007. "Grounded Theory in Historical Perspective: An Epistemological Account." In *The SAGE Handbook of Grounded Theory*, ed. Antony Bryant and Kathy Charmaz. London: SAGE.
- Campos, Milton. 2004. "A Constructivist Method for the Analysis of Networked Cognitive Communication and the Assessment of Collaborative Learning and Knowledge-Building." *Journal of Asynchronous Learning* 8 (2): 1–29.
- Canadian Alliance for Sex Work Law Reform. 2014. "Reckless Endangerment: Q & A on Bill C-36: Protection of Communities and Exploited Persons Act." [http://www.parl.gc.ca/Content/SEN/Committee/412/lcjc/Briefs/C-36/C-36_brief_Cdn_HIV-AIDS\(Supplementary\)_E.pdf](http://www.parl.gc.ca/Content/SEN/Committee/412/lcjc/Briefs/C-36/C-36_brief_Cdn_HIV-AIDS(Supplementary)_E.pdf) (July 15, 2016).
- Chong, Chee-Huay and Kee-Jiar Yeo. 2015. "An Overview of Grounded Theory Design in Educational Research." *Asian Social Science* 11 (12): 258–68.
- Chu, Sandra Kon Hu and Rebecca Glass. 2013. "Sex Work Law Reform in Canada: Considering Problems with the Nordic Model." *Alberta Law Review* 51: 101–24.
- Clancey, Alison and Kimberley MacKenzie. 2015. "IM/Migrants Sex Workers, Myths and Misconceptions: Realities of the Anti-Trafficked." <http://swanvancouver.ca/wp-content/uploads/2014/01/Realities-of-the-Anti-Trafficked.pdf> (July 15, 2016).
- Cler-Cunningham, Leonard and Christine Christensen. 2000. "Violence against Women in Vancouver's Street Level Sex Trade and the Police Response." Vancouver: PACE Society.
- Cohen, Jacob. 1968. "Weighted Kappa: Nominal Scale Agreement Provision for Scaled Disagreement or Partial Credit." *Psychological Bulletin* 70 (4): 213–20.
- Corbin, Juliet and Anselm Strauss. 2008. *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*. Thousand Oaks CA: SAGE.
- Crowhurst, Isabel. 2012. "Approaches to the Regulation and Governance of Prostitution in Contemporary Italy." *Sexuality Research and Social Policy* 9 (3): 223–32.
- Csete, Joanne and Jonathan Cohen. 2010. "Health Benefits of Legal Services for Criminalized Populations: The Case of People Who Use Drugs, Sex Workers and Sexual and Gender Minorities." *The Journal of Law, Medicine & Ethics* 38 (4): 816–31.
- Daku, Mark, Stuart Soroka and Lori Young. 2015. Lexicoder, version 3.0. www.lexicoder.com (July 15, 2016).
- Docherty, David C. 2005. *Legislatures*. Vancouver: University of British Columbia Press.
- Dodillet, Susanne and Petra Östergren. 2011. "The Swedish Sex Purchase Act: Claimed Success and Documented Effects." Paper presented at the International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges, The Hague.
- Franks, C.E.S. 1987. *Parliament of Canada*. Toronto: University of Toronto Press.
- Gerbic, Phillippa and Elizabeth Stacey. 2005. "A Purposive Approach to Content Analysis: Designing Analytical Frameworks." *Internet and Higher Education* 8 (1): 45–59.
- Grube, Dennis. 2014. "Administrative Learning or Political Blaming? Public Servants, Parliamentary Committees and the Drama of Public Accountability." *Australian Journal of Political Science* 49 (2): 221–36.
- Hindmoor, Andrew, Phil Larkin and Andrew Kennon. 2009. "Assessing the Influence of Select Committees in the UK: The Education and Skills Committee, 1997–2005." *The Journal of Legislative Studies* 15 (1): 71–89.
- Holli, Anne Maria. 2012. "Does Gender Have an Effect on the Selection of Experts by Parliamentary Standing Committees? A Critical Test of 'Critical' Concepts." *Politics & Gender* 8 (3): 341–66.

