



BRIEF FROM *CONCERTATION DES LUTTES CONTRE L'EXPLOITATION SEXUELLE*

SUBMITTED TO THE STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

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Introduction

Like many individuals, groups and countries, *Concertation des luttes contre l'exploitation sexuelle* (CLES) cannot but salute the decision to criminalize the purchasing of sex in Canada. Even though the bill is imperfect, we regard this as a victory for abolition. This bill calls upon Canadian society to stop considering prostitution and the industry that exploits it as inevitable and a victimless crime. For the first time in Canadian legal history, a government is inviting us to examine prostitution as a crime against the person, a form of violence against women that is incompatible with the quest for social equality, in particular the equality rights of women who are among the most marginalized.

CLES has been in existence for nearly 10 years, and we are in daily contact with women who have been or are in prostitution. Our members (150 individual members and 50 association members) believe in the necessity of building a world without prostitution. We offer support, guidance and an ear to female victims of sexual exploitation (over 500 calls last year). We fight with them for recognition of their rights and to ensure their security, including the security of not being prostituted and of receiving support to leave the business when they want to. We organize the women so they can act to bring about the change they want in their lives and those of the women around them. We do preventive work to combat the trivialization of prostitution and to publicize its impact on the physical and mental health of those who are dealing with this reality, but also on access to equality for all women. We consider ourselves part of an international movement that is working tirelessly to denounce the patriarchal "age-old tradition" of prostitution.

In this brief, we will invite you to look at Bill C-36 from a perspective that sees government action as part of the struggle against the commodification of human beings, in the interest of equality for all.

We shall focus first of all on the concept of security, and the need for an interpretation of that concept that is as broad as possible, so that our Canadian Charter of Rights and Freedoms is used to free human beings from exploitation, rather than to crystallize that exploitation by giving it another name.

We will urge you to refuse any form of criminalization of prostitutes as contrary to the spirit of the bill's preamble, but also because criminalization of prostitutes is ineffective and an invitation to new efforts to render the bill void. Criminalization of the purchasing of sexual services, on the other hand, has proven its worth in countries that are concerned for human rights. And countries that have taken the road of legalization or decriminalization of the sex industry by leaving that industry free to deal as it wishes with procuring and trafficking for purposes of sexual exploitation are now living with the consequences of that choice and trying to retrace their tracks.

So that you can properly grasp the impact of prostitution on women's lives, we will spotlight the words of women who are critical of the industry and the system that maintains them in sexual exploitation. Last year, CLES conducted some research projects which confirm the choices that are central to Bill C-36. The female clientele of CLES and the women who responded to our research call are demanding more justice, more consistency, more services and more recognition, given that they are living or have lived one of the forms of violence against women that is most trivialized, and yet still taboo in the year 2014.

While we support Bill C-36, one fundamental change must be made to act upon the undertaking to decriminalize the victims of sexual exploitation. We exhort you to leave behind the political agenda of your party. We are at a crossroads, and certain choices are necessary. No one, no political party, can skirt the fundamental question. Do we believe that prostitution and the sexual exploitation it represents have their purpose in our society? If not, we have to act, and go further than any law can take us. We have to want more for women than prostitution; we have to want more for the women who are in prostitution.

1. For real security for women

The security of the women who work in prostitution was a central theme of the Bedford case, and must now be central to the new bill that is to be passed. A vast concept, security is a crucial element of numerous charters of rights (International Bill of Human Rights, Charter of Human Rights, the Canadian Charter, etc.) and the objective at the foundation of many groups, programs and policies.

The concept of security includes both an objective aspect (situation in which someone or something is exposed to no danger or risk, particularly of physical aggression, accident, theft or deterioration)¹ and a psychological aspect (situation of someone who feels safe from danger, whose mind is at ease).² The Supreme Court has recognized more than once that the right to security protects both the physical and the psychological integrity of individuals.³

The concept of psychological security takes on particular meaning for women who experience gender-specific oppression, such as sexual assault, and fear, at best latent, which is often the cause of extreme, sometimes even paralyzing vigilance. This feeling of insecurity experienced by women is exacerbated in the public space by verbal aggression, sexual harassment, solicitation by clients of prostitution, society's tolerance of sexist or even misogynistic displays, etc. In this sense, a broad view of security, encompassing the psychological and objective aspects and based on gender-differentiated analysis, must take into account that real security for women is the security of not fearing being victimized by male violence.

