

**PRESENTATION
To**

**The Standing Senate Committee on Legal and Constitutional
Affairs**

***Regarding Bill C-36 Protection of Communities and Exploited
Persons Act***

Submitted by:

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“In an unequal world, a law against men purchasing women is called for together with no law against the people, mainly women, being bought for sexual use: ending prostitution by ending the demand for it is what sex equality under law would look like.”¹

Catharine MacKinnon

The London Abused Women’s Centre

The London Abused Women’s Centre (LAWC) has been providing advocacy, support and counselling to abused women and girls (over the age of 12) living and working in London and Middlesex County for 36 years.

During the last fiscal year, LAWC provided service to 3,300 abused women and girls. This includes women and girls abused by their intimate partners, in dating or “hooking up” relationships and prostituted women. Approximately 10 per cent of the women served have been prostituted.

The London Abused Women’s Centre has adopted the following beliefs on prostitution:

- Most women enslaved in the sex trade (pornography, prostitution, adult entertainment, body rub/massage parlours, “strip” clubs, escort services) are trafficked;
- Women do NOT “choose” to be prostituted/trafficked. The agency believes it is the choice of men to rape, torture, exploit and violate trafficked women;
- Legislation should be changed to decriminalize prostituted/trafficked women while criminalizing and punishing sex buyers and traffickers;
- Prostituted/trafficked women are victims of torture, rape, exploitation and other human rights’ violations and fully funded resources must be allocated to provide exit programs and services which are voluntary, women centred, survivor and trauma informed that may include affordable housing; income support; residential and outpatient rehabilitation services for substance use; long term counselling, support and advocacy; secondary and post-secondary educational opportunities; job training; family reintegration; and access to hidden identity support and relocation.²

There is a strong link between domestic violence and prostitution. Many prostituted women report that their intimate partners are also their pimps. This link, with the coercive, controlling and abusive tactics used by a woman’s partner/pimp in this combined role, adds to the complexities of the lives of prostituted women. This must be recognized in order to understand the issues and realities faced by these women.

¹ Waltman, M. (2011). Sweden’s Prohibition of Purchase of Sex: The Law’s Reasons, Impact, and Potential, p. 5. Retrieved June 29, 2014 from

<http://www.prostitutionresearch.com/Sweden's%20prohibition%20of%20purchase%20of%20sex-%20The%20law's%20reasons.%20impact.%20and%20potential.pdf>

² “Prostitution Legislation – A Way to Shift the Culture through a Three Prong Approach -

Decriminalize Prostituted Women, Criminalize Sex Purchasers, and Mandate Robust Funding for Services to Women Exiting the Sex Trade while Providing a National Public Awareness Campaign that Prostitution is Men’s Violence Against Women (Nordic Model),” 2010, Updated, January 2014, <http://lawc.on.ca/wp-content/uploads/2014/01/Nordic-Model-Information-for-Distribution-Revised-January-2014-02.pdf>

Sextrade 101

Sextrade 101 is Canada's leading experiential voice regarding the sex trade industry, and organized pimp violence. The organization offers public awareness and education of the sex trade in order to eradicate myths and stereotypes about prostitution by replacing them with facts and true stories from women who have been enslaved by this dark and lucrative industry.

Membership includes a group of diverse and unique Canadian women with different backgrounds and stories. The common thread is prostitution. Members come together to promote themselves as sex trade experts; front-line workers, speakers, advocates, and activists for the rights of sex trafficking victims and prostitution survivors.

The main goal is to offer deeper insight into what the sex trade really consists of. Members' stories include fear, rapes, beatings, being sold and discarded. Most members were children who were forgotten, neglected, abused, used, and abandoned.

Sextrade 101 believes everyone should be shown a viable way out of the sex trade, not encouraged to stay in it. The organization believes in helping people understand the full picture of life in prostitution before they get involved, and in helping women get out alive, with their minds, bodies and lives intact.

