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Standing Committee on Justice, Human Rights,  
Public Safety and Emergency Preparedness**

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**Monday, February 7, 2005**

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**Chair**

**Mr. John Maloney**

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Monday, February 7, 2005

•(1745)

[English]

**The Chair (Mr. John Maloney (Welland, Lib.)):** I would like to call the meeting to order.

The orders of the day.... We have with us this evening, and I appreciate your patience in waiting, Yolande Geadah, an independant author and researcher; Dr. Frances Shaver and Valérie Boucher, from the Department of Sociology and Anthropology at Concordia; and Michèle Roy, spokesperson for CALACS.

Thank you very much, ladies, for coming.

I would ask Madame Geadah to proceed first, and then we'll go to Dr. Shaver and then to Michèle. The routine is roughly a ten-minute presentation for all of you and then we'll go to questions and answers. Our first round is generally seven minutes. Thereafter there are three-minute rounds until we've exhausted our questions, or until the hour of termination is upon us.

Madame Geadah.

[Translation]

**Ms. Yolande Geadah (Independent Author and Researcher, As Individual):** Good evening, ladies and gentlemen, members of the parliamentary sub-committee. Thank you for inviting us to appear this evening to discuss a subject that we feel strongly about and which concerns everyone.

I believe you are quite familiar with the issue of prostitution, since you are taking a direct interest in it, but I just want to say, to begin with, that the dominant characteristic of prostitution, as currently practised, is the globalization of procuring and sexual trafficking. We're not talking about prostitution as it existed 30 or 40 years ago, or even further back.

The United Nations estimates that every year, almost four billion people, 99 per cent of whom are women and girls, are the subject of sexual trafficking. The vast majority of these people are intended to be used for the purposes of sexual exploitation, including pornography, prostitution, and sexual slavery. According to UNICEF, the number of children that are victims of sexual exploitation—they are primarily girls, but there is an increasing number of boys as well—increases by one million every year.

It is in this context of fast-paced globalization of the sex trade that we come to examine the issue of prostitution. You are absolutely right—and I commend you for this—to want to review the current

law dealing with prostitution, and to be concerned about the safety and human rights of prostitutes.

It is important to clearly recognize that this law has the effect of establishing certain patterns within society, given that its social impacts and ramifications are so enormous. It does not only concern those involved in prostitution.

As you know, in Canada, prostitution is not and has never been considered a criminal offence. Rather, it is procuring in its various forms and solicitation in a public place that are prohibited under the Canadian Criminal Code, in sections 210 to 213. However, at the present time, these sections of the Code are not always enforced, at least in Quebec, which I know more about. Over the last decade, we have seen a big increase in the number of bars offering nude dancers and of erotic massage salons, with sexual services being offered. We have also witnessed the emergence of a host of escort agencies that openly make their presence known in the newspapers, the phone book, even on television, and, of course, on the Internet.

At the same time, we are seeing that prostitution is increasingly trivialized in the media and increasingly accepted in popular culture, particularly among young people and teenagers. Teenagers aged from 14 to 17 are increasingly solicited to work as nude dancers or escorts in sex establishments, thereby assuring them of making fast money and being able to afford luxuries or pay for their education.

At the same time, street prostitution represents only 3 per cent of prostitution overall and, predictably, has increased in the large cities.

The response of authorities vacillates between a laissez-faire attitude and enforcement, particularly directed at female prostitutes. They, far more frequently than their johns, are the ones being arrested and harassed. The police repeatedly charge them with offences, in addition to humiliating them, mistreating them, and sometimes even abusing them. As well, the police do not take their complaints seriously when they have been abused and offer no protection whatsoever to them, not even bothering at times to investigate their attackers when they are murdered.

In the face of these deplorable findings as to the abuse and human rights violations against prostitutes caused by enforcement action, certain groups that defend the rights of prostitutes, called sex workers, are forcefully calling for the complete decriminalization of all activities carried out by people involved in prostitution, believing that prostitution should now be considered a legitimate form of work.

No country in the world has totally decriminalized prostitution. It is always one form or another of legalization that has occurred in certain countries, which I will be talking about in a moment.

But before engaging in wholesale legislative reforms, it would be appropriate to consider with what we are seeking to replace the laws currently in effect and, particularly, what would be the long term social impacts of legalization or decriminalization, which in general would involve licensing brothels and creating red-light zones.

It is important to look very closely at the arguments made in support of legalization, in light of the results achieved in other countries that have chosen one form or another of legalization and passed permissive laws.