The female applicants in *Bedford v. Canada* argued that Canadian prostitution legislation infringes the security of prostitutes, and the Supreme Court of Canada found in their favour. It is indeed clear that legislation that criminalizes prostitutes and prevents them from obtaining support and legal recourse that are supposed to be accessible to all citizens infringes their fundamental right to security. But beyond access to justice, and as recognized in the Supreme Court judgment, it is violence from johns and pimps,⁴ as well as prostitution itself, that endanger women working in prostitution. Faced with that violence, the solution proposed by the applicants, which would be permitted by the Supreme Court judgment if applied as it stands, namely to legalize prostitution and allow the women to organize, with liability for the costs of providing for their security, indicates an extremely narrow and individualistic view of the concept of security.

¹ Translation of the definition of security in the Larousse dictionary: <http://www.larousse.fr/dictionnaires/francais/sécurité/71792>.

² *Ibid.*

³ *R. v. Morgentaler*, 1988 CanLII 90 (SCC), [1988] 1 S.C.R. 30, [1988] S.C.J. No. 1, at p. 56 S.C.R., per Dickson C.J.C., and at p. 173 S.C.R., per Wilson J.; Rodriguez, *supra*, at pp. 587-88 S.C.R., per Sopinka J.; Prostitution Reference, *supra*, at p. 1174 S.C.R., per Lamer J.

⁴ Judgment of the Supreme Court of Canada in *Canada v. Bedford*, summary at: <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13389/index.do>.

Legalization of prostitution: a narrow view of security

In fact, far from actually improving the living conditions of persons working in prostitution, this “solution” poses three major problems. First, it leaves it to the women to protect themselves from male violence, instead of confronting the problem at its source. In other cases of abuse and inequality, it is customary to try and stop the abuse by directing the intervention to the abusive person, instead of requiring the victim to find strategies for avoiding the abusive person. Furthermore, the argument that prostitutes are in a position to distinguish “good” johns from violent ones, in what little time they have to do so, is not only false, but dangerous. Once again, instead of simply rejecting the inherent violence of prostitution, it is proposed that the women be made responsible for assessing the potential violence of johns. If it were possible to recognize abusive men by just making a quick guess, there would be very few sexual assaults and women would not fall in love with men whom they would immediately spot as being violent.... Requiring that women estimate the potential violence of men is unacceptable, whether we are talking about sexual assault, spousal abuse, or prostitution.

Another major problem with the narrow view of security presented by the applicants and the Supreme Court judgment is that it privatizes the security of women, making it a commodity which certain women are in a position to offer themselves. In addition to placing upon women the odious task of organizing their own protection against male violence, this “solution” would put security (hired, paid for and organized) within the reach of only the more well-off and “established” prostitutes. Minors, victims of trafficking, prostitutes disorganized by violence or substance abuse, casual workers, and prostitutes in the most basic of survival situations will have neither the means nor the resources to avail themselves of this “security”. What was at first required as a human right is thus perverted into a privilege.

The last but not least crucial problem raised by the narrow view of security presented by the Supreme Court is that *even* if it were agreed to make security a privilege and the woman’s responsibility, the fact remains that security is nothing but an illusion in the prostitution system. As was mentioned earlier, the violence is from johns and pimps, the unavoidable players in the prostitution transaction and in the client-prostitute relationship. Whether it occurs in a context of street prostitution or in the most deluxe of brothels, the violence always takes place out of sight. A few seconds are all that is needed to kill someone, something which cannot always be prevented. As for the physical and mental integrity of prostitutes, subjected to the degrading demands, contempt and verbal abuse of their johns, this of course can never be protected, not by all the security systems in the world.

Women do not escape the unpaid-for violence in legal brothels. One example of unpaid-for violence comes from the classiest brothel in Melbourne, The Daily Planet, which was launched on the Stock Exchange in February 2003. The Daily Planet has alarm buttons in the rooms that women can press to call the bouncer. Unfortunately women only press these once they have been hit. A bouncer at the brothel interviewed in the local paper explains that he runs up and breaks the door open when the bell rings (the locks are flimsy). But the damage has already been done. There is no way to prevent women being hit in the best run brothels and it is, according to the bouncer’s account, not uncommon.⁵

⁵ Sheila Jeffreys, *The Legalisation of Prostitution: A failed social experiment*, speech given in February 2004 to the Commission on the Status of Women, United Nations, New York (she refers to the article “Everything But the Girls”, in *The Sunday Age*, 31 May 1998).

