

**Walk With Me Canada Position Paper: Domestic Prostitution Legislation and Human Trafficking**

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## **Introduction**

Major international organizations such as UNHCR and the European Commission have described human trafficking for commercial sexual exploitation as “a form of modern-day slavery” and a gross violation of human rights<sup>1</sup>. Walk With Me Canada (WWM-C), in its efforts to end human trafficking, recognises the significant connection between the trafficking of women and children and the legal status of prostitution. To this end, WWM-C believes that the abolition of prostitution through the criminalization of the purchase of sexual services provides the most effective and comprehensive approach to combating human trafficking and accompanying social ills, including organized crime.

By criminalizing the purchase of sexual services, and not the act of prostitution, the criminal justice system shifts the focus onto those persons creating the demand which drives a major sector of the human trafficking market. Where demand for purchasable sex rises, opportunities for significant financial gain incentivise human traffickers to exploit, often already vulnerable, persons. Criminalization, which has been shown to significantly reduce domestic demand, diminishes this prime motivation for traffickers of women and children.

Criminalizing demand also releases victims of human trafficking or “last resort” prostitution from the risk of criminal prosecution for participating in the sex trade. By removing criminal sanctions on the sale of sex, prostituted persons are empowered to report abuse they have suffered and testify against profiteers and human traffickers without fear of reprisal. It is through the voices of these victims that the criminal justice system will be best able to effectively prosecute human rights violators and curb growing rates of human trafficking.

While WWM-C accepts that there may be a small percentage of prostitutes participating in the sex trade voluntarily, any reform of the laws pertaining to prostitution must reflect the situation as it exists in the vast majority of cases. Studies have revealed that, internationally, anywhere from 80-95% of prostituted persons are, by their own admission, not participating in the sex industry voluntarily and/or wish to cease sex work but feel they have no alternative. In light of these statistics, it is clear that a strategy which seeks to limit demand and provide support for women and children transitioning out of prostitution will positively affect the greatest cross-section of prostituted persons, including countless numbers of trafficked persons, while not unduly restricting the rights of the minority of persons voluntarily participating in prostitution.

For these reasons, WWM-C supports the abolition of the purchase of sexual services for compensation, and restrictions on related activities, under a new criminal legislative scheme.

## **Prohibition of the Purchase – but not Sale – of Sexual Services**

Prohibiting the purchase of sexual services, while leaving the act of prostitution itself decriminalized, is critical to achieving the goals of protecting vulnerable members of society while encouraging successful prosecution – and therefore deterrence – of the crime of human trafficking.

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<sup>1</sup> Jakobsson and Kotsadam, “The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation”, Working Paper in Economics, no. 458, University of Gothenburg, School of Business, Economics and Law, May 2013, p. 2.

Women and children recruited or trafficked into prostitution against their will are predominantly from marginalized groups, whether financially, racially, ethnically, or otherwise. According to one study carried out in the United States, 75% of women involved in prostitution have lived in a state of poverty or without reliable housing at some point in their lives<sup>2</sup>. The desperate circumstances in which these women and children live make them uniquely vulnerable to becoming victims of severe human rights abuses from deceitful traffickers promising employment and a stable income.

Even where women are not victims of human trafficking schemes, their participation in prostitution is rarely voluntary<sup>3</sup>. In surveys conducted by the Coalition Against Trafficking in Women (CATW) and Dr. M. Farley, 80-95% of women interviewed viewed themselves as involuntarily involved in the sex trade<sup>4</sup>, with all of the women expressing that they would never wish for a loved one to have to enter the same field of work<sup>5</sup>. Instead, these women and children turned to prostitution as a last resort for economic survival where no viable alternatives existed.

Where these already highly vulnerable women are placed at risk of criminal prosecution for the sale of sexual services, governments risk further victimizing targets of exploitation while providing near impunity for their oppressive traffickers. Whether the act of soliciting sexual services is criminalized under a one-sided criminalization model, as existed in Canada pre-*Bedford*, or under a full prohibition on prostitution and all related activities, women and children involved in prostitution under this regime find themselves isolated and without recourse for abuses suffered at the hands of buyers or profiteers. Fearing reprisal for their involvement in the sex trade, prostituted women cannot seek assistance from police or other government authorities to allow them to assert their rights or request protection. Instead, prostituted women and children are rendered increasingly reliant on their abusers, leveraging the criminal nature of solicitation to control their victims.