- Hood, Jane C. 2007. "Orthodoxy vs. Power: The Defining Traits of Grounded Theory." In *The SAGE Handbook of Grounded Theory*, ed. Antony Bryant and Kathy Charmaz. London: SAGE.
- Johnson, Genevieve Fuji. 2015. "Governing Sex Work: An Agonistic Policy Community and its Relational Dynamics," *Critical Policy Studies* 9 (3): 259–277.
- Johnson, Genevieve Fuji, Mary Burns and Kerry Porth. 2017. Data for "A question of respect: A qualitative text analysis of Canadian parliamentary committee hearings on PCEPA," Distributed by Qualitative Data Repository at Syracuse University. Data Collection, QDR:10080. <https://doi.org/10.5064/F6Z31WJ1>.
- Krüsi, Andrea, Katrina Pacey, Lorna Bird, Chrissy Taylor, Jill Chettiar, Sarah Allan, Darcie Bennett, Julio S. Montaner, Thomas Kerr and Kate Shannon. 2014. "Criminalisation of Clients: Reproducing Vulnerabilities for Violence and Poor Health among Street-Based Sex Workers in Canada." *British Medical Journal Open* 4 (6): 1–10.
- Kuckartz, Udo. 2014. *Qualitative Text Analysis: A Guide to Methods, Practice & Using Software*. London: SAGE.
- Lazarus, Lisa, Kathleen N. Deering, Rose Nabess, Kate Gibson, Mark W. Tyndall and Kate Shannon. 2012. "Occupational Stigma as a Primary Barrier to Health Care for Street-Based Sex Workers in Canada." *Culture, Health & Sexuality* 14 (2): 139–50.
- Lowman, John. 1989. *Street Prostitution: Assessing the impact of the law, Vancouver*. Ottawa: Department of Justice.
- Lowman, John. 2000. "Violence and the Outlaw Status of (Street) Prostitution in Canada." *Violence against Women* 6 (9): 987–1011.
- Lowman, John. 2004. "Reconvening the Federal Committee on Prostitution Law Reform." *Canadian Medical Association Journal* 171 (2): 147–48.
- Lowman, John and Laura Fraser. 1995. *Violence against Persons Who Prostitute. The Experience*. British Columbia: Departments of Justice and Solicitor General.
- Maxwell, Joseph A. 2005. *Qualitative Research Design: An Interactive Approach*. 2nd ed. Thousand Oaks CA: SAGE.
- Moghaddam, Alireza. 2006. "Coding Issues in Grounded Theory." *Issues in Educational Research* 16 (1): 52–66.
- Monk, David. 2010. "A Framework for Evaluating the Performance of Committees in Westminster Parliaments." *The Journal of Legislative Studies* 16 (1): 1–13.
- Park, Hong Min. 2011. "Why Does the Majority Party Bother to Have Minority Party Members on Committees?" *Journal of Theoretical Politics* 24 (2): 248–64.
- Pedersen, Helene Helboe, Darren Halpin and Anne Rasmussen. 2015. "Who Gives Evidence to Parliamentary Committees? A Comparative Investigation of Parliamentary Committees and their Constituencies." *The Journal of Legislative Studies* 21 (3): 408–27.
- Pivot Legal Society. 2004. "Voices for Dignity: A Call to End the Harms Caused by Canada's Sex Trade Laws." Vancouver: Pivot Legal Society.
- Pivot Legal Society. 2006. "Beyond Decriminalization: Sex Work, Human Rights, and a New Framework for Law Reform." Vancouver: Pivot Legal Society.
- Robson, Colin. 2002. *Real World Research*. 2nd ed. Oxford: Blackwell.
- Russell, Meg and Philip Cowley. 2016. "The Policy Power of the Westminster Parliament: The 'Parliamentary State' and the Empirical Evidence." *Governance: An International Journal of Policy, Administration, and Institutions* 29 (1): 121–37.
- Samara. 2011a. "It's My Party": *Parliamentary Dysfunction Reconsidered*. <http://www.samaracanada.com/docs/default-source/mp-exit-interviews> (February 20, 2015).
- Samara. 2011b. *The Outsider's Manifesto: Surviving and Thriving as a Member of Parliament*. <http://www.samaracanada.com/research/mp-exit-interviews> (February 20, 2015).
- Schofield, Josie and Jonathan Fershau. 2007. "Committees inside Canadian Legislatures." In *Policy Analysis in Canada: The State of the Art*, ed. Laurent Dobuzinkis, Michael Howlett and David Laycock. Toronto: University of Toronto Press.