• (1750)

What are the rational arguments in favour of legalization? Two types of arguments can be distinguished here, one based on women's supposed right to freely choose to engage in prostitution, and the other, based on the failure of other regimes to resolve prostitution-related issues.

I will not address the first type of argument here, which involves an ideological debate. I do so in chapter 5 of my book entitled « La prostitution - un métier comme un autre? »—a copy of which I will leave with you—where I analyze the new thinking on prostitution and the limitations of this approach. I can come back to this later, if you wish, during the question period.

The arguments of interest to us this evening, which flow from the second level, can be summarized as follows. First, that since restrictive laws have never managed to eliminate prostitution, we may as well allow this activity to be carried out in full public view. By legalizing prostitution, this activity would no longer be practised underground, thereby improving the safety of prostitutes and eliminating the violence they are currently subject to, since they could more easily complain to police without fearing arrest. That is the first argument, and it is an extremely solid, convincing one.

Second, by recognizing prostitution as a legitimate form of work, such as been done in the Netherlands, we could improve the conditions under which it is performed by making it subject to labour laws and ensuring that prostitutes are able to form groups and thereby negotiate better conditions.

Third, legalization would also enable us to improve the health status of prostitutes, because this activity would be carried out in a clean, safe environment.

Fourth, legalization would eliminate links between prostitution and organized crime, allowing female prostitutes to no longer be controlled by pimps.

Fifth, legalization would remove the stigma attached to prostitutes, because their activities would be considered legitimate.

Sixth, legalization would free up time and resources which could be better used to deal with abuses such as forced prostitution or the prostitution of minors.

The real issue for us is therefore to determine whether legalization would really improve things for prostitutes. In all those countries that have adopted one form or another of legalization, studies show that

none of the results that were expected and laid out using rational, convincing, and supposedly irrefutable arguments in favour of legalization, has ever been achieved.

The most recent study, which I refer to here, is one sponsored by the Scottish government and conducted by Metropolitan University; the actual report was published only very recently in December 2004, and is accessible on its Internet site. The reports from those countries that submitted one contained some very interesting data.

The reports from Australia and the Netherlands, which legalized prostitution a decade ago or so, show that one of the first effect of legalization was to encourage a massive expansion of the sex industry in those countries. I would add that such an effect is also connected to lax enforcement of more restrictive laws in other countries.

In Australia, in the State of Victoria, where the idea of legalization gained ground with the election of a labour government in 1982, an initial legislative reform authorizing brothels to operate as legitimate businesses was introduced in 1988. The number of licensed brothels more than doubled between 1989 and 1994, not to mention the proliferation of escort agencies and other sex establishments that occurred. The most significant point here is that the number of illegal brothels tripled over the same period, and that with more than 400 of them in Victoria State they are now far more numerous than are licensed brothels.

Following Victoria's example, the State of New South Wales also legalized brothels in 1995. Four years later, in 1999, there had been an exponential increase in the number of brothels in Sydney, of which there were now 400 or 500, most operating illegally, without a licence.

Another study carried out by the Australian branch of the CATW, the Coalition Against Trafficking in Women, shows that sexual exploitation became more pronounced and diversified in response to a growing demand for sex establishments. With that came the appearance of new activities not provided for in the legislation, such as lap dancing, peep shows and pornography, in all its forms. The government has no control whatsoever over any of these activities.

• (1755)

Australian authorities estimate that every week, some 60,000 men spend almost \$7 million on the prostitution market and that 4,500 women and girls enter the world of prostitution each year. Those numbers are considerable, given that only some 4.5 million people live in the State of Victoria.

With legalization, the owners of sex establishments began to engage in very active promotion of prostitution on a very large scale. For example, an annual exhibition called Sexpo, held at the Melbourne Exhibition and Convention Centre, a prestigious venue, openly promotes brothels, escort agencies and all forms of sexual entertainment on offer.

The Australian police are reporting various form of sexual assaults to which women working in the sex industry regularly fall victim, including those working in legal establishments. They note that violence against female prostitutes has actually increased, rather than decreasing. Indeed, on a weekly basis, the Victoria prostitutes collective receives fifteen or more calls about rape and violence, not including violence against prostitutes working in illegal brothels who don't dare call or report such abuse.

The Scottish government study also points out that far from freeing up time and resources for the authorities, so that they can better tackle cases of abuse, as was claimed initially, the legalization of brothels has, on the contrary, resulted in a considerable administrative workload for local governments, who have had to develop and enforce specific rules relating to management of legal establishments, based on standards deemed to be acceptable.