While this situation remains the *status quo*, the ability of prostituted persons to effectively transition out of the sex trade industry is severely hindered. Indeed, it is the experience of WWM-C that nearly all women seeking to leave prostitution, and willing to make use of various community resources to do so, are directed to support providers by the police. Where women engaged in prostitution are unwilling to approach the police for fear of arrest, any attempt to redirect prostituted persons away from the sex trade will be seriously hampered.

Moreover, permitting prostituted women and children to remain at risk of criminal charges significantly reduces the likelihood of successful prosecution of human traffickers and profiteers. In the majority of cases, where a woman or children suffer abuses related to human trafficking and sexual exploitation within the sex trade, the only persons reasonably able to report these abuses are the profiteer, the buyer, and the woman herself. As a result, where prostituted women and children are afraid to report

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<sup>2</sup> "Prostitution and Trafficking – Quick Facts", *Prostitution Research & Education*, 2012, online: <<http://www.prostitutionresearch.com/Prostitution%20Quick%20Facts%2012-21-12.pdf>>, citing Melissa Farley, "Prostitution is sexual violence", *Psychiatric Times*, 2004, online: <<http://www.psychiatrictimes.com/sexual-offenses/content/article/10168/48311>>.

<sup>3</sup> It is now generally accepted that true volition requires there be at least two viable options from which to choose; see for example *R. v. Borden*, [1994] 3 S.C.R. 145, 1994 CanLII 63.

<sup>4</sup> *Supra* note 2. See also Jenna Demir, "Trafficking of Women for Sexual Exploitation: A Gender-Based Well-Founded Fear?: An examination of refugee status determination for trafficked prostituted women from CEE/CIS countries to Western Europe, January 2003, online: <<http://sites.tufts.edu/jha/files/2011/04/a115.pdf>>.

<sup>5</sup> Janice Raymond, "10 Reasons for Not Legalizing Prostitution And a Legal Response to the Demand for Prostitution", *Prostitution Research & Education*, 25 March 2003, point 10.

abuse to the authorities, profiteers and abusive buyers will enjoy near impunity for their actions. In this way, the criminalization of the sale of sexual services re-victimizes those persons involuntarily involved in prostitution by sacrificing them to mistreatment and simultaneously providing protection for human rights violators.

Finally, where all aspects of prostitution, including the conduct of the prostituted person herself, attract criminal culpability, profiteers and human traffickers will be more likely to force the sex industry underground where the victims of trafficking will be at greatest risk. Beyond the view of police services, and unable to report abuses committed against them, women and children trafficked into the sex trade will be invisible to government oversight and will be in jeopardy of serious physical and psychological abuse, and even death<sup>6</sup>.

Instead, any attempt to combat human trafficking for the purposes of exploitation, and the associated sex market, must seek to address the issue of demand. Studies conducted using information gathered by Sweden, the Netherlands, and Germany have shown that demand for purchasable sexual services (prostitution) are directly linked to rates of human trafficking into and across countries<sup>7</sup>. Where demand increases, trafficking in women and children and rates of prostitution increase in tandem. Demand, in turn, is regulated by domestic legal attitudes towards prostitution. In countries such as Germany and the Netherlands, governments have recorded dramatic increases in prostitution and trafficking following the decriminalization of the sex industry<sup>8</sup>. In contrast, reports released by the Swedish government following its criminalization of the purchase of sex showed that outlawing buyers' behaviour significantly reduced demand amongst Swedish men<sup>9</sup>. From these examples, it can be positively asserted that targeting demand by criminalizing the buyers of sexual services reduces prostitution rates and, critically, lowers the numbers of persons illegally trafficked for third party gain<sup>10</sup>.