Furthermore, as noted by University of Ottawa sociology professor Richard Poulin:

[Translation:]

Between 1992 and 2004, 171 prostitutes were murdered in Canada. The “disappearances” of girl and women prostitutes are in the hundreds. During the same period, there were 50 prostitute murders in the Netherlands, which, all other things being equal, is comparable to the figure in Canada. In other words, whether brothel prostitution is legal or not does not fundamentally change the dynamic of violence, because these are relations between men and women as they take place in an unequal market transaction, explaining its characteristically endemic violence.⁶

Criminalizing the johns: an effective solution to violence

As we have seen, making women responsible for the odious task of protecting themselves against male violence is not only absurd, but also unfair and ineffective. Considering, together with the Supreme Court and the majority of workers in this area, that the main threat to the security of women in prostitution is the client, it would seem logical to target the client.

The criminalization of johns partakes of the same logic as the criminalization of rapists and abusive spouses who have to be accountable for their offences. In the same way that the laws against marital violence do not prohibit women from staying with their abusive spouse, do not oblige them to file a complaint against him, and do not criminalize them for the violence they suffer, the laws criminalizing the clients of prostitution offer women the option of filing complaints against their johns, without punishing the women themselves for their own exploitation. This so-called *asymmetrical* criminalization serves to restore the balance of power somewhat between prostitute and client, since the latter, being in a situation of criminal behaviour, can be reported at any time if he does not respect the limits set by the woman being prostituted. In this sense, Mikael Gustafsson, a Swedish member of the European Parliament, mentioned on a recent visit to Canada that some prostitutes emigrate from Germany, where prostitution is legal, to Sweden, an abolitionist country where johns are criminalized, because they consider Sweden safer for engaging in prostitution.

Despite everything, many people are worried that criminalizing the johns will make prostitution more “underground”, thereby compromising the security of prostitutes. To respond to this, it is important to remember that johns have been liable to criminal action (for solicitation of sexual services, being found in a common bawdy-house, etc.) for over 20 years now. Hence their criminalization under the new law would not make prostitution any more underground than it already is. Furthermore, even though johns are supposed to be criminalized, certain sadists and murderers, such as Robert Pickton, have been able to get access to many prostitutes because no police officer ever arrested them as johns. It is therefore false to think that criminalization is a threat to the women’s security. The real threat, as we mentioned earlier, is male violence and tolerance of the male demand for paid sex.

Prostitution is “underground” because male demand wants it that way. Even where prostitution is legal, the demand for “socially unacceptable” forms of prostitution (for minor girls, vulnerable persons, and acts of violence and degradation repulsive to most people) continues to be clandestine. Refusing to offer women

⁶ Richard Poulin, “Décriminalisation de la prostitution, un choix sociétal et non individuel,” *Le Devoir*, 4 October 2010, <http://www.ledevoir.com/societe/actualites-en-societe/297396/decriminalisation-de-la-prostitution-un-choix-social-et-non-individuel>

real security by prohibiting men from prostituting them on the pretext of avoiding “clandestine” behaviour is therefore a false and dangerous argument.

We have seen here that the security of women must be understood in much broader fashion than the individualistic and narrow view taken by the Supreme Court in the Bedford case. The preamble to Bill C-36 should therefore be strengthened by including a broad and inclusive definition of security that takes account of its gender aspect.

It is also imperative to amend the bill to ensure that it is consistent both with the equality and anti-exploitation objectives set forth in its preamble and with the Canadian Charter of Rights and Freedoms, so as to avoid any legal challenges down the road. There is no doubt that criminalizing the purchasing of sexual services will have a normative impact on demand and on effective gender equality in Canada, but this will be on the condition that it is accompanied by the total decriminalization of prostitutes. No woman must be criminalized for the exploitation made of her, whatever her environment may be. What is more, the criminalization of prostitutes has serious impacts on their immediate but also their long-term security, as it undermines their ability to leave the world of prostitution and rejoin the labour market, as we shall see in the next section.