These committees are responsible for granting licences to brothels; they have their hands full management of such administrative matters as customer parking, outside lighting for brothels, noise levels, the quality of condoms used, and so on. As a result, they have very little time to deal with other safety-related issues, like the ones of interest to us. They are not even able to really control illegal brothels. Endemic corruption of police and administrative authorities by owners of sex establishments has also been noted. The latter try to give them an incentive to grant licences and turn a blind eye to any irregularities.

Despite legalization, the illegal sector is operating alongside and, indeed, exceeds the legal prostitution sector when it comes to volumes. In addition, legalization has not succeeded in eliminating street prostitution. According to estimates, there are more than 400 street prostitutes in Melbourne. Residents of St. Kilda, an area where sex establishments are authorized, complain that the front lanes and entrances to their houses and gardens have become open-air brothels where female prostitutes suffer abuse day in and day out.

The study also points out that both legal and illegal brothels employ minors and Asian women who are victims of sexual trafficking. According to a study by Sullivan and Jeffreys released in the year 2000, the State of Victoria is known to have the highest rates of juvenile prostitution in Australia. In addition, a large number of pedophilia networks operate from Australia, taking advantage of lax policies.

The authors of the report from the Netherlands, as well as those from Australia, point out that far from eradicating the linkages between organized crime and prostitution, legalization has only strengthened such links. Brothels and other sex establishments, whether legal or illegal, are largely controlled by organized crime, which takes advantage of legalization to launder money, an activity that other illegal businesses give rise to.

The Netherlands passed one of the most liberal laws with respect to prostitution, in order to protect the rights of sex workers and eliminate the stigma associated with their work. This law was also intended to allow the authorities to more effectively combat abuses such as sexual trafficking, coercion and the prostitution of minors.

In October, 1999, the Netherlands went so far as to decriminalize procuring and repeal all the sections of the Penal Code related to

prostitution. Under the new legislation, Dutch prostitutes or prostitutes from other European Union countries are considered to be salaried or self-employed workers with the same rights and the same obligation to pay income taxes as people practising other professions. In principle, living conditions for prostitutes in the Netherlands have improved considerably. In order to take advantage of all the social benefits offered them, prostitutes are required to register with authorities, which is perfectly normal.

• (1800)

Of course, they have to pay income tax. Once they have registered, they can either work in legal brothels, or be self-employed. Despite the benefits they are offered, barely 4 per cent of Dutch prostitutes have agreed to register. All the others—some 96 per cent—are therefore considered illegal and continue to work underground.

Despite official reports that still sing the praises of the Dutch law, an NGO report tabled in the Parliament of the Netherlands in December of 2003 points out all the shortcomings associated with such policies. According to this report, the Netherlands' ultra-liberal policies have not succeeded in eradicating the social stigma associated with prostitution, since only 4 per cent of prostitutes are willing to become registered, nor have they been able to eliminate the illegal activity and coercion that are still a dominant feature of the sex industry. The report concludes that three quarters of Dutch prostitutes would like to enrol in a program that would allow them to get out of prostitution.

[English]

**The Chair:** Madam Geadah, will you be much longer?

[Translation]

**Ms. Yolande Geadah:** No, two more minutes.

[English]

**The Chair:** Go ahead.

[Translation]

**Ms. Yolande Geadah:** The Child Rights Organization in Amsterdam estimates that there are now more than 15,000 children, mainly girls, working as prostitutes in the Netherlands—an increase of 11,000 since 1996, 5,000 of whom are from non-European countries, primarily Nigeria.

In the renowned windows of Amsterdam, which are supposed to offer comfort and independence to women who rent these spaces to expose themselves nude to passers-by and thereby attract customers, the control exercised by pimps is still highly visible. Men regularly accompany their « girls » and come back to collect their money at the end of the day.

In October of 2003, the Amsterdam city council decided to close zones of tolerance where street prostitution was tolerated. According to Mayor Job Cohen, the situation had become untenable, as it had become impossible to create a safe and controllable area where women would not be abused by members of organized crime groups.

After two decades of very active promotion of legalization by the Netherlands in all possible international fora, the closure of Amsterdam's zones of tolerance is an eloquent admission of the fact that a very permissive law in no way resolves such issues as illegal activity, abuse, violence, and control of organized crime in this industry.

What conclusions can we draw from this quick overview of such a complex issue? The first one is quite clear: legalization is not a panacea through which to resolve the many problems associated with prostitution, no more than pure and simple law enforcement has ever been. All the arguments made with respect to safety, improved health, and tighter control of abuse in support of legalization simply don't jibe with the reality. The fact is that prostitution is neither a form of work nor a business like any other. We cannot turn a blind eye to the violence and abuse to which prostitutes are subjected by their customers, their pimps and the police.