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<sup>6</sup> One Canadian study has shown that prostituted women are as much as 40 times more likely to be the victims of homicide than the remainder of the female population: "Prostitution and trafficking in women", *Ministry of Industry, Employment and Communications*, Regeringskansliet, October 2004, p. 3.

<sup>7</sup> Ibid. See also, supra note 1, p.1; supra note 5, point 2, 7.

<sup>8</sup> According to studies, 18% of German men admit to "regularly pay[ing] for sex", while only 12% of men in Sweden state that they have "engaged a prostitute at least once in their life" [sic]: see "Analysing the Swedish Model on prostitution", *Ruhama*, October 2007, online: <[www.ruhamia.ie/page.php?intPageID=207](http://www.ruhamia.ie/page.php?intPageID=207)>. Commentators have argued, however, that, in light of the economic success of the sex industry in Germany, it is likely that this number is closer actually to 1 in 3: see Stefanie Weiland, "Germany – Prostitution and Trafficking", Rehab International, May 2005, online: <<https://docs.google.com/document/d/1ULQqIKEF6ZhDpKJLxIPpfWIOPBIdo6t-eAmdJAD8zhM/edit?hl=en&pli=1>>. This demand does not stop at the country's borders; Germany provides the largest number of sex tourists of any country, with an estimated 200,000 German men travelling abroad as sex tourists every year. Indeed, to meet the growing demand for sexual service providers, some organisations have estimated that, since legalisation, as many as 150,000-500,000 women may be illegally trafficked into Germany's sex industry annually: see, Stephanie Weiland, "Germany – Prostitution and Trafficking", *World Outreach UK*, online: <[http://www.wouk.org/rahah\\_international/germany\\_prostitution\\_trafficking.php](http://www.wouk.org/rahah_international/germany_prostitution_trafficking.php)>.

<sup>9</sup> Supra note 5, where the author notes that there has been a 70-80% reduction of buyers in public places and no indication that these numbers reflect the mere relocation of prostitution underground or to private venues. See also "Out of Business: Prostitution in Canada – Putting an End to Demand", Evangelical Fellowship of Canada, December 2013, p. 13, asserting that numbers of Swedish sex tourists have not increased following the prohibition of the purchase of sexual services nationally.

<sup>10</sup> Supra note 5, wherein Swedish police are cited as stating that "the Swedish law prohibiting the purchase of sexual services has had a chilling effect on trafficking".

## Protection of Trafficked or Recruited Children

Children recruited or trafficked into prostitution are at even greater risk of suffering abuse and life-long trauma as a result of their involvement in the sex trade. As an inherently exploitive industry, young persons drawn into prostitution and lacking social supports and protections are the most vulnerable, yet most common, victims of profiteering<sup>11</sup>. These young persons are often victims of child sexual abuse and lack sufficient familial support structures<sup>12</sup>. In this already compromised position, young women are deceived into engaging in prostitution by profiteers offering to protect or care for them; supports which they may lack the knowledge or skills necessary to avail themselves of through alternate means (ie. financial support, housing, and services).

In light of the greater sexual vulnerability of persons under 18 years of age, special protections should be provided to children engaged in, or at risk of becoming engaged in, the harmful sex industry. Using legislation similar to that applied by the Children's Aid Societies across Canada, children under 18 found to be involved in prostitution ought to be considered "children in need of protection" for the purposes of state custody and welfare services. Just as children are found to be at risk of other forms of abuse, children involved in, or at risk of becoming involved in, the exploitive sex industry should be protected by the state and provided with early opportunities to transition out of a life of prostitution and exploitation.

By permitting youths under the age of 18 engaged in the sex trade to be found in need of protection, the state would gain the ability to protect children from the dangers and life-long harms of prostitution without subjecting them to criminal sanction. As with adults involved in prostitution, children in the sex trade should not be re-victimized by the encumbrance of a criminal record, which permanently affects a person's ability to pursue certain careers opportunities or access preferred services. Instead, these children should be seen for what they are, namely persons in need of protection from the state.