- Scoular, Jane and Maggie O'Neill. 2007. "Regulating Prostitution: Social Inclusion, Responsibilization, and the Politics of Prostitution Reform." *British Journal of Criminology* 47 (5): 764–78.
- Shannon, Kate. 2010. "The Hypocrisy of Canada's Prostitution Legislation." *Canadian Medical Association Journal* 182 (12): 1388.
- Shannon, Kate and Joanne Csete. 2010. "Violence, Condom Negotiation and HIV/STI Risk among Sex Workers." *Journal of the American Medical Association* 304 (5): 573–74.
- Shannon, Kate, Thomas Kerr, Steffanie A. Strathdee, Jean Shoveller, Julio S. Montaner and Mark W. Tyndall. 2009. "Prevalence and Structural Correlates of Gender Based Violence among a Prospective Cohort of Female Sex Workers." *British Medical Journal* 339: b2939-b2939.
- Shannon, Kate, Thomas Kerr, Shari Allinott, Jill Chettiar, Jean Shoveller and Mark W. Tyndall. 2008. "Social and Structural Violence and Power Relations in Mitigating HIV Risk of Drug-Using Women in Survival Sex Work." *Social Science & Medicine* 66: 911–21.
- Skarhed, Anna. 2010. "Prohibition of the Purchase of Sexual Services. An Evaluation 1999–2008 (SOU 2010:49): English Summary." Government Offices of Sweden. <http://www.government.se/contentassets/8f0c2ccaa84e455f8bd2b7e9c557ff3e/english-summary-of-sou-2010-49.pdf> (August 25, 2016).
- Skilbrei, May-Len and Charlotta Holmström. 2013. *Prostitution Policy in the Nordic Region: Ambiguous Sympathies*. Burlington VT: Ashgate.
- Skogstad, Grace. 1985. "Interest Groups, Representation and Conflict Management in the Standing Committees of the House of Commons." *Canadian Journal of Political Science* 18 (4): 739–72.
- Stewart, John B. 1977. *The Canadian House of Commons: Procedure and Reform*. Montreal: McGill-Queen's University Press.
- Suddaby, Roy. 2006. "What Grounded Theory is Not." *The Academy of Management Journal* 49 (4): 633–42.
- Tan, Jin. 2010. "Grounded Theory in Practice: Issues and Discussion for New Qualitative Researchers." *Journal of Documentation* 66 (1): 93–112.
- Tolley, Michael C. 2009. "Parliamentary Scrutiny of Rights in the United Kingdom: Assessing the Work of the Joint Committee on Human Rights." *Australian Journal of Political Science* 44 (1): 41–55.
- UNAIDS. 2016. "On the Fast Track to End AIDS: UNAIDS Strategy 2016–2021." http://www.unaids.org/sites/default/files/media_asset/20151027_UNAIDS_PCB37_15_18_EN_rev1.pdf (July 15, 2016).
- Wagenaar, Hendrik. 2006. "Democracy and Prostitution: Deliberating the Legalization of Brothels in The Netherlands." *Administration & Society* 38 (2): 198–235.
- Wagenaar, Hendrik and Sietske Altink. 2012. "Prostitution as Morality Politics or Why It Is Exceedingly Difficult to Design and Sustain Effective Prostitution Policy." *Sexuality Research and Social Policy* 9 (3): 279–92.
- World Health Organization. 2012. "Prevention and Treatment of HIV and Other STIs for Sex Workers in Low and Middle Income Countries: Recommendations for a Public Health Approach." Geneva: World Health Organization.
- Wright, Hazel. 2009. "Trusting the Process: Using an Emergent Design to Study Adult Education." *Educate* 9 (3): 62–73.
- Wright, Jordana, Robert Heynen and Emily van der Meulen. 2015. "It Depends on Who You Are, What You Are: 'Community Safety' and Sex Workers' Experience with Surveillance." *Surveillance & Society* 13 (2): 265–82.
- Young, Lori and Stuart Soroka. 2012. "Affective News: The Automated Coding of Sentiment in Political Texts." *Political Communication* 29 (2): 205–31.

Appendix A

Briefs and Witnesses

TABLE 1
Standing Committee on Justice and Human Rights Con Witnesses

Con Witnesses As Organizations	
Organization	Representatives
Aboriginal Legal Services of Toronto	Christa Big Canoe, Legal Advocacy Director
Adult Entertainment Association of Canada	Rudi Czekalla, Consultant, Principal, Municipal Policy Consultants Tim Lambrinos, Executive Director, Ontario Region
British Columbia Civil Liberties Association	Josh Paterson, Executive Director
Canadian Alliance for Sex Work Law Reform	Émilie Laliberté, Spokesperson Naomi Sayers, Spokesperson
Canadian HIV/AIDS Legal Network	Sandra Ka Hon Chu, Co-director, Research and advocacy
Criminal Lawyers' Association	Anne London-Weinstein, Director, Board of Directors Leonardo S. Russomanno, Member and Criminal Defence Counsel
Maggie's: The Toronto Sex Workers Action Project	Chanelle Gallant, Outreach and Community Support Worker Jean McDonald, Executive Director
PACE Society	Laura Dille, Executive Director Sheri Kiselbach, Co-ordinator, Violence Prevention
Peers Victoria Resource Society	Natasha Potvin, Member, Board of Directors Rachel Phillips, Executive Director
Pivot Legal Society	Kerry Porth, Chair of the Board of Directors Elin Sigurdson, Lawyer
Prostitutes Involved, Empowered, Cogent-Edmonton	Elizabeth Dussault, Member
Prostitutes of Ottawa-Gatineau Work Educate and Resist (POWER)	Emily Symons, Chair
Sex Professionals of Canada	Amy Lebovitch, Executive Director Valerie Scott, Legal Co-ordinator
Stella, l'amie de Maimie	Robyn Maynard, Spokesperson and Outreach Worker
	Sub-total Organizations 14
Con Witnesses As Individuals	
Chris Atchison, Research Associate, Department of Sociology, University of Victoria	
Christine Bruckert, Professor, Department of Criminology, University of Ottawa	
Kyle Kirkup, Trudeau Scholar, Faculty of Law, University of Toronto	
Lowman, Professor, School of Criminology, Simon Fraser University	
	Sub-total Individuals 4
	Total Con Witnesses 18 (32.73%)