So, this is a totally unacceptable situation that has to change. There is no reason to tolerate contemptuous and violent action against prostitutes by police. Any person who commits an offence or minor crime is still entitled to respect for his rights and his dignity. So, what is needed are very serious changes to law enforcement and practices in this area. That means bringing forward concrete proposals intended to protect prostitutes, which is only appropriate. The police must take them seriously if they are threatened or abused. The police have to stop harassing them and start providing them with the protection they are entitled to receive, just as would any other citizen at risk or under threat.

That in no way requires legitimizing prostitution. A clear distinction must be made between decriminalizing the activities of prostitutes and legalizing prostitution. There is a need to decriminalize the work that prostitutes themselves perform, but not the activities of all those involved in prostitution. It's important to understand that if prostitutes were adequately protected from their customers and their pimps, they might well make other life choices.

• (1805)

[English]

**The Chair:** Madam, can you wind up in about a minute, please?  
[Translation]

**Ms. Yolande Geadah:** Yes, I'm almost done.

What is needed now is stricter enforcement of current laws that prohibit recruitment of prostitutes and providing inducements to engage in prostitution, and an end to the lax attitudes on the part of the media, which only encourage expansion of these practices. Sweden has clearly understood the real issue, as it passed a law that is unique around the globe in 1999, one which is attracting more and more interest on the part of neighbouring countries. Sweden sees prostitution not as work, but rather as a violation of women's human rights, an attack on their dignity, and an obstacle to sexual equality. The goal it has set for itself is to combat prostitution, but not prostitutes themselves. The Swedish law is the only one that fully protects prostitutes, who are neither arrested nor subjected to any form of harassment. It only penalizes those who exploit prostitution engaged in by others—traffickers, pimps and johns. When it comes to this latter group, Sweden is focussing more on forcing johns to be accountable, on public education, and on a national campaign aimed

at raising public awareness of the negative consequences of prostitution. To help prostitutes get out of this line of work, Sweden has introduced social programs specifically intended to meet their needs. This model should serve as an example and a source of inspiration.

Thank you. I can come back to this later during the question period.

[English]

**The Chair:** Thank you very much.

Dr. Shaver.

**Dr. Frances Shaver (Department of Sociology & Anthropology, Concordia University):** Honourable members, colleagues, ladies and gentlemen, and members of the press, it's a pleasure to be here, and an honour to have been invited to make a contribution to the work of this committee.

I began conducting research on sex work in 1983, following the appointment of the Fraser committee on pornography and prostitution. At the time, I was working for the Canadian Advisory Council on the Status of Women, but I set out doing research on my own shortly thereafter.

As an independent researcher, I submitted a brief to the Fraser committee. In it, I agreed that a program of social and legal reform based on decriminalization would provide the most effective and appropriate means of combating the negative aspects of contemporary sex work.

Much has happened since then. The laws have changed. A significant amount of empirical research has been conducted, including my own, and much more is known about the sex industry. This new information has served to strengthen my original position on the need for social and legal reform based on decriminalization.

I've used a similar research approach over the years, and it's fourfold. It involves collaboration with sex workers and other interested parties, rigorous sampling strategies specific to the field I am in, semi-structured and open-ended interviews, and a comparative approach that allows me to do breakouts by gender and look at different geographic locations.

My current research looks at different sectors in the sex trade, and I have also compared sex work and other service work. I have interviewed over 400 sex workers in the course of this research. It's a powerful approach. It's an approach that's used by others you will hear from in your deliberations. It's very useful when critiquing popular perceptions about sex work and sex workers.

This brings me to my objectives today. The first is to critique these popular perceptions or misperceptions about sex work and sex workers. Much of what is known about sex work is based on knowledge about street-based prostitution, and this represents only a small part of the portrait. We need to expand that.

I want to examine briefly the impact of CriminalCode offences. We need to be clear about how the law is practised and how it's enforced. Of course, I've been invited to propose some guidelines—and I want to do so—for an integrated policy. I will use findings from my field work with street-based workers from 1990 through 1994. I will also rely on my ongoing research in several sectors of the industry, and on occasion I will refer to the work of many other researchers in Canada who are getting similar results to mine. You will likely be hearing from several of them later in the course of your deliberations.

One of the first things I learned was that sex workers have other work experience. This chart shows the number of non-sex-work jobs held by sex workers, either before or during sex work. All have had experience with at least two other jobs, and the majority with at least three other jobs. Results from current research in the Maritimes and Victoria are similar. Sex workers have varied work experiences outside the industry, and in fact move about quite a bit within the industry. This is a clear indication that they are not trapped on the street.