## Provision of Transition Strategies

In adopting an approach to combating human trafficking which seeks to reduce demand for purchasable sexual services and eliminate the role of prostitutes, it is imperative that prostituted persons be provided with the tools necessary to create viable and self-sufficient futures outside of the sex trade. Countries in which the purchase of sexual services has been outlawed have consistently noted a decline in demand following enactment of the prohibition<sup>13</sup>. As demand for such services decreases, women and children formerly supported through participation in the sex trade will face even fewer opportunities for economic survival. To manage this shift, and to assist vulnerable women and children in successfully transitioning out of prostitution, programs which address the unique needs of prostituted persons must be developed<sup>14</sup>.

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<sup>11</sup> According to research, the mean age of entry into prostitution is 14 years old; supra note 6, "Prostitution and trafficking in women", p. 2.

<sup>12</sup> Supra note 2, citing Melissa Farley, "Prostitution is sexual violence", *Psychiatric Times*, 2004, online: <<http://www.psychiatrictimes.com/sexual-offenses/content/article/10168/48311>>.

<sup>13</sup> Supra note 5; supra note 1, p. 16.

<sup>14</sup> Supra note 6, "Prostitution and trafficking in women", noting that one international study has demonstrated that "prostituted women suffer from the same emotional traumas as war veterans and victims of torture", with as many as 68% of prostituted persons suffering from post-traumatic stress disorder symptoms. See also supra note 2, citing Melissa Farley, "Prostitution is sexual violence", *Psychiatric Times*, 2004, online: <<http://www.psychiatrictimes.com/sexual-offenses/content/article/10168/48311>>.

The challenges faced by women and children transitioning out of prostitution are numerous and complex. Where, as is often the case, the prostituted persons have been subjected to abuse physically and/or psychologically, a holistic approach to trauma recovery will be essential<sup>15</sup>. Persons in transition may require an array of supports to re-create a sustainable lifestyle, including access to education and re-training programs, counselling, medical aid, addiction services, and protective measures<sup>16</sup>. These provisions are vital to any attempt to provide former sex workers with a viable alternative to prostitution.

Indeed, in evaluating the domestic ban on the purchase of sexual services, the Swedish Inquiry noted that:

“Criminalization can never be anything other than a supplement to other efforts to combat prostitution. It is therefore necessary to ensure continued and sustained social work to prevent and combat prostitution and human trafficking for sexual purposes... It is also important to give support to children and young people at risk of ending up in prostitution and to continue information initiatives to influence public opinion in this area. The professional groups working with these issues must be assured access to greater knowledge in order to be able to offer vulnerable people adequate help and support.”<sup>17</sup>

While the Inquiry did not provide specific proposals regarding the social programming to be offered, it emphasized, “the value and necessity of continued and sustained social measures”<sup>18</sup>. This position is further confirmed by the set-backs suffered in Norway following its enactment of legislation banning the purchase of sexual services. Having failed to achieve the same success as that enjoyed by Sweden, critics largely blamed a lack of sufficient support strategies for persons transitioning out of prostitution for the reduced efficacy of the anti-purchasing laws and the return of former sex workers to underground prostitution<sup>19</sup>.

Without long-term transitional strategies in place, women and children moving away from a life of prostitution will be faced with the insurmountable challenges of trauma recovery, financial instability, and ongoing social stigma. The federal and provincial governments must work together, along with charities and other non-governmental organisations, to ensure the creation of a comprehensive approach to addressing these challenges. Beyond the services envisioned to assist former prostitutes seeking to transition out of the sex trade, the government must also consider such factors as long-term financing and periodic progress assessments which will further impact the efficacy of any attempt to combat the sexual exploitation of prostituted persons. Anticipated financial contributions from both the federal and provincial level, as well as from the private sector, should be set out in detail, as should the projected long-term return value in terms of reduction of organized crime, abuse, and human trafficking. In addition, the potential role of charities, such as WWM-C, vital in providing tangible transition strategies, support services, and re-training opportunities, should be outlined. To ensure the

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<sup>15</sup> Supra note 2, citing Farley. See also supra note 6, “Prostitution and trafficking in women”, pp. 2-3.

<sup>16</sup> Ibid.

<sup>17</sup> “The Ban against the Purchase of Sexual Services: An evaluation 1999-2008 (selected extracts)”, *Sweden: Ministry of Justice*, November 2010, online: <<http://www.government.se/content/1/c6/15/14/88/0e51eb7f.pdf>>, p. 11.

<sup>18</sup> Ibid.

<sup>19</sup> Supra note 9, “Out of Business: Prostitution in Canada – Putting an End to Demand”, p. 13.

successful implementation of any transition strategy, and cohesion amongst the different organs involved, a National Action Plan following the example laid out by Sweden should be created in consultation with all interested parties to reflect these and other relevant considerations<sup>20</sup>.

### **Prohibiting Internet Advertising of the Sex Trade**

Explicit, and often graphic, advertising of sexual services online is degrading, pervasive, and runs contrary to the goal of shifting social norms away from viewing sex as a purchasable commodity. Internet sites designed for the sale of goods are littered with opportunities to purchase women, each assigned a unique persona and pictured in revealing attire. More often than not, these ads are not posted by the women and children featured for sale, but rather by the third party profiteers who benefit from their prostitution<sup>21</sup>. Traffickers and recruiters enjoy near complete anonymity of identity and location while women and children are privately prostituted into potentially dangerous arrangements. Indeed, the unrestricted geographic scope of the internet makes trafficked women particularly susceptible to being advertised online; as traffickers move their victims around Canada to supply emerging demand or evade the authorities, the internet provides the ability to advertise these women for immediate exploitation by new markets upon arrival<sup>22</sup>.

Criminal sanctions on the posting of internet advertisements for sexual services would allow the government to pursue traffickers and profiteers operating on a large-scale through modern means. Provisions for removing these harmful advertisements from public access and ordering the tracing of those persons responsible for their posting would imbue authorities with the power to investigate illicit trafficking and abuse of women in Canada wherever it occurred. In this way, the internet would be prevented from becoming a refuge of anonymity for human rights violators and a mechanism for the ongoing exploitation of women and children.

Indeed, prohibition of internet advertising by third party profiteers plays an essential role in a complete and comprehensive approach to reducing forced prostitution and eliminating trafficking in persons for sexual exploitation. The government of Sweden has acknowledged that “[p]rostitution whereby the initial contact is made over the Internet is an important and growing arena”<sup>23</sup>. In fact, surveys undertaken by the Swedish National Board for Youth Affairs concluded that most young people being sexually exploited for payment now come into contact with buyers via the internet<sup>24</sup>. In Norway, the introduction of anti-purchasing legislation in 2009 failed to establish effective means through which to investigate and prosecute this form of involuntary online prostitution. Consistent with the trend experienced in many European countries, in the years following the legislation’s enactment, significant increases have been recorded in transactions for sexual services online<sup>25</sup>. Lacking the practical

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<sup>20</sup> National Plan for Combating Prostitution and Human Trafficking for Sexual Purposes, *Government of Sweden*. See also *supra* note 6, “Prostitution and trafficking in women”, p. 4.

<sup>21</sup> Meredith Dank et al., “Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities”, *Urban Institute: Research Report*, March 2014, online: <<http://www.urban.org/UploadedPDF/413047-Underground-Commercial-Sex-Economy.pdf>>.

<sup>22</sup> See *Ibid.*, p. 96, finding that: “With the advent of the Internet, pimps are able to take the “temperature” of a city before traveling there— by posting online ads prior to arrival—in order to determine the level of demand”. Indeed, this is supported by the significant number of prostitutes advertised online under profiles describing them as ‘new to the area’ or otherwise alluding to recent relocation, likely by force.

<sup>23</sup> *Supra* note 17, p. 8.

<sup>24</sup> *Ibid.*; see also *supra* note 21.

<sup>25</sup> *Supra* note 17, p. 8.

ability to combat this evil, traffickers and profiteers have continued to exploit coerced or deceived women and children through internet prostitution, undeterred by the limited reach of the criminal law<sup>26</sup>.