Sextrade 101 believes it's going to take a collective effort to abolish the world's oldest oppression! Survivor members offer first-hand knowledge of the barriers people face when trying to 'get out' and stay out, and they create opportunities for positive change for those enslaved by the sex trade.³

EVE (Formerly Exploited Voices, Now Educating)

EVE (Formerly Exploited Voices, Now Educating) is a volunteer, non-governmental, non-profit organization composed of former sex-industry women dedicated to naming prostitution as violence against women and seeing its abolition through political action, advocacy and awareness raising that focuses on ending the demand for paid sexual access to women and children's bodies. EVE operates under a feminist model, acknowledging that prostitution is born out of sexism, classism, racism, poverty and other forms of systemic oppression.⁴

Prostitution is Not Work

Language is important and it is vital to understand that prostitution is NOT "sex work." Prostitution is men's violence against women and is a human rights violation. Legitimizing prostitution as "work" normalizes it as an employment option, ignores the link between prostitution and sex trafficking, sanctions the inequality of women and girls and increases demand by promoting social acceptance of sexual exploitation.⁴ The London Abused Women's Centre does not recognize prostitution/sex trafficking as work and refers to women in prostitution as prostituted women.

³ www.sextrade101

⁴ www.educating-voices.com

Prostitution is NOT Consensual Sex between Adults

Prostitution is not consensual sex between adults. Many prostituted women enter as children. The Canadian Women's Foundation reports through "consultations with 260 Canadian organizations and 160 survivors of sex trafficking, many girls in Canada are first trafficked into forced prostitution when they are 13-years-old."⁶ While everyone agrees children are too young to consent, it should also follow that a child of 17, who turns 18 and who has only ever known prostitution, may also not understand consent. What of the power imbalance between the johns and pimps buying or using her? Consider the stories you have read or heard about young women involved with much older, powerful men where there is no exchange of money. For instance, what of a teacher or coach dating a student or player? That is an abuse of power. Does it become consensual because there is an exchange of money? No! It remains an abuse of power.

Selling your body to anyone is akin to selling parts of your body. For instance, the sale of your organs. It is illegal to sell your organs. There is a reason for this. It would be those who have the fewest financial resources that would be forced to sell their organs. They may say it is their choice to do so but being forced to do something in the absence of options cannot be described as a choice. It is a decision someone makes because they have no choice.

Bill C-36 Will NOT Kill Prostituted Women

There have been many posts on social media stating Bill C-36 will kill women. Let's be clear. It is not legislation that kill prostituted women. It is johns and pimps that kill prostituted women. And, as you have heard, there have been more prostitution related deaths in countries with legalized or decriminalized prostitution like Germany and New Zealand than in the Nordic countries where in fact there have been none.

Men's Violence against Women

Fifty per cent of all women in Canada have experienced at least one incident of physical or sexual violence since the age of 16.⁷ That equates to one out of every two Canadian women that has experienced at least one incident of physical or sexual violence since the age of 16.

Men's violence against women is a global epidemic and Canadian women are not immune to its horrors.

Bill C-36 is not a short-term plan to eradicate prostitution. It is a long-term strategy intended to shift the culture for future generations. The legislation is modeled after the success of Sweden's Model where not only are pimps and johns criminalized and prostituted women decriminalized, but there is an investment in providing prostituted women with fully funded, voluntary exit strategies and public awareness campaigns that highlight the dangers inherent in prostitution.

⁵ "Prostitution is Not 'Sex Work' Prostitution is a Form of Violence against Women," February, 2011, Coalition Against Trafficking in Women, p. 1.

⁶ "Sex trafficking of girls and women is a serious issue around the world and right here in Canada," <http://www.canadianwomen.org/trafficking> (Retrieved July 1, 2014).

⁷ "The Facts About Violence Against Women," <http://canadianwomen.org/facts-about-violence>, (Retrieved July 4, 2014).

It is our responsibility as a society to shift the culture for future generations. We must provide boys with opportunities to learn that girls are more than a set of body parts. Women and girls are human beings to be valued and respected. Further, we must provide girls with equal opportunities for success in life. We must ensure there are options available to them for real choices so they are not forced to make decisions because they have no choices.