Another lesson I've learned is that age of entry is in the late teens. It's 16 to 18, and not 13 to 14 as is commonly argued. Recent findings from Victoria in 2001 and the Maritimes are similar. The median age of entry in Victoria was 18 for women, and 19 for men.

When the focus is on appropriate comparison groups, it is evident that sex workers and others have experienced similar levels of childhood abuse. In this case, the comparison was between adolescent prostitutes and non-prostitutes of like age, like socio-economic backgrounds, and from similar neighbourhood locations.

•(1810)

The two groups did not differ with respect to childhood sexual abuse, nor did they differ with respect to the characteristics surrounding sexual abuse.

With respect to childhood physical abuse, there was a difference. The prostitute group reported lower rates than the non-prostitute group.

Similar comparisons suggest that levels of self-esteem and mental health are also comparable. In this case, the comparison group was off-street workers—dancers and escorts—and an age-matched sample of women who had not been involved in sex work at all. No differences were found between the two groups in mental health or in self-esteem, and neither were there any differences in their assessment of their physical health or the quality of their social networks.

Another important lesson for me and for my research team is that pimping is exaggerated. This chart is going to tell us the percentage of women who are working for themselves: as reflected in the justice department data, the majority of them work for themselves. This data was collected for the Fraser committee in the early 1980s. My own field work data in the early 1990s shows a similar pattern. A recent study conducted in Montreal with street and juvenile sex workers found that 80% worked for themselves.

The only real outlier here is the group of women from the Maritimes, from the Fraser committee data. My colleagues in the Maritimes are telling me that this is no longer the case. They are

finding and will be reporting in their book, soon to be published, that women are much more likely to report working for themselves. Things have changed in the Maritimes.

Hard drug use presents us with some interesting things, too, with the comparative data set. Use varies by site and by gender. So we can see here that if we look at the women, it varies by site, and so too for the transgenders and for the men. These are indicating regional differences in the important and local context, something we don't know a lot about. Findings in more recent Canadian research indicate that many of the people involved in sex work are not using hard drugs, or if they are, can control their habits. This is even more likely to be the case for those involved in off-street work.

There is a great deal of diversity with respect to prostitution arrests. Here we're looking at the mean number of arrests over a 12-month period. This varies no matter what gender we're looking at across all four sites. What's obvious in this chart is that the gender pattern that's in evidence in San Francisco, showing that many more women than men are arrested for prostitution, is appearing on all four of the research sites.

There's a similar kind of diversity with respect to the sexual assault. In fact, if we look at the data, we see the same pattern. Once again, women are most at risk, and that gender pattern is at evidence across all four sites.

For physical assault, it's somewhat different. What's surprising about this data is that the men were most at risk from physical assault. This was certainly the case in Toronto.

The variations reflected in these last four slides are most likely tied to the local conditions I've been making reference to. I suspect that differences in laws and in enforcement practices account for some of it. Variation in the intensity of residents' complaints and the use of municipal bylaws to control street-based prostitution will have something to do with it as well. I also suspect that varying levels of tolerance for street-based prostitution—and as this chart suggests, gay bashing—account for some of these differences. More research is needed in order to investigate the how and why of these differences.

There is a growing body of research involving comparisons between street-based sex work and that of escorts and dancers. It highlights the diversity in the industry. Street venues hold greater risk. There are more arrests, and violence is higher. Health status is more precarious among this group of workers. Perceptions of risk also vary by sector, and if you wish, we can talk about this more in the question period.

Another important aspect of this research shows that there is a great deal of diversity within venues. Management regulations vary from one escort agency to another, from one strip club to another.

●(1815)

These have different effects on working environments and the conditions to which people are subjected. Work ethics vary as well. A student of mine made this case for exotic dancers in different clubs in Montreal and Laval.

There's also a body of research looking at sex work and comparing it to service work, and finding similarities. The comparisons have been between sex workers and hospital workers—one I've done myself—between wait staff and exotic dancers, and there's work being done by my colleague Cecilia Benoit in Victoria comparing sex workers, wait staff, and hair dressers.

The similarities indicate that there are gendered job titles in all of these professions. There are similar levels of work-related stress—certainly the sex workers and the hospital workers express similar levels of stress. However, their coping mechanisms were somewhat different. Hospital workers responded in a routinized and institutionalized manner, while sex workers relied on personal rules and their co-workers to help them cope.

Distancing strategies in these kinds of jobs are similar. There are also indications that there are similar levels of harassment and assault. Convