

**Prostitution Policy in Canada:**

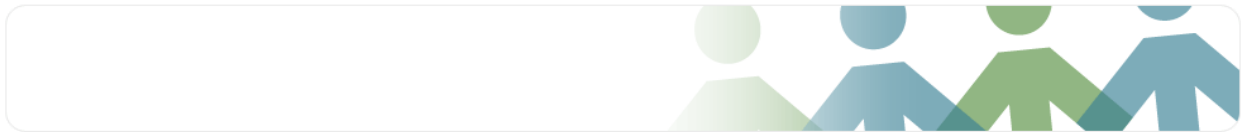
---

**Models, Ideologies, and Moving Forward**

**September 4, 2014**



**Author:  
Sally Guy**



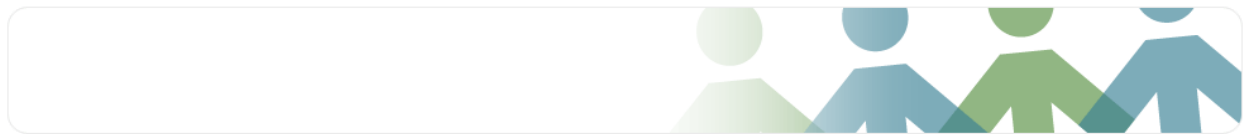
---

Founded in 1926 the Canadian Association of Social Workers (CASW) is the national association voice for the social work profession.

CASW has adopted a pro-active approach to issues pertinent to social policy/social work. It produces and distributes timely information for its members, and special projects are initiated and sponsored. With its concern for social justice and its continued role in social advocacy, CASW is recognized and called upon by both nationally and internationally for its social policy expertise.

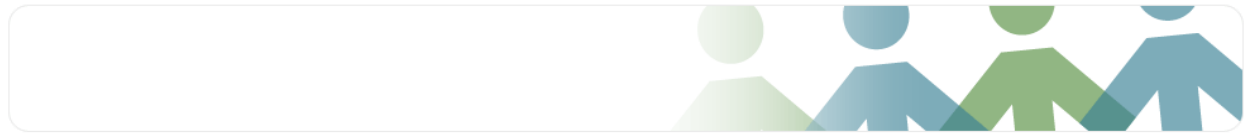
The mission of CASW is to promote the profession of social work in Canada and advance social justice. CASW is active in the International Federation of Social Workers (IFSW).





## **Contents**

<a href="#"><u>Introduction</u></a> .....	3
<a href="#"><u>Context</u></a> .....	3
<a href="#"><u>Purpose</u></a> .....	7
<a href="#"><u>Models and Ideologies</u></a> .....	7
<a href="#"><u>Finding Common Ground</u></a> .....	10
<a href="#"><u>Toward a Canadian Model</u></a> .....	12



## Introduction

In December 2013, the Supreme Court of Canada ruled that Canada's prostitution laws were unconstitutional and inappropriate, giving the federal government a year to produce new legislation and regulations.<sup>1</sup>

In June 2014, the new legislation was announced. Dubbed the *Protection of Communities and Exploited Persons Act*, the new legislation, to use Justice Minister MacKay's own words, effectively makes "prostitution illegal for the first time" in Canada.<sup>2</sup> To achieve these ends, the bill makes several amendments to Canada's Criminal Code.

The nature of the new proposal came somewhat as a surprise to the Canadian public: it had been rumoured in mainstream media for months leading up to the announcement that the bill would resemble the Nordic Model, which decriminalizes the sale of sex while criminalizing the purchaser.<sup>3</sup> Instead, however, Bill C-36 further criminalizes prostitution, and, most specifically, the worker.

While the Canadian Association of Social Workers (CASW) is pleased that the Canadian federal government is providing much needed attention to this important issue, CASW is deeply concerned by many aspects of Bill C-36.

## Context

This document serves as a discussion paper, analyzing and reacting to the *Protection of Communities and Exploited Persons Act* from various perspectives, including feminist and harm reduction approaches, in the hopes of generating a social work dialogue around the issue.

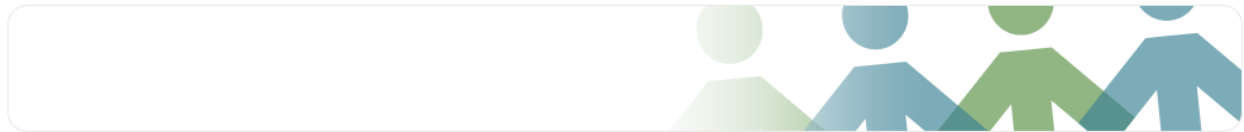
In terms of the language used in this paper, CASW acknowledges that every term used to describe those who engage in the selling of sex is charged with different political and moral connotations. Wishing to remain as neutral, and useful, as possible, CASW relies on the terms 'sex work/er' and 'prostitute/prostitution,' as they reflect the language commonly used in legislation and government proceedings, and by policy makers and power holders.

---

<sup>1</sup> CBC News (2013, December 20). Supreme Court strikes down Canada's prostitution laws. Retrieved from <http://www.cbc.ca/news/politics/supreme-court-strikes-down-canada-s-prostitution-laws-1.2471572> of-shame-post-prostitution-arrest-photos-online-20130809

<sup>2</sup> Mas, Susana. CBC News (2014, June 4). Prostitution bill would make it illegal to buy sex in public. Retrieved from <http://www.cbc.ca/news/politics/prostitution-bill-would-make-it-illegal-to-buy-sell-sex-in-public-1.2664683>

<sup>3</sup> Ivison, John. (2014, March 20). Flawed report could be basis for Tories' new prostitution law. Retrieved from: <http://fullcomment.nationalpost.com/2014/03/20/john-ivison-flawed-report-could-be-basis-for-tories-new-prostitution-law/>



The topic of sex work raises myriad concerns pertaining to organized crime, public health and safety, human trafficking and the abuse of women and children, gendered oppression, and human rights violations. As an organization that seeks to uphold the dignity of all persons, CASW abhors policies that facilitate the oppression of any person. CASW seeks to generate discussions that may one day lead to the development of best practice policies or guidelines in the face of this important issue.

To this end, CASW is very concerned about the process through which the federal government developed Bill C-36. Namely, that “those who actually work in the sex trade were not consulted in meaningful ways,” and that it seems that the consultation process “was set up to give the government what they wanted.”<sup>4</sup>

Indeed, sex workers across the country have united against the new model, in the form of petitions, rallies, and public protests.<sup>5</sup> Some sex workers have called Bill C-36 a “tragic setback for sex workers,” going on to say the model would “fuel violence, abuse and exploitation and, quite frankly, [...] lead to the killing of more sex workers.”<sup>6</sup>

That being said, there have also been some individuals with lived experience in the sex trade who have spoken out in favour of the new approach. For instance, former sex worker Katrina MacLeod came out in full support of the bill, stating that sex work is inherently dangerous regardless of how it is undertaken, and that the worker should be criminalized to help deter prostitution.<sup>7</sup>

These types of disagreements, occurring even among those with lived experience of prostitution, point to the delicate nature of the issue. These same disagreements are heard just as loudly on an ideological level, even among feminist groups. As opposed to their more radical cousins, who believe that sex work is always an act of gendered violence, liberal leaning feminists support the normalization of prostitution and “see it as a legitimate form of work.”<sup>8</sup>

---

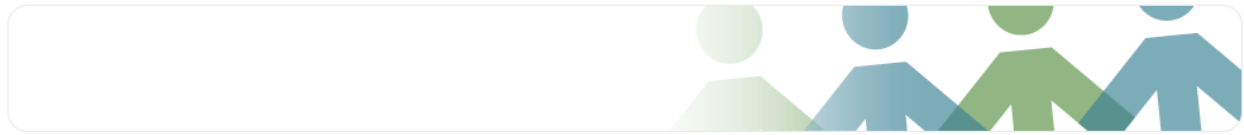
<sup>4</sup> Ross, Selena. Herald News. (2014, June 14). Sex worker bill built on ‘false consultation.’ Retrieved from: <http://thechronicleherald.ca/metro/1215019-sex-worker-bill-built-on-false-consultation>

<sup>5</sup>Smith, Charlie. (2014, June 14). Bill C-36 brings out Vancouver protesters who oppose Conservative crackdown on sale of sex. Retrieved from: <http://www.straight.com/news/666061/bill-c-36-brings-out-vancouver-protesters-who-oppose-conservative-crackdown-sale-sex>

<sup>6</sup> CBC News. (2014, June 14). Sex worker supporters dance against the new prostitution bill. Retrieved from: <http://www.cbc.ca/news/canada/montreal/sex-worker-supporters-dance-against-new-prostitution-bill-1.2675934>

<sup>7</sup> Raj, Althia. Huffington Post. (2014, June 12). Bill C-36: Ex-Prostitute Explains Why She Backs Tories’ Controversial Bill. Retrieved from: [http://www.huffingtonpost.ca/2014/06/12/bill-c-36-prostitution-bill-katrina-macleod\\_n\\_5488977.html](http://www.huffingtonpost.ca/2014/06/12/bill-c-36-prostitution-bill-katrina-macleod_n_5488977.html)

<sup>8</sup> Matthews, R. (2008). Prostitution, politics and policy. Milton Park, Abingdon, Oxon New York:



Ultimately, it is unsurprising that an issue so contentious as to pit those from similar theoretical backgrounds against one another would elicit myriad opinions. Frameworks in terms of how to approach sex work from a policy perspective range from abolitionism, neo-abolitionism (linked to partial decriminalization, sometimes also called the Nordic or Swedish Model), full decriminalization and partial legalization (the model used in New Zealand), all the way to legalization and regulation (models used in parts of Australia, the Netherlands, as well as in Nevada).<sup>9</sup>

In terms of reactions to the various models, there are also many disagreements about whether the outcomes they engender are positive or negative, in terms of the conflict sex work poses to many individuals' morality, and indeed sense of individual women's responsibility to feminism as a movement or ideology. Some critics are of the belief that the criminalization of sex work makes it more dangerous for prostitutes by aligning it with other criminal activities, as opposed to those that disagree and believe that it is harmful in and of itself.

There exists further still a lack of consensus on whether to treat street prostitution and so-called 'indoor' prostitution (the sale of sex that occurs in brothels, through more 'upscale' escort services, or in clubs) as equivalent practices.

Regardless of the specifics, it cannot be denied that the experiences of the majority of sex workers are negative ones. "Canadian based research found that over 90 per cent of the [female workers] surveyed viewed prostitution neither as a choice nor a profession."<sup>10</sup>

The overwhelming experience of negativity for Canadian sex workers, and equally those all over the world, represents the fact that – regardless of whether criminalization is causing or impacting this negative experience or whether sex work is harmful in itself – prostitution remains an issue needing more attention, especially from the helping professions.

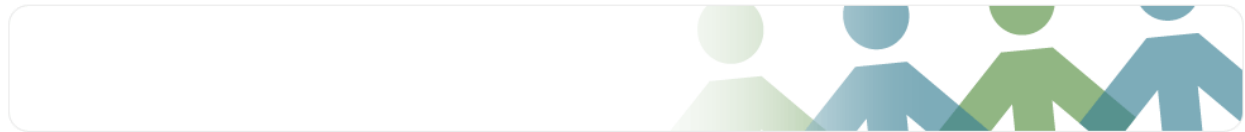
However, in terms of hearing from multiple perspectives, it cannot be denied that the experiences of some sex workers are positive, and even empowering. Labour law expert, Dr. Noah Zatz, reminds us that "many prostitutes emphasize that they engage in sex work not simply out of economic need but out of satisfaction with the control it gives them over their sexual

---

Routledge-Cavendish, pg. ix.

<sup>9</sup> Barnett, Laura, Lyne Casavant, and Julia Nicol. *Prostitution: a review of legislation in selected countries*. Library of Parliament, 2011.

<sup>10</sup> Matthews, R. (2008). *Prostitution, politics and policy*. Milton Park, Abingdon, Oxon New York: Routledge-Cavendish, p. 87.



interactions, just the opposite of what the radicals argue.”<sup>11</sup> With this in mind, policy makers and power holders must give room for heterogeneous voices and experiences in the development of policy alternatives.

In combination with the above mentioned factors, prostitution’s ties to colonialism, racism, human trafficking, poverty, (sexual) violence against women and children, increased risk of communicable disease, substance abuse, and organized crime suggest that it is indeed an issue that exists outside of the realm of value judgements.

## **Purpose**

This discussion paper is not concerned with whether sex workers’ experiences of empowerment stem from true emancipation or from patriarchy so hegemonic that it hides the harmful effects of sex work and erases the possibility of realistic choice but rather with what policy and legislative options will provide the most safety, dignity, and positive social and health outcomes for Canadians.

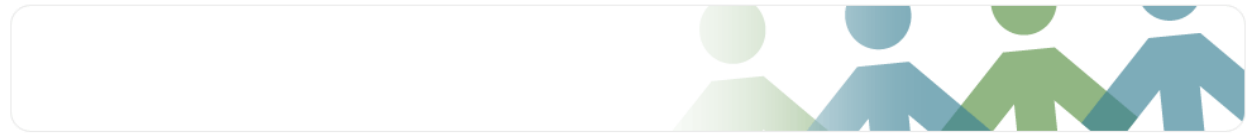
To achieve this end, this paper explores different policy options available to address sex work, while noting and briefly examining the ideological underpinnings that inform them. CASW recognizes that there exists near innumerable theoretical positions on prostitution – decolonizing, feminist, Marxist, anti-capitalist, anti-globalization, anti-oppressive, woman/girl centered, child-protection, to name only a few – and acknowledges that one discussion document will not adequately succeed in addressing all relevant perspectives.

Instead, this document will look at three broad policy options. First, the two options widely considered to represent progressive ideologies, which are broadly aligned with many of CASW’s core beliefs, including non-judgement, self-determinism, the importance of human rights and dignity, and equality: the Nordic or Swedish Model (widely understood as reflecting a feminist approach) as well as models that totally decriminalize or selectively legalize sex work to various degrees, (sometimes referred to as a harm reduction approaches). Finally, the paper examines and compares these approaches to the model proposed by the current federal government in Bill C-36.

CASW recognizes that although providing a critical analysis is inherently important in generating discussion, it is an act of intellectual cowardice to critique without providing at least some suggestion in terms of moving forward. CASW further acknowledges that while it is of chief importance to work toward a more just society, it is equally important to implement policy options that will produce the least harmful effects while striving towards moral, ethical, or philosophical ideals.

---

<sup>11</sup> Zatz, N. D. (1997). Sex work/sex act: Law, labor, and desire in constructions of prostitution. *Signs*, 22(2), p. 297.



## Models and Ideologies

Remembering sex work's oft quoted moniker, 'oldest profession,' it is not surprising that there has not been a model altogether successful at preventing prostitution, or the even more pernicious practices that it often engenders, such as human trafficking and the coercion and abuse of minors. That being said, some models, such as the Nordic Model, do advocate for the total elimination of prostitution as the ultimate goal.<sup>12</sup>

The Nordic Model decriminalizes the prostitute while retaining legislation that criminalizes the purchaser, or 'john.' The model also criminalizes any persons that encourage or coerce women to enter prostitution, or that live off the avails of another persons' work, effectively criminalizing 'pimps' as well. Another of its main tenets is the belief that a firm line cannot be drawn between sex work occurring among consenting adults and the trafficking and women and children.

The Nordic Model believes that women are not prostitutes, but rather *prostituted women*.<sup>13</sup> The approach states "that prostitution and trafficking of women and children is due, in large part, to their desperate economic status worldwide. As such the continuing criminalizing of sex workers (mostly women) is understood to be further victimization of those in the sex trade."<sup>14</sup>

Beyond just the recognition that prostitution is most often born from pervasive, structural economic inequality, the Nordic Model also acknowledges the gendered aspect of "the inherent inequity within the sex trade," as well as that prostitution is inherently a form of "violence and exploitation against women and children."<sup>15</sup>

Various studies have shown that the Nordic approach is effective at reducing prostitution. "Evaluation of the prohibition of the purchase of sexual services," a 2010 report submitted by

---

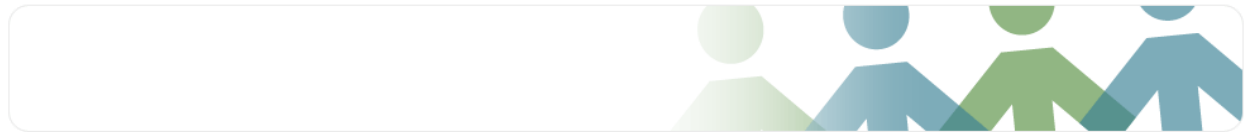
<sup>12</sup> From a briefing available at <http://www.nswp.org/sites/nswp.org/files/NordicBrief-ENG.pdf>, based on Global Network of Sex Work Projects, Briefing Paper #02: The Criminalisation of Clients, 2011.

<sup>13</sup> As Sheila Jeffrey's describes (2009), "anti-prostitution campaigners use the term prostituted women instead of prostitutes. This is a deliberate political decision and is meant to symbolize the lack of choice women have over being used in prostitution" (p. 330). These critics, who often represent radical feminist perspectives, "flatly deny" that there exists a "'work' dimension" to sex work, and are of the belief that "sex work is violence, categorically" (Weitzer, 2012, p. 11). They are often abolitionists, although not necessarily prohibitionists. They understand sex work as both a product and a further propagation of gender inequality. See: Jeffreys, S. (2009). *The industrial vagina: the political economy of the global sex trade*. London New York: Routledge, and Weitzer, R. (2011). *Legalizing prostitution: from illicit vice to lawful business*. New York: NYU Press.

<sup>14</sup> From the Saskatchewan Association of Social Workers' February 2012 Newsletter. Retrieved from: <http://www.sasw.ca/newsletter/2012-feb-newsletter.pdf>

<sup>15</sup> Ibid





Swedish Chancellor of Justice Anna Skarhed, found that due to the prohibition, “Sweden is no longer an attractive market for traffickers or purchasers.”<sup>16</sup>

The report noted that:

“the prohibition of the purchase of sexual services has had the intended effect and is an important instrument in preventing and combating prostitution and human trafficking for sexual purposes. The Inquiry notes that prostitution in Sweden, unlike in comparable countries, has at least not increased since the introduction of the prohibition.”<sup>17</sup>

In addition to formal research supporting the Nordic Model, blogs and other online communities have mobilized as well. Indeed, an open letter sent to the federal government in April 2014, calling for the implementation of the Nordic Model in Canada, garnered over 800 signatures from “feminists and allies.”<sup>18</sup>

The letter served as a reaction against models advocating total decriminalization proposed by scholars and academics as “evidence-based” policy option. These signatories argue that

“the term ‘evidence-based’ has become a smear used by those supporting the sex industry to suggest that those who oppose it in the name of women’s equality are arguing from a position of nothing more than anecdote or opinion. The list of signatories implies that only those with formal credentials can “research” or interpret evidence.” We [the signatories] reject both of these premises.”<sup>19</sup>

As such, it is an approach that seeks to shake off the shackles of oft-oppressive and problematic ‘best practice’ models – often developed in ivory towers – in favour of a more feminist approach that believes harm reduction models, which are becoming increasingly popular in many areas of practice, including addictions and recovery and child protection, simply do not go far enough in combatting systemic inequality.

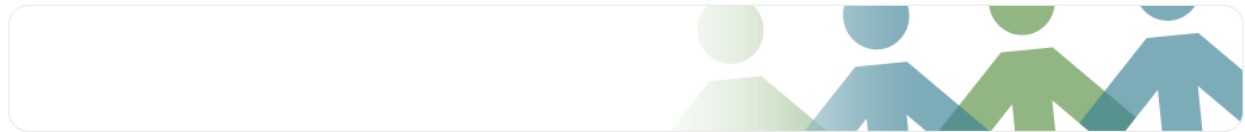
---

<sup>16</sup> Ibid

<sup>17</sup> Anna Skarhed, Selected Extracts of the Swedish Government Report SOU 2010:49: “The Ban against the Purchase of Sexual Services, An evaluation 1999-2008” (Stockholm: Swedish Institute, 2010). Retrieved from: <http://www.government.se/sb/d/13420/a/151488>

<sup>18</sup> Murphy, Meghan. Feminist Current. (2014, April 23). Open letter in support of adopting the Nordic model in Canada garners over 800 signatures. Retrieved from: <http://feministcurrent.com/8915/open-letter-in-support-of-adopting-the-nordic-model-in-canada-garners-over-800-signatures/>

<sup>19</sup> Ibid



To harm reduction approaches (usually involving a mix of decriminalization and legalization), Nordic-supporters say that “merely attempting to reduce the ancillary dangers of prostitution is an inadequate and [...] discriminatory strategy.”<sup>20</sup>

Despite the innumerable voices in support of the Nordic model, the mass of evidence for its successes, and the praise it has received for adhering to a feminist viewpoint, it has also garnered some criticisms. “Most of the sex workers' rights groups in Canada reject the model as ‘harmful and inconsistent with sex workers’ constitutional rights to health and safety,’ as the Canadian Alliance for Sex Work Law Reform (CASWLR) puts it.”<sup>21</sup>

These criticisms usually stem from one or more of the following beliefs: that sex work is not inherently harmful, but rather that its illegality aligns it with criminal activities; that prostitution is a legitimate form of work, which may or may not be based on the more liberal feminist belief that individual women have the right to unfettered autonomy; and/or that sex work is inherently harmful but will continue to happen anyway, and thus should be regulated, or at least decriminalized, to reduce harm.