2. For complete decriminalization of the women

Do more prevention, give them more places where they can go for help. Don't give them fines, they can't pay the fucking fines. Stop sending them to jail: you know they're going to be out the next day. The girls you know that you see every day, try not carting them off, try just fucking talking to them if they're not making trouble. - Loca⁷

The normative impact of abolitionist legislation does not stop at discouraging the purchase of sexual services by criminalizing demand; it also keeps many women out of prostitution and enables those in it to get out of it by offering them real alternatives, promoting equal relations between women and men, and lightening the burden on women involved in prostitution by totally decriminalizing them and providing support in the form of social services and programs. Consequently, adding paragraph 1.1 to section 213, which criminalizes prostitutes for solicitation in a public space, weakens Bill C-36 by acting against its underlying societal purpose and opening the door to possible legal challenges.

Sexist criminalization that makes leaving prostitution more difficult

Criminalization of the women is already part of the arsenal available to the police; thus far, the effect of this measure has been to target women disproportionately in the interest of nuisance reduction. In fact, 79% of legal proceedings launched against men for prostitution-related crime have been stayed or dropped, whereas the comparable figure for women is only 44%. Yet for other crimes such as robbery, fraud or assault, it is action taken against women that is more often stayed or dropped. Furthermore, when charged with prostitution-related crimes (of all types), women are convicted in 54% of cases, and men in only 19%—once again, a situation that is the reverse of other crimes, of which men are convicted more often than women.⁸

⁷ Translated quote from our research project “*Connaitre les besoins des femmes qui ont un vécu dans l’industrie du sexe pour mieux baliser les services*” [Knowing the needs of women with experience in the sex industry in order to better tailor services] (2014), www.lacles.org

⁸ 2011-2012 figures, Statistics Canada, <http://www.statcan.gc.ca/start-debut-eng.html>

These figures show the extent to which the crime of prostitution is still gender-based. They also show the extent to which opening the door to the criminalization of women will mean greater criminalization of women than men. This already unequal situation is indicative of a double victimization of women, who are being punished for their own exploitation.

On this subject, Suzanne, a woman interviewed for CLES's research project *Connaitre les besoins des femmes qui ont un vécu dans l'industrie du sexe pour mieux baliser les services*, says the following:

[Translation:]

Why are the men not affected by this? They come away with nothing, no record, nothing. It works the same way in government: everything's fine, but what about the girl? She is abused, she is raped, but hey, that's nothing serious. What's going on here? Where's the justice in this? I'm out of prostitution but I still get solicited, how am I supposed to respond to that? Even if I take a plate number, what good does that do? Here's what happens: they give him a ticket, they take him to court, but are they going to give the gentleman a record? Oh no, no, of course not. The gentleman works, the gentleman has a family, he has children. Us girls, we're people too, like him. We are people with families and kids.

Criminalizing women for prostitution has serious impacts on their lives and substantially compromises their security and their exit possibilities. First, if, as was mentioned earlier, criminalizing the johns provides prostitutes with a certain balance of power, their own criminalization makes them vulnerable and prevents them from benefiting from the protection to which they are entitled. Prostitutes are in trouble with the law on a daily basis, and this undermines their trust in the police and the capacity of the police to protect them. Of the 109 current or former prostitutes interviewed for the research project *Connaitre les besoins des femmes qui ont un vécu dans l'industrie du sexe pour mieux baliser les services*, 63% said they had been arrested, 59% had a criminal record, 26% had been victims of profiling, and 24% victims of police abuse. These already alarming figures increase substantially for aboriginal women, 81% of whom have a criminal record and 63% of whom have been victims of profiling (due to being aboriginal or in prostitution).

Over and above the mistrust and insecurity, criminalization of the women contributes to keeping them in prostitution, to their stigmatization and their repeat victimization. In fact, to avoid going to jail, it is not uncommon for some women to prostitute themselves in order to pay the fines for offences committed by prostituting themselves! With accumulated debt and poverty being important factors keeping them in prostitution, criminal status is then added, making these women outcasts from society and damaging their efforts to re-enter the labour market. Finally, criminalizing these women sends the message, to them as well as to society, that they have chosen their situation and are responsible for the violence they suffer, a message that runs contrary to the bill's preamble, which claims to have "grave concerns about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it." It is therefore imperative to remove from C-36 any clause which would criminalize the women for their own exploitation.

Role of the police: beyond criminalization

The police have to play the role of facilitators who help women leave prostitution by offering them support and protection and by directing them to appropriate resources. In no case, however, must they force this exit. Once again, the parallel with domestic violence situations is appropriate: while the police are obliged to intervene to protect the victims, and can refer them to shelters and other resources, they cannot force them to file a complaint or to leave their violent spouse. It is crucial that the women be sure that they will not be criminalized and that they will receive support appropriate to their situation, so they can have real access to justice. Beyond this latter objective, non-criminalization also contributes to their sense of security in their work as prostitutes. As Bingo explains, in our research project:

[Translation:]

There is one team in particular: when they are on the job, I feel good, I feel protected. He's there, he protects me, I feel good. I don't need to hide and then move fast fast fast, make a dash for this car, thinking OK, he didn't see me. No, they did see me, and I'm all the happier that they did, because if I don't come back, they'll know who to look for.

Benefits and successes of decriminalization

Beyond the improved relations and greater security made possible by the decriminalization of prostitutes, there are many measures which can and must accompany the decriminalization of victims of sexual exploitation. In France, the abolitionist bill that is soon to be adopted contains certain compensatory measures for victims of sexual exploitation, comparable to the measures to which other victims of crime are entitled. This money is also used to support exit initiatives by the women, who often live in economic instability before, during and after their time in prostitution. This allowance money can permit them to start training or therapy, to move house, or simply to meet their needs without falling back into prostitution.

To facilitate reintegration into society, it is also imperative that support be given to erasing criminal records relating to prostitution. Abolitionist legislation can help to remove the stigma with which prostitutes live, but certain prejudices persist, and many potential employers want to know whether their future employees have a criminal history. Suzanne explains:

[Translation:]

I have a criminal record, but not everyone's going to give you a chance. It's a drag, a real drag. I'm 50 years old, and I'm still going to need something to ... I got nothing saved up for a pension or anything, so what am I going to do later on in life? Go back on welfare? Not interested. I still have at least 15-20 years I can work, but just small jobs at minimum wage with no chance of a pension.

As we have seen, total decriminalization of the women and police support for their exit initiatives are absolute prerequisites for the success of the abolitionist project. Therefore, a prostitution bill that targets gender equality and the provision of genuine support for women involved in prostitution must ensure that in no case will criminalization maintain these women in prostitution or impede their exit initiatives. In addition, to guarantee the security of the prostitutes whom the Supreme Court of Canada intended to protect with its judgment and to avoid legal challenges on this point, it is important to provide real access to justice for victims of sexual exploitation. Their criminalization is not consistent with such access.

3. Prostitution, a societal choice: the test of fact

While it is now time for Canada to make its choices, many governments have gone before it and chosen various avenues, allowing us to observe the impact of different legislative models for prostitution. Far from being a purely theoretical issue, what concerns us here is a societal choice which must be informed by facts. The proposals we have presented here are based on experiments in Sweden, Iceland and Norway, experiments that offer templates for the societal choices that Canada is facing.

Legislative failures

Many persons—like the applicants in the Bedford case—are proposing to decriminalize prostitution “between consenting adults”, alleging that security can be increased through legislation. However it must be acknowledged, in light of the Dutch, German and New Zealand experiments to name just those three, that this idea cannot hold water. The decriminalization of procuring and the industry that it produces has been attempted in these countries with disastrous effect on the security of women and the scope of the violence inflicted on them.

Since the year 2000 in the Netherlands, the purchasing of sexual services has been legal, and pimps are regarded as company directors who are not sanctioned unless they profit from the exploitation of a non-consenting minor. Although legalization was intended to regulate the sex industry and protect prostitutes, exactly the opposite has happened: an explosion of demand and of sex tourism,⁹ and hence of trafficking for purposes of sexual exploitation (80% of the women in prostitution there are trafficking victims),¹⁰ clandestine prostitution that is more widespread than “legal” prostitution,¹¹ and growth of organized crime. The mayor of Amsterdam, Job Cohen, has recognized that the legislation has been a mistake and has failed to make prostitution safer.¹² As noted by Dr. Melissa Farley: “Sexual violence and physical assault are the norm for women in legal prostitution. In one Dutch study, 60 per cent of women in legal prostitution were physically assaulted, 70 per cent were threatened with physical assault, 40 per cent experienced sexual violence and 40 per cent had been coerced into legal prostitution.”¹³

This situation in New Zealand, often cited as an example by supporters of the sex industry, is not much better. As in the Netherlands, decriminalization of prostitution has caused demand and the market to explode, along with organized crime which is reaping the profit. With human trafficking facilitated by legal procuring and the influx of johns, trafficking of children—especially children from the Maori minority—has increased significantly since the decriminalization of prostitution. Street prostitution in Auckland, the largest city in New Zealand, has increased from 200% to 400%.¹⁴ Violence has remained at the same level.

After decriminalization in NZ, violence and sexual abuse in prostitution continued as before.
The majority of sex workers felt that the law could do little about violence that occurred and

⁹ Laurence Nuer, “Les effets pervers de la légalisation de la prostitution,” *Le Point*, 7 January 2012, http://www.lepoint.fr/chroniqueurs-du-point/laurence-neuer/les-effets-pervers-de-la-legalisation-de-la-prostitution-07-12-2011-1404925_56.php.

¹⁰ Dr. Melissa Farley, *The Real Harms of Prostitution*, 19 October 2010, Mercatornet, http://www.mercatornet.com/articles/view/the_real_harms_of_prostitution

¹¹ Laurence Nuer, *op.cit.*

¹² Dr. Melissa Farley, *op.cit.*

¹³ *Ibid.*

¹⁴ *Ibid.*

that violence was an inevitable aspect of the sex industry, according to the Law Review Committee. After the law was passed, 35 per cent of women in prostitution reported that they had been coerced by johns. Women in massage parlour prostitution who were under the control of pimps reported the highest rate of coercion. Five years after legally defining prostitution as work, the New Zealand law was unable to change the exploitative quasi-contractual arrangements that existed before prostitution was decriminalised. Most people in prostitution (both indoor and street) continued to mistrust police. They did not report violence or crimes against them to the police.¹⁵

The failed experiments in New Zealand and the Netherlands are echoed in Germany, where the Eroscenters, a kind of sexual supermarket, offer party discounts, "all you can fuck" formats, group rape and many other sordid propositions made possible by opening up a legal sex market to a cash-hungry industry.¹⁶ In Spain, sociologists at the Catalan institute for social sciences research have the following to say about the impact of legal brothels:

[Translation:]

*Prostitution is often young people's first glimpse into sexuality and the female gender. The association between first sexual experience and prostitution seems to be deeply anchored. Beyond this "initiatory" aspect, the authors underscore its "strictly masculine" character: The prostitutes are all women, the clients are all men.*¹⁷

Different countries, different stories, but the same findings: legalization increases demand, but never women's level of security; gender equality is adversely affected; and organized crime and the sex industry are the big winners....

Meanwhile, in Sweden...

Sweden was the first country to adopt an abolitionist social/legal model, which has been exported, first to Norway, then Iceland, and soon, France. Ten years after the passage of the so-called "Peace of Women" act, Chancellor of Justice Anna Skarhed submitted to the government an evaluation report demonstrating that prohibition of the purchase of sexual services had had the intended effect and had proven an important instrument in preventing and combatting prostitution and human trafficking for sexual purposes.¹⁸

Contrary to the situation in comparable countries during the same period, prostitution in Sweden has not increased since the passage of the statute. Street prostitution has fallen by half and Internet prostitution is no more significant than in comparable countries. Hence it is not possible to claim that street prostitution has shifted to the Internet. According to the National Criminal Police, the prohibition of the purchase of sexual services has acted as a barrier to organized crime and human traffickers, who see no point in doing business in Sweden.

¹⁵ *Ibid.*

¹⁶ On this subject, see the feature story *Bordels, l'envers du décor* by Alexandra Eul for *Emma* magazine, translated and adapted by Suzanne Krause: <http://www.mouvementdunid.org/IMG/pdf/178dossierbordelsenversdecor.pdf>

¹⁷ François Barrière, *Ces maisons closes de la Jonquère qui marquent les ados*, Midi Libre, <http://www.midilibre.fr/2013/07/04/ces-maisons-closes-qui-marquent-les-ados.727178.php>

¹⁸ Anna Sharkhed, Chancellor of Justice, *Prohibition of the Purchase of Sexual Services. An Evaluation 1999-2008 (SOU 2010:49) to the Government*, <http://www.government.se/sb/d/13420/a/151488>

Furthermore, the Inquiry notes that prohibiting the purchase of sexual services also has had a normative effect. There has been a marked change in attitude to the purchase of sexual services that coincides with making it a criminal offence to purchase sex. There is now strong support for the prohibition of purchasing sexual services in Sweden. The prohibition has proved to act as a deterrent to sex purchasers. The Inquiry could find no indication that criminalisation has had a negative effect on people exploited through prostitution.¹⁹

Whereas countries that have legalized prostitution, now finding themselves grappling with endemic organized crime and human trafficking, are considering reversing their tracks, numerous countries, like Canada, are turning to the Swedish model. If the template for Bill C-36 is clear, it is critical to ensure that “the Canadian model” acquires the same resources as that template, to guarantee real security for women and to bring about the societal changes that it is based upon. The success of the Swedish or Nordic model depends not only on the asymmetrical criminalization of prostitution, but also on societal publicity aimed at discouraging demand, education about and awareness of gender equality, the introduction of real alternatives to prostitution, combatting female poverty, and support for women’s exit and post-exit initiatives.