Public Communication for the Purpose of Prostitution – A False Sense of Security

While acknowledging the Supreme Court of Canada ruled the existing law prohibiting public communication for the purpose of prostitution makes no mistake, there is no amount of communication with a john or pimp that will make the lives of prostituted women safer.

Prostitution is inherently dangerous and whether indoors or outdoors, johns and pimps place the lives of prostituted women at risk of danger.

An appropriate comparison can be found in examining a woman abused by her intimate partner. In almost all cases, she is not abused on a first, second or third date. The tactics of abuse are often subtle and shift as her partner strives to gain and maintain power and control over her. Sometimes, the abuse doesn't start until after marriage or during a first pregnancy. The woman has had ample time "to communicate," yet nothing has prepared her for the level of violence and abuse she encounters.

It is a myth that a woman can evaluate her safety needs with a john or pimp in a five, ten or even 30 minute discussion

The Swedish/Nordic Model

In recognizing that the Canadian Model draws from the strengths of the Sex Purchasing Act in Sweden, it is important to review the positive outcomes of that legislation.

- The ban on the purchase of sexual services has had the desired effect and is an important instrument for the prevention of and fight against prostitution.
- The number of buyers has decreased.
- The ban has had a discouraging and/or preventive effect on men who consider buying sex for the first time.
- Nothing indicates that the number of sexual assaults against prostitutes has increased.
- Nothing indicates that the prostitutes' living conditions have worsened.
- Prostitutes experience that the ban has made them feel more powerful in relation to their own situation, because they can lay information against sex buyers with a threatening attitude for their attempt to buy sex.
- The ban has made it easier for prostitutes to get out of prostitution and seek help.
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- Prostituted women state the ban has made them feel more powerful in relation to their own situation, because they can lay information against sex buyers with a threatening attitude for their attempt to buy sex.
- The ban has made it easier for prostitutes to get out of prostitution and seek help.
- There has been a clear change of attitude in relation to the purchase of sex (33 per cent in 1996, 76 per cent in 1999).
- More than 70 per cent now support the ban.
- The support for the ban is highest among young people.
- The ban places the responsibility for prostitution and human trafficking with the sex buyer and not with the prostitute.⁸

These are important outcomes for women in prostitution and for the long term goal of a cultural shift towards changing attitudes and behaviours.

The Pro-Prostitution Support for the New Zealand Model of Decriminalization

Pro-decriminalization advocates maintain that decriminalizing prostitution is supported by prostituted women, decreases sex trafficking, is safer for prostituted women and empowers prostituted women. The London Abused Women's Centre, EVE and Sextrade 101 dispute these claims.

Pro-decriminalization advocates refer to New Zealand's Prostitution Reform Act to support their claims. The goals of the legislation were: "to safeguard the human rights of sex workers and protect them from exploitation; to promote the welfare and occupational health and safety of sex workers; to protect public health; and to prohibit the use of prostitution in persons under 18 years of age."⁹

The Prostitution Reform Act decriminalizes all forms of prostitution including street and brothel prostitution. However, the Shadow Report for the CEDAW Committee on New Zealand from the Coalition Against Trafficking in Women in New Zealand (June, 2007) presents a view of decriminalized prostitution that tells a story of increases in all areas of prostitution including trafficking, prostitution, children being purchased by men, involvement of gangs and organized crime, and violence and murders of prostituted women.¹⁰

The controversial Prostitution Reform Act, which passed by only one vote in 2003, legislates that operators of prostitution brothels and other prostitution related businesses (massage parlours, peep shows, strip clubs) hold certificates with the exception of what is known as small owner operated brothels (SOOBs). SOOBs are brothels with fewer than four prostituted women which can be operated out of women's own homes.¹¹ In essence, by allowing SOOBs the Prostitution Reform Act has pushed prostitution underground.

⁸ March 8 initiative including the Swedish Public Prosecutor, et al, "The Effects of the Swedish Ban on the Purchase of Sexual Services," November, 2012, p.2,3.

⁹ Tighe Instone and Ruth Margerison, "Shadow Report for the CEDAW Committee on New Zealand," June, 2007, Coalition Against Trafficking in Women New Zealand, p.2.

¹⁰ Ibid.