Further proponents of total decriminalization of prostitution believe that “labeling all sex workers as voiceless victims and criminalizing any aspect of sex work is just distracting the focus from pragmatic toward moralistic and repressive solutions.”<sup>22</sup> Furthermore, in February 2014, “an incredible number of 470 NGOs and civil society organisations as well as 45 academics and researchers” came out against the [...] criminalisation of the clients of sex workers.”<sup>23</sup>

However, not all models that fully decriminalize prostitution are equivalent from policy or ideological perspectives. For instance, in New Zealand, prostitution is decriminalized, and the worker is protected by laws and regulations to ensure her/his (although mostly 'her') rights, safety, health, and general well-being.<sup>24</sup> The system is attentive to areas in which the legislation might negatively impact women. For instance, a person's refusal to enter sex work does not

---

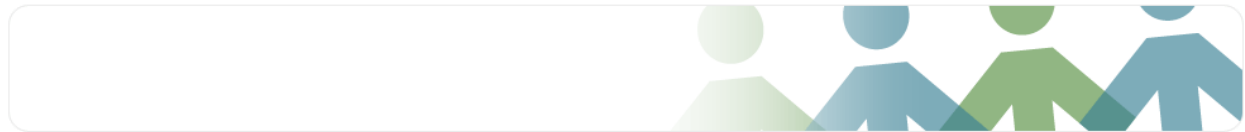
<sup>20</sup> Straight.com. (2014, April 23). Open letter calls for Nordic approach to prostitution in Canada. Retrieved from: <http://www.straight.com/news/632301/open-letter-calls-nordic-approach-prostitution-canada>

<sup>21</sup> Schwartz, Daniel. CBC News. (2014, June 5). Sex workers like New Zealand law, not Canada's new 'Nordic Model' for prostitution. Retrieved from: <http://www.cbc.ca/news/politics/sex-workers-like-new-zealand-law-not-canada-s-new-nordic-model-for-prostitution-1.2665431>

<sup>22</sup> Ibid

<sup>23</sup> 470 NGOs against criminalizing clients of sex workers in the EU. (2014). *ICRSE*. Retrieved from [http://tgeu.org/470\\_NGOs\\_against\\_criminalizing\\_clients\\_of\\_sex\\_workers](http://tgeu.org/470_NGOs_against_criminalizing_clients_of_sex_workers)

<sup>24</sup> In New Zealand, prostitution is regulated under some circumstances: “Indoors, up to four independent individuals may operate from the same location without a licence, while more than four individuals, or those working for a third party, are regulated and must have a licence to operate” (Library of Parliament, Publication No. 2011-115-E, <http://www.parl.gc.ca/content/lop/researchpublications/2011-115-e.pdf>).



impact her/his ability to access employment insurance or other benefits to which she/he is entitled, and there are comprehensive programs in place to help individuals out of the sex trade should they wish to exit.

The model used in the Netherlands is another system that decriminalizes the purchase of sex. The Dutch, however, go one step further in their policy, legalizing and regulating prostitution. Most of those against legalization of prostitution view the Dutch Model as an example of a failed policy: it largely makes the assumption that regulation necessarily produces safety for workers.

To provide a snapshot, experts estimate that “only 4% of persons selling sexual services in the Netherlands are registered – the rest work underground. The majority of sex workers (60% in 2008) are still thought to be non-Dutch, with many living in the country illegally.”<sup>25</sup> While those who believe in unfettered personal liberty, or that sex work is a legitimate form of work and not a form of violence against women, this policy might seem ideologically sound, but a practical failure.

### **Finding Common Ground**

While there is a profound ideological gap between the Nordic system and models that totally decriminalize or legalize prostitution, these approaches do agree on one thing: on the criminalization of the worker. Nordic, Dutch, German, Spanish, and New Zealand models all agree that the sale of sex should not be criminal. Bill C-36 more closely resembles policies currently used in the majority of the southern United States, China, the United Kingdom (which has a long history of abolitionist policies and prohibitionist politics), Islamic Republics, and the majority of African countries.<sup>26</sup>