Conclusion and recommendations

As we have seen, asymmetrical criminalization is the most convincing way to deal with the security problem so as to take account of the gender-based reality of insecurity in a way that is consistent with gender equality. The horrors of legalization in Germany, the Netherlands and New Zealand should at least prepare us to avoid the same mistakes, while the successes of the Swedish social/legal model should enlighten us as to promising practices.

It is imperative that we give effect to the rights guaranteed by the Charter and to the Canadian values of equality and human dignity. Beyond the amendments that we would like to see in the bill, what we expect is a commitment by the Canadian government, including the opposition parties. We must say no to the sex industry and yes to equality for all women.

Changes requested to Bill C-36:

- Eliminate all forms of criminalization of prostitutes.
- Add to the bill’s preamble that it is important to address the causes of prostitutes’ insecurity and to guarantee their objective and psychological security.

Supplemental recommendations:

- Increase the financial support provided under programs for women who want to leave prostitution. This funding must support both women who want to exit and those who have exited, and must be directed to women’s organizations that engage in analysis of violence against women and its impact on them.

¹⁹ Anna Shakhed, *op. cit.*

- Have a fund specifically dedicated to aboriginal women, so that aboriginal women's groups can have the tools they need to build their own prostitution exit program.
- Create a fund that allows women financial compensation when they quit prostitution, so as to recognize the violence they have suffered and the need for "reparation".
- This bill cannot change mentalities and educate about issues of sexual exploitation on its own. Projects must be devised to educate the public and educate youth. Therefore there must be a specific fund for organizing public prevention and awareness campaigns, so as to increase the normative impact of the bill.
- Create socio-economic alternatives conducive to the reduction and, eventually, the abolition of prostitution (anti-poverty campaigns, citizenship income, universal social programs, recognition of First Nations' claims, etc.).
- Erase retroactively the criminal records of women charged with solicitation under previous sections of the Criminal Code dealing with prostitution.
- Invite the provinces to issue clear directives to police departments, including training, on the decriminalization of prostitutes, whatever their environment.

Appendix 1

Recommendations of prostitutes and prostitution survivors (drawn from our research project “*Connaître les besoins des femmes qui ont un vécu dans l’industrie du sexe pour mieux baliser les services*”)

For God’s sake, put a little money into social services, into health and social services. - Maïté

More money. I’m not saying millions and millions, but give the resources some money. [...] There are not a lot of agencies here. Don’t be late, keep your ears open, what we need is support, doctors. Yes, I know that’s expensive, that you need to train people to do that, but it’s worth the trouble. Instead of spending millions and millions on stupid highways and such like. Put some money into substance abuse, to help people get out of it. - Élyzabeth

Increase our welfare cheques. - Jennifer

They’re talking about cutting a therapy—don’t do that! The Charbonneau commission is showing that they’re robbing us, next they’re going to be taking money from people on welfare, next they’re going to cut therapies—don’t do that. The world is deranged enough as it is, it’ll be even more deranged if you cut into that! [...] There aren’t enough resources! [...] We need more spaces, more spaces! They have rehabilitation for prisoners, how about rehabilitation for streetwalkers, for guys who work the street, it’s the same thing. Offer rehabilitation, but no, they’re cutting everywhere! - Charlotte

Obviously there’s something that’s not working here. I’d like to know why they make it hard for people who really want to get out, even though sometimes it wouldn’t cost them nothing. Like, just let me go to university even if I’m on welfare, it’d cost them goddamn nothing and it would help me out a lot. [...] What I would like, if I could talk to the government, is to tell them my situation, then ask them, do you have a solution for me? When they tell me “No”, I’d say to them, “No, you do, but you don’t give a fuck.” I wouldn’t be diplomatic, not me. - Rosie