Finally, the continued use of online advertising severely inhibits efforts to change social norms about prostitution and the purchase of women and children. Online advertising sends the insidious and highly pervasive message that the ownership and sexual exploitation of women for gain by third parties is an acceptable *status quo*. Through these advertisements, internet users, including young men, are drawn into the myth that involvement in prostitution is largely voluntarily and remain unaware of the accompanying human rights abuses committed by traffickers behind the scenes. Indeed, attempts to educate the next generation about the harms of prostitution have been seriously undermined by online advertising; studies in Sweden undertaken following the prohibition on the purchase of sexual services reported that a large portion of online purchasers were teenage males, the same demographic targeted by re-education programs<sup>27</sup>.

In seeking to reduce – not simply relocate – demand for purchasable sexual services, consideration must be given to the growing arena of online prostitution. The absence of effective measures for combating online advertising under a criminalisation scheme risks creating a legislative gap through which human rights violators may continue to exploit vulnerable women and children and jeopardizes efforts to ‘de-normalise’ the sexual objectification of women in Canadian society<sup>28</sup>.

### **Exemptions for Non-Exploitive Ancillary Relationships**

WWM-C believes that prostitution, and the corresponding market for trafficking in women and children, is inherently exploitive. Recognising, however, that there may be a small minority of persons who choose to remain in prostitution voluntarily, these individuals should not be barred from accessing services designed to provide support or protection. For this reason, certain exceptions to the blanket prohibition on living off the avails of prostitution should be created for non-exploitive, commercial relationships. These exceptions may include, for example, the hiring by a prostituted person of a babysitter or driver employed for the purpose of assisting the prostitute with her voluntary involvement in the sex trade.

As cases of women engaging in prostitution voluntarily will be few and far between, sufficient protections for non-exploitive commercial arrangements can be designed within the framework of the legislative scheme prohibiting the purchase of sexual services. A rebuttable presumption in favour of exploitation wherever someone is found to be living off the avails of prostitution should be created, requiring the recipient of the financial benefit to establish the voluntariness of the transaction. This presumption could be overturned by proof, provided by the defendant, that the receipt of financial compensation for services provided to the prostituted person was arranged in the absence of coercion or exploitation and for the mutual benefit of the parties involved.

It is clear from the presence of numerous provisions in the Criminal Code that the creation of a rebuttable presumption in the context of Canadian criminal law is not inconsistent with the Charter. Indeed, the Supreme Court has upheld reverse onuses placing an obligation on the defence to establish

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<sup>26</sup> Ibid.

<sup>27</sup> Supra note 6, “Prostitution and trafficking in women”, p. 2.

<sup>28</sup> Supra note 17, p. 8.



certain facts where the presumed fact is rationally connected to a proven fact and the defendant is in the best position to provide relevant evidence. In the context of prostitution, the long history of exploitation of prostituted persons by traffickers and other profiteers establishes a reasonable expectation that persons living off the avails of the sex trade are in a position of power over the prostituted persons. Moreover, where third parties are employed for the legitimate purposes of assisting women voluntarily involved in the sex trade, those individuals will be in the best position to establish their innocence.

In light of the extreme vulnerability of women and children involuntarily involved in prostitution, creation of a presumption of exploitation is consistent with the need to protect the liberty interests of all Canadians while preventing serious human rights abuses. Women and children under the control of traffickers or profiteers may be at risk of violence for agreeing to testify against their abusers, or may be coerced into providing false testimony in defence of those persons, where living off the avails charges are raised. In such situations of undue influence, the prostituted persons cannot reasonably be expected to discharge the onus of proof of exploitation against their oppressors. Without provisions allowing for conviction of profiteers in the absence of prostitutes' testimony, numerous victims of human trafficking and exploitation will be condemned to ongoing subjugation and mistreatment, as the justice system proves unable to assist them in escaping their abusers. For this reason, creation of a reverse onus provision requiring a defendant found to be living off the avails of prostitution to provide evidence of non-exploitation is both consistent with, and necessary to, the effective pursuit of justice.

## Conclusion

Prostitution, and its ancillary market for human trafficking, has been described as “dehumanizing”, “humiliating”, and “a form of violence against women”<sup>29</sup>. Comprising approximately 87 % of the illegal trafficking of persons globally, instances of human trafficking for the purposes of sexual exploitation are directly linked to domestic approaches to prostitution<sup>30</sup>. In Canada, the majority of women and children recruited or trafficked into prostitution are victims of deceit by profiteers offering women career opportunities or other inducements, many of whom are moved throughout the country to work as a prostitute under force or through coercion.