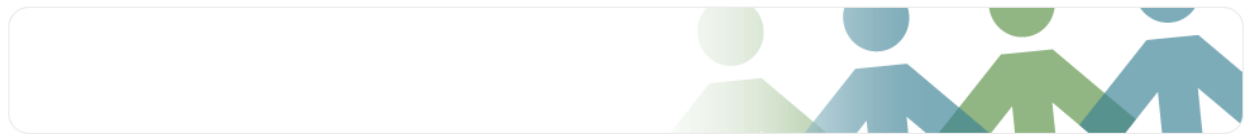
To look at the specifics of Bill C-36, it makes numerous amendments to the existing Criminal Code, including proposals to “create offence that prohibits purchasing sexual services or communicating in any place for that purpose; create an offence that prohibits receiving a material benefit that derived from the commission of [sexual services]; create an offence that prohibits the advertisement of sexual services offered for sale [...]; modernize the offence that prohibits the procurement of persons for the purpose of prostitution; create an offence that prohibits communicating — for the purpose of selling sexual services — in a public place, or in any place open to public view, that is or is next to a place where persons under the age of 18 can reasonably be expected to be present”; and to “ensure consistency between prostitution offences and the existing human trafficking offences.”<sup>27</sup>

---

<sup>25</sup> Barnett, L., Casavant, L., & Nicol, J. (2011). *Prostitution: a review of legislation in selected countries*. Library of Parliament.

<sup>26</sup> Ibid

<sup>27</sup> Bill C-36: *An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts*. 1<sup>st</sup> Reading, June 4, 2014, 41<sup>st</sup>



The outcry against the criminalisation of the worker is based on the fact that it has been linked to a host of negative outcomes, both from ideological perspectives (feminist, harm reduction, and human rights based alike) and from epidemiological/health perspectives.

Among these impacts, withholding total decriminalization from the worker has been said to cause: an increased risk of and more frequent experiences of violence; decreased negotiating power for safer sex practices; loss and degradation of safety networks and warning systems among sex workers; greatly reduced client willingness to report violence or abuse witnessed at the hands of others; an increase in aggressive policing tactics that border on harassment or discrimination; increased discrimination from health care providers due to stigma; a decrease in social services such as the provision of condoms, as condom distribution can be interpreted as an encouragement or acceptance of prostitution; and increased difficulty in finding and maintaining adequate or appropriate housing, once again due to stigma.<sup>28</sup>

To add to these concerns, the criminalization of sex workers creates an antagonistic relationship between workers and law enforcement officers. Because of this, prostitutes are reticent to approach police with safety concerns or to report an offense against themselves or others.

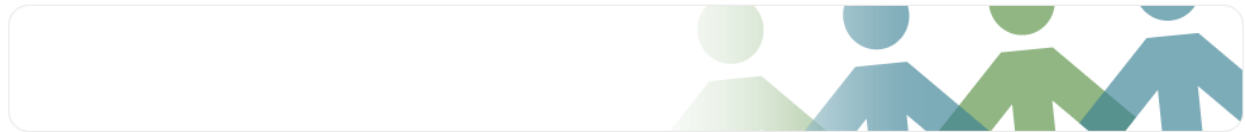
In the same vein, criminalisation impedes both workers' and clients' ability to maintain physical and sexual health. Because of the stigma created by criminalization, in that illegality legitimizes discrimination against prostitutes, they are much less likely to seek and be provided with adequate health care services.

For those unconvinced by ethical or health based arguments for the total decriminalization of worker, there are also economic factors. Further criminalizing the worker would cost the government countless dollars wasted in the judicial system to process the many petty offences workers would generate under these new amendments. These resources would be better dedicated to the pursuit of criminals that present a real risk to the safety of individuals and communities, or to programs to help support sex workers. Furthermore, as mentioned above, criminalizing the worker results in a whole host of negative health outcomes that cost provincial government innumerable taxpayers' dollars.

---

Parliament, 2<sup>nd</sup> Session, 2013-2014. Ottawa: Parliament of Canada. Retrieved from:  
<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6646338&File=27#1>

<sup>28</sup> Canadian, HIV-AIDS, and Legal Network. *Sex, work, rights: Reforming Canadian criminal laws on prostitution*. Canadian HIV/AIDS Legal Network= Réseau juridique canadien VIH/sida, 2005.



## **Toward a Canadian Model**

At a parliamentary meeting of the Standing Committee for Justice and Human Rights on July 10<sup>th</sup>, 2014, Ms. Christa Big Canoe, the Legal Advocacy Director at Aboriginal Services of Toronto, quite elegantly summarized both the fundamental viewpoint differences on the nature of sex work, as well as the fundamental reason why, regardless of ideological perspective, the worker must not be criminalized.

Ms. Big Canoe stated:

“There seems to be a suggestion that two completely different and incompatible views [exist on sex work] one from current or former sex workers, saying that the work is fine, empowering, and a completely autonomous choice; and the second view saying that sex workers are vulnerable, poor, addicted, and just surviving. From our perspective as front-line workers, [...] we say that these can both be true.”<sup>29</sup>

Ms. Big Canoe went to explain that both of these perspectives can “be true because different people have different experiences. [...] Neither of these groups of sex workers [that is, those with positive experiences or those with negative experiences] should be criminalized or put in harm's way because the law fails to account for their lives, liberty, or security of the person.”<sup>30</sup>

Indeed, Deborah Pond – Chair of the Board of Directors at u-r home, a faith-based, not-for-profit grassroots organization that helps exploited women transition out of sex work, echoed this sentiment at the same hearing.

“The continuation of the criminalization of vulnerable individuals will only create additional barriers to exiting prostitution—namely, criminal convictions. This type of barrier has already created loss of opportunities for jobs and completion of college programs where, for many young women, the co-op programs require a clear vulnerable screening check by police. We believe those who are prostituted are not choosing prostitution. There is no criminal intent.”<sup>31</sup>

Ms. Pond's voice is but one of many that has spoken out against the criminalization of the worker. Ms. Keira Smith-Tague, a front-line Anti-Violence Worker at Vancouver Rape Relief

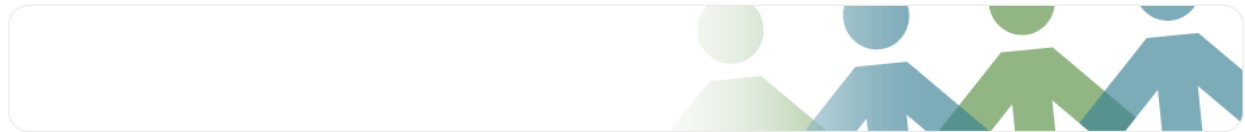
---

<sup>29</sup> Excerpt from transcript of the Standing Committee on Justice and Human Rights July 10, 2014 meeting. Full transcript can be found at:

<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6687824&Language=E&Mode=1>

<sup>30</sup> Ibid

<sup>31</sup> Ibid



and Women's Shelter phrased this sentiment even more strongly, stating “we absolutely cannot endorse any criminalization of women.”<sup>32</sup>

Rather than adhering to any of the particular models mentioned throughout this discussion paper, as each has its own strengths and weaknesses from ideological and harm prevention approaches, this paper has examined the ways in which those models currently employed by societies largely understood as in possession of progressive politics and thriving cultural and fiscal circumstances differ from the model proposed by the current Canadian government.

After discussion and analysis, CASW believes that Bill C-36, with its increased criminalization of the worker and a simultaneous provision of “\$20-million over five years in new funding to help sex workers get out of the trade” creates a confusing and, frankly, unhelpful model.<sup>33</sup> CASW agrees that “it is inconsistent of the government to establish new legislation whereby prostituted individuals are regarded as victims in certain situations but not in other instances.”<sup>34</sup> If sex workers are victims in need of assistance how might they also be criminals? This is an important question to ponder when moving forward in the development of sound policy.

As Canada readies itself for the September 2014 opening of the Human Rights Museum, which heralds “Canadians' commitment to human rights,” CASW urges the current federal government to reassess Bill C-36: criminalization of the worker is not a human rights response to prostitution policy.<sup>35</sup>

---

<sup>32</sup> Ibid

<sup>33</sup> Wingrove, Josh. The Globe and Mail. (2014, July 15). Canada’s new prostitution laws: everything you need to know. Retrieved from: <http://www.theglobeandmail.com/news/politics/canadas-new-prostitution-laws-everything-you-need-to-know/article19610318/>

<sup>34</sup> Excerpt from transcript of the Standing Committee on Justice and Human Rights July 10, 2014 meeting. Full transcript can be found at: <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6687824&Language=E&Mode=1>

<sup>35</sup> CBC News. (2014, June 12). Human rights museum counts down 100 days until opening. Retrieved from: <http://www.cbc.ca/news/canada/manitoba/human-rights-museum-counts-down-100-days-until-opening-1.2673459>