¹¹ Ibid.

The 2005 report on the state of the prostitution industry at the time of reform found a considerable increase in the number of prostituted persons between 2001 and 2005. The 2001 report estimated there were 4,500 persons in prostitution, which included peep shows and strip clubs (which were linked to prostitution) compared to the 2005 report which estimated there were 5,932 persons in prostitution which did not include those people in peep shows and strip clubs.¹²

The 2005 report shows a link between organized crime and prostitution with estimates from one-fifth to nearly three-quarters of massage parlours being connected with organized crime. It is further estimated that anywhere from one-tenth to three-fifths of prostituted women operating privately were connected with organized crime.¹³

In 2006, over a six month period, the Prostitutes' Collective in Christchurch, New Zealand said there had been 147 reports to them of violence against prostituted women in that city and two women murdered.¹⁴

As in Canada, it is Indigenous women in New Zealand who are disproportionately victims of prostitution. A Southland Auckland Maori community worker estimates that 80 per cent of women involved in street prostitution are Maori or Polynesian.¹⁵

Commissioner for Children, Dr. Cindy Kiro, has argued that New Zealand has a "clear problem" with child prostitution which has worsened since decriminalization.¹⁶ Her view is supported by Christchurch police inspector Gary Knowles who notes there has been a "noticeable rise in the number of street prostitutes since the legislation." Detective Senior Sergeant Shane Cotter from the Vice Squad argues, "the Act makes it harder to prosecute men who are paying for sex with underage girls because they were not required to obtain proof of age under the new legislation, which police fear provides a 'loophole' for offenders."¹⁷

Given the link between organized crime and prostitution in New Zealand, it is not surprising that respondents to the 2005 report noted a significant increase in the number of prostituted women who were non-New Zealand residents. Respondents estimated that between 25 and 60 per cent of prostituted women were non-New Zealand residents.¹⁸

It is clear from the research that decriminalization increases sex trafficking, children exploited in prostitution, violence and organized crime. It decreases the ability of police to intervene and protect prostituted women and children. The New Zealand model should be used not as a model to aspire to, but rather as an example of a country that has failed to protect victims of men's violence against women in prostitution.

¹² Ibid., p.3.

¹³ Ibid.

¹⁴ Ibid., p.4.

¹⁵ Ibid.

¹⁶ Ibid., p.5.

¹⁷ Ibid., p 6.

¹⁸ Ibid.

The Voices of Survivors

Bridget

My spirit name is Wasa Quay meaning Women of Light. I was born to an Ojibaway woman who placed me up for adoption. I was raised in a large loving non-native family. When I was eight years old, I was sexually abused by a family friend. The pain I felt caused me to act out and I fell deep into the “comforting” arms the sex trade offered.

By the age of 12, I was lured into prostitution by a biological family member while residing in a group home where many First Nations children were placed. I was bought and sold on the streets, ships and in brothels all over Canada. At the age of 16, I got pregnant and gave birth to a beautiful baby boy. He was diagnosed with Leukemia and bravely battled it for the next five years. During this time I continued to struggle in-and-out of prostitution.

I was on a one way path to self-destruction, incarceration and my own death. I found myself yet again in custody while my son lay dying in the hospital. I made bail and a few days later my son passed away from his cancer. He died in my arms. Before my son’s death he made me make a promise to straighten up my life and to do well. My son’s death impacted me so much that I began my healing journey and with the support of resources geared to help me exit the sex trade I succeeded.

I was an excellent candidate for prostitution due to my race, intergenerational trauma and colonialism. I am now pushing for the new Canadian model Bill C36, which carries the message that I didn't choose prostitution - it chose me.

Marilyn

At 17 years old, I was brainwashed into believing prostitution was okay; to a young girl that came from a dysfunctional family, to sell my mind, body and soul seemed okay. I met the criteria for prey for a pimp, and the 'girls' who learned from their pimps how to behave in the "game." I was brainwashed to believe prostitution was glamorous. I was led to believe I would be rich, own a beautiful home, take vacations and have a family. I believed my pimp loved me and would protect me from harm. I believed that we would live happily ever after. I chased that dream. He told me he loved me and impregnated me twice. He beat me while pregnant. He tried threatening to take our children from me as way to further control me, so I stayed hoping we could be a family.

I was brutalized by my pimp. There were so many nights I had to go to “work” with bruises - black eyes and stitches. The beatings were not just from the pimps but also from the johns. I was raped, almost stabbed and assaulted by johns. Pimps and johns are predators. They’re not “body guards.” That is a myth told by pimps as way to gain greater power and control over women.

I sold sex on the streets but the violence happened behind closed doors – in hotels, homes, cars, bathrooms, restaurants, etc. I was lucky to make it out of the sex trade alive and disease-free with no drug or alcohol addictions.

Being exploited and brutally tortured has changed who I am forever. I am scared forever. Meanwhile, pimps and johns are walking the streets now more confident than ever before; free of legal consequences as a result of the Supreme Court decision to rid Canada of the pimping law. It's about time we move forward with laws that protect victims of prostitution. I am a survivor in full support of Bill C-36 to criminalize pimps and johns.

Katie

I got into prostitution doing in-calls and out-calls when I was 18 years old, but that wasn't the norm. My story is a little different than most prostituted women I knew as I didn't have a pimp. Had I stayed in the sex trade longer there is a strong chance I would have believed I would find protection by having one. I did have a son by a known pimp before I managed to exit from this "unnecessary" way of life. I didn't stay with him long enough to live off my avails or beat me.

I was raped and assaulted repeatedly by johns and I was threatened by pimps many times. I had men try to force me to 'choose' them for protection. I saw friends beaten by sex buyers and by pimps, and heard their accounts of witnessing murders. I meet the criteria for Post-Traumatic Stress Disorder.

Indoors-outdoors, neither is the answer. The laws should be about providing prostitution survivors with real protection which enables them to feel empowered with real choices, and not choices made out of desperation and fear. The only way to get prostituted people out of prostitution is by recognizing this is an issue of male violence and punish the demand.

Trish

I was introduced to the sex trade at a very early age. I was nearly 13 years old. My mom had mental health problems and kicked me out. I found myself at 12 years old living on the streets and at youth shelters. It was while I was staying in a shelter that I met a guy who said and did all the right things. He preyed on my weakness and my naive ways, and he lured me in the sex trade with promises of love and protection.

I lost my virginity to this pimp. I was very hesitant and scared but the more I resisted the more painful it was for me. His niceness wore off very quickly and he became aggressive. He raped me repeatedly, sometimes using objects which have left me unable to feel pleasure during intercourse. I didn't get to keep much of what I earned and I still resided in shelters. By the time I was 16, I was basically a "free agent" so I thought.

I was doing the only thing I knew how to do to earn a living. I had a hard life. At 18, I was working in an escort agency while trying to maintain my grades in school. I was tired of standing on the streets and needed to hide from my pimp. I continued selling sex in escort agencies for a few years. I learned that whether sex is sold indoors or outdoors – the violence remained the same.

As a survivor of this horrible trade, I learned the hard way that it is never okay to sell or buy another human being. Our laws must hold the sex buyers and pimps accountable.

Recommendation:

It is recommended that all reference to the criminalization of prostituted women be deleted.

Rationale for Recommendation:

The goal of the legislation is to end demand through a combination of legislation, education and fully funded resources for prostituted persons.

This will be accomplished by funding exit strategies and public awareness programs, and by holding johns and pimps criminally responsible in all areas. It must be noted that johns and pimps face additional criminal sanctions when soliciting for the purpose of procuring near daycare centres, playgrounds and schools. This is enough of a deterrent that it is not necessary to additionally criminalize prostituted women who the government describes as vulnerable victims.

Conclusion:

In conclusion, EVE, LAWC, Sextrade 101 and Ms. Dukes congratulates the Government and Senate for its recognition that it is johns and pimps that must be held accountable for their behaviour. We are largely supportive of Bill C-36 and believe that with the proposed recommended change, Bill C-36 will be the Canadian Model countries around the world will duplicate as they too attempt to wrestle with this complex issue.