Even where women are not direct targets of profiteers or human traffickers, their involvement in the sex industry is rarely voluntary. Women and children from marginalized or impoverished backgrounds enter prostitution as a last resort for economic survival. Shifting the responsibility for sexual exploitation away from the victims of prostitution and onto the purchasers who create the demand most effectively

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<sup>29</sup> Supra note 9, “Out of Business: Prostitution in Canada – Putting an End to Demand”, p.6; supra note 5. See also Janine Benedet, “For the Sake of Equality: Arguments for Adapting the Nordic Model of Prostitution Law to Canada”, *Women’s Coalition for the Abolition of Prostitution*, 23 March 2014, p. 19..

<sup>30</sup> Supra note 1, p. 2: Criminalization of the purchase of sex, and strict enforcement of the surrounding laws, has been shown to significantly impact the likelihood and amount of human trafficking within a state. For example, in Sweden, following the well-enforced ban on the purchase of sex, the government noted a significant reduction in human trafficking into the country as it became a less profitable location for sex profiteers. These numbers have remained a fraction of those estimated in countries with a legalised sex industry. In 2004, the National Criminal Investigation Department of Sweden estimated that between 400 and 600 female victims of trafficking passed into the country every year: supra note 6, “Prostitution and trafficking in women”, p.3. This number may be compared to the estimated 10,000 persons trafficked into Germany annually where prostitution is legal: supra note 4, “Trafficking of Women for Sexual Exploitation: A Gender-Based Well-Founded Fear?”, p. 11, citing figures provided by the International Organization for Migration.

combats the social ills associated with prostitution. Released from the risk of criminal sanctions, prostituted women and children, as well as those who are victims of human trafficking, will have the ability to seek protection from authorities and recourse against their abusers. As a result, the Canadian government will be better able to prosecute human rights violations and instances of human trafficking within its borders.

Special protections must also be afforded to children under the age of 18 who are drawn into the sex industry whether by deceit, coercion, or economic necessity. Where prostituted persons, or those at risk of being prostituted, are amongst this most vulnerable group, the state must be able to intervene and protect these children from abuse in a way similar to that granted to provincial Children's Aid Societies. Clear prohibitions on the use of internet advertising should also be adopted to protect women and children from more discrete forms of exploitation and to combat resistance to the 'de-normalising' of sexual objectification.

Finally, transitional strategies will be vital to any comprehensive attempt to assist women and children seeking to move out of a life of prostitution. Trauma recovery focusing on the social re-integration and long-term self-sufficiency of former prostitutes should be available, providing services such as re-education and training opportunities, medical aid and counselling, addictions programs, and protective measures. It is only with these measures, provided by the government in cooperation with non-governmental organisations and charities, that Canada can hope to reduce involuntary participation of vulnerable persons in the sex industry and eliminate trafficking of humans for the purpose of sexual exploitation nation-wide.

Prostitution, as a major driving force between trafficking in women and children, is an inherently exploitive activity: a fact that is underwritten by the reality that women involved in the sex trade are 40 times more likely to be murdered than other women in Canada. In light of the intrinsic connection between human trafficking and prostitution, WWM-C's believes that the government of Canada has an obligation to protect vulnerable women within its borders from exploitation. It is WWM-C's position that the best way to address these crimes, and fulfil Canada's national and international obligations to fight human rights abuses including all forms of slavery, is to enact legislation which seeks to curb the harmful demand underpinning prostitution and sex trafficking and assist former prostitutes to transition into lives free from abuse and exploitation.

A full version of the paper is available on our website at [www.walk-with-me.org](http://www.walk-with-me.org) or by contacting Robert Hooper at [rob@hooperlaw.ca](mailto:rob@hooperlaw.ca). Timea Nagy and Robert Hooper are available for comment and can be reached at [info@walk-with-me.org](mailto:info@walk-with-me.org).