TABLE 2
Standing Committee on Justice and Human Rights Pro Witnesses

Pro Witnesses as Organizations	
Organization	Representative
Asian Women Coalition Ending Prostitution	Alice Lee, Member
BridgeNorth	Suzanne Jay, Member
Calgary Police Service	Cassandra Diamond, Program Director
Canadian Association of Elizabeth Fry Societies	Rick Hanson, Chief of Police
Canadian Association of Sexual Assault Centres	Kim Pate, Executive Director
Canadian Police Association	Lisa Steacy, British Columbia
Canadian Women's Foundation	Mélanie Sarroino, Quebec
	Tom Stamatakis, President
	Barbara Gosse, Director of Research, Policy and Innovation
	Diane Redsky, Project Director, Task Force on Trafficking of Women and Girls in Canada
Centre to End All Sexual Exploitation (CEASE)	Kate Quinn, Executive Director
Concertation des lutes contre l'exploitation sexuelle	Diane Matte, Community Organizer
Defend Dignity, The Christian and Missionary Alliance	Rose Sullivan, Participant
Evangelical Fellowship of Canada	Glendyne Gerrard, Director
Exploited Voices Now Educating Government of Manitoba	Julia Beazley, Policy Analyst, Centre for Faith and Public Life
	Trisha Baptie, Community Engagement Co-ordinator
	Hon. Andrew Swan, Minister of Justice and Attorney General
Hope for the Sold	Jared Brock, Co-Founder
	Michelle Brock, Co-Founder
London Abused Women's Centre	Megan Walker, Executive Director
Mothers Against Trafficking Humans	Glendene Grant, Founder
Native Women's Association of Canada	Michèle Audette, President
	Teresa Edwards, In-House Legal Counsel, Director, International Affairs and Human Rights
Northern Women's Connection	Heather Dukes, Co-founder
	Larissa Crack, Co-founder
Ratanak International	Brian McConaghy, Founding Director
Resist Exploitation, Embrace Dignity (REED)	Michelle Miller, Executive Director
Rising Angels	Katarina MacLeod
Servants Anonymous Society of Calgary	Marina Giacomini, Executive Director
Sex Trafficking Survivors United	Natasha Falle, Co-founding Member

Continued

TABLE 2
Continued

Pro Witnesses as Organizations	
Organization	Representative
Sextrade101	Bridget Perrier, Co-founding Member
SIM Canada	Natasha Falle, Founding Member
Sisters Inside	John Cassells, Street Youth Specialist
u-r home	Deborah Kilroy, Chief Executive Officer and Legal Counsel
Vancouver Rape Relief and Women's Shelter	Deborah Pond, Chair of the Board of Directors
Walk With Me Canada Victim Services	Hilla Kerner, Collective Member
York Regional Police	Keira Smith-Tague, Frontline Worker
	Robert Hooper, Chair
	Timea E. Nagy, Founder and Frontline Victim Care Worker
	Eric Jolliffe, Chief of Police, Office of the Chief Police
	Thai Truong, Detective, Drugs and Vice
	Sub-total Organizations 30
Pro Witnesses as Individuals	
	Gwendoline Allison, Foy Allison Law Group
	Janine Benedet, Associate Professor, University of British Columbia
	José Mendes Bota, Member of the Portuguese Parliament, General Rapporteur on Violence against Women, Parliamentary Assembly of the Council of Europe
	Gunilla S. Ekberg, Lawyer, University of Glasgow School of Law
	Georgiale Lang
	Linda MacDonald and Jeanne Sarson*
	Ed and Linda Smith*
	Sub-total Individuals 7
	Total Pro Witnesses 37 (67.27%)

*These witnesses shared their time and are counted as one individual.

TABLE 3
 Standing Senate Committee on Legal and Constitutional Affairs Con
 Witnesses

Con Witnesses As Organizations	
Organization	Representative
Canadian Bar Association	Ian M. Carter, Member of the Executive, Criminal Justice Section Gaylene Schellenberg, Lawyer, Legislation and Law Reform
Canadian Council of Criminal Defence Lawyers	Graeme Hamilton, Representative
Canadian HIV/AIDS Legal Network	Nana Yanful, Representative Stéphanie Claivaz-Loranger, Senior Policy Analyst Kara Gillies, Member
Coalition of Body Rub Parlours of the Greater Toronto Area	Konstadia Spooner, Representative
Criminal Lawyers' Association	Leo Russomanno, Member and Criminal Defence Counsel
Maggie's: Toronto Sex Workers' Action Project	Nicole Matte, Vice-Chair, Board of Directors Jean McDonald, Executive Director
Pivot Legal Society	Katrina Pacey, Litigation Director Kerry Porth, Chair, Board of Directors
RÉZO	Tyler Megarry, Street Worker, Sex Workers Program
Sex Professionals of Canada	Valerie Scott, Legal Coordinator
Stella, l'Amie de Maimie	Anna-Aude Caouette, Spokesperson
	Sub-total Organizations 10
Con Witnesses As Individuals	
Alan Young, Law Professor Counsel for the respondent/appellant on cross-appeal, <i>Attorney General of Canada v. Bedford</i> (2007)	
Chris Atchison, Research Associate, Department of Sociology, University of Victoria	
Chris Bruckert, Professor, Department of Criminology, University of Ottawa	
Edward Herold, Professor Emeritus, University of Guelph	
Frances Mahon, Lawyer, Sack Goldblatt Mitchell LLP	
Maxime Durocher, Women's Escort	
Terri-Jean Bedford, Respondent/appellant on cross-appeal, <i>Attorney General of Canada v. Bedford</i>	
	Sub-total Individuals 7
	Total Con Witnesses 17 (41.46%)

TABLE 4
Senate Standing Committee on Legal and Constitutional Affairs Pro
Witnesses

Pro Witnesses as Organizations	
Organization	Representative
Asian Women Coalition Ending Prostitution	Suzanne Jay, Member
BridgeNorth	Alice Lee, Member
Canadian Association of Elizabeth Fry Societies	Cassandra Diamond, Director
Canadian Association of Sexual Assault Centres	Kim Pate, Executive Director
	Michèle Léveillé, Member, Gatineau
	Lisa Steacy, Representative
Canadian Police Association	Tom Stamatakis, President
Canadian Women's Foundation	Barbara Gosse, Senior Director, Research, Policy and Innovation
Concertation des luttes contre l'exploitation sexuelle	Diane Matte, Co-ordinator
Evangelical Fellowship of Canada	Julia Beazley, Policy Analyst
EVE (Formerly Exploited Voices now Educating)	Trisha Baptie, Community Engagement Co-ordinator
Government of Manitoba	Hon. Andrew Swan, M.L.A., Minister of Justice and Attorney General
London Abused Women's Centre	Megan Walker, Executive Director
Mothers against Trafficking Humans (M.A.T.H.)	Glendene Grant, Founder
Native Women's Association of Canada (NWAC)	Michèle Audette, President
	Teresa Edwards, Director of International Affairs and Human Rights
Northern Women's Connection	Larissa Crack, Founder, Director
	Cheryl Link, Assistant Director
Ratanak International	K. Brian McConaghy, Director
Sextrade 101	Bridget Perrier, Co-Founder, First Nations Educator
	Natasha Falle, Founder
Vancouver Rape Relief and Women's Shelter	Keira Smith-Tague, Frontline Anti- Violence Worker
Walk With Me Canada	Robert Hooper, Chairperson, Board of Directors
	Timea E. Nagy, Founder and Frontline Victim Care Worker
	Sub-total 18
Pro Witnesses as Individuals	
Gwendoline Allison, Lawyer, Foy Allison Law Group	
Janine Benedet, Associate Professor, Faculty of Law, University of British Columbia	
Gunilla S. Ekberg, Lawyer, University of Glasgow School of Law	
Georgiale Lang, Lawyer	
Bernard Lerhe	
Ed and Linda Smith*	
	Sub-total 6
	Total Pro Witnesses 24 (58.54%)

*These witnesses shared their time and are counted as one individual.

TABLE 5
Standing Committee on Justice and Human Rights Con Briefs

Con Briefs Submitted by Organizations	
Adult Entertainment Association of Canada	Ontario Coalition of Rape Crisis Centres
Big Susie's	PACE Society
Canadian Alliance for Sex Work Law Reform	PEERS Victoria
Canadian Association for Equality	Pivot Legal Society
Canadian Criminal Justice Association	POWER
Canadian HIV/AIDS Legal Network	South House Sexual and Gender Resource Centre
Chiefs of Ontario	Stella
Editors/Contributors "Selling Sex"	Stepping Stone
Feminist Coalition	STREET
FIRST Decriminalize Sex Work Now	Vancouver Coastal Health and City of Vancouver
Living in Community	
	Sub-total Con Briefs Submitted by Organizations 21
Con Briefs Submitted by Individuals	
Anne Mercedes Allen	John Lowman
Chris Atchison	Maria Nengeh Mensah
Sonya J.F. Barnett	Victor Ng
Chris Bruckert	Fran Shaver
Vickie Bungay	Jason Strader
Maggie DeVries	Jim Wiggins
Lucie Lemonde	
	Sub-total Con Briefs Submitted by Individuals 13
Total Con Briefs Submitted 34 (58.62%)	

TABLE 6
Standing Committee on Justice and Human Rights Pro Briefs

Pro Briefs Submitted by Organizations	
Asian Women Coalition Ending Prostitution	Exploited Voices Now Educating
Association for Reformed Political Action	London Abused Women's Centre
Canadian Association of Sexual Assault Centres	Manitoba, Government of
Canadian Council of Churches	Northern Women's Connection
Centre to End All Sexual Exploitation (CEASE)	Real Women of Canada
Concertation des luttes contre l'exploitation sexuelle	Salvation Army
Confédération des syndicats nationaux	Sextrade 101
Conseil du statut de la femme	U-R Home
Covenant House Toronto	Vancouver Rape Relief
Evangelical Fellowship of Canada	Walk With Me Victim Services
	Sub-total Pro Briefs by Organizations 20
Pro Briefs Submitted by Individuals	
Gwendoline Allison	Gunilla Ekberg
Martin Dufresne	Linda MacDonald and Jeanne Sarson*
	Sub-total Pro Briefs by Individuals 4
Total Pro Briefs Submitted 24 (41.38%)	

*These individuals submitted a joint brief and are counted as one.

TABLE 7
Senate Standing Committee on Legal and Constitutional Affairs Con Briefs

Con Briefs Submitted by Organizations	
Action Santé Travesti(e)s and Transsexuel(le)s du Québec	Humanist Association of Ottawa
BC Coalition of Experiential Communities	Maggie's
Big Susie's	OASIS
Butterfly Asian and Migrant Sex Workers Support Network	PACE Society
Canadian Bar Association	PEERS Victoria
Canadian Criminal Justice Association	PIECE Edmonton - brief only
Canadian HIV/AIDS Legal Network	Pivot Legal Society
Egale Canada	POWER
Federal Ombudsman for Victims of Crime	Rézo
Feminist Coalition	Stella
FIRST Decriminalize Sex Work Now	Vancouver Coastal Health and City of Vancouver
Global Alliance Against Traffic in Women	Victoria Sexual Assault Centre
Global Network of Sex Work Projects (NSWP)	Waterloo Region Crime Prevention Council
Human Rights Watch	

Continued

TABLE 7
Continued

Con Briefs Submitted by Organizations	
	Sub-total Con Briefs Submitted by Organizations 27
Con Briefs Submitted by Individuals	
Chris Atchison	John Lowman
Cecilia Benoit	Madame Dolly
Chris Bruckert	Karen O'Connor
Anna-Louise Crago	Fran Shaver
Maggie DeVries	Jim Wiggins
Edward Herold	
	Sub-total Con Briefs Submitted by Individuals 11
Total Con Briefs Submitted 38 (66.67%)	

TABLE 8
Senate Standing Committee on Legal and Constitutional Affairs Pro Briefs

Pro Briefs Submitted by Organizations	
Asian Women Coalition Ending Prostitution	Defend Dignity, The Christian and Missionary Alliance
Calgary, City of	Evangelical Fellowship of Canada
Canadian Association of Sexual Assault Centres	London Abused Women's Centre
Canadian Association of Social Workers	Northern Women's Connection
Canadian Women's Foundation	Real Women of Canada
Centre to End All Sexual Exploitation (CEASE)	Servants Anonymous Society of Calgary
Concertation des luttes contre l'exploitation sexuelle	Vancouver Rape Relief
Conseil du statut de la femme	Walk With Me Victim Services
	Sub-total Pro Briefs Submitted by Organizations 16
Pro Briefs Submitted by Individuals	
Gwendoline Allison	Max Waltman
Linda MacDonald and Jeanne Sarson*	
	Sub-total Pro Briefs Submitted by Individuals 3
Total Pro Briefs Submitted 19 (33.33%)	

*These individuals submitted a joint brief and are counted as one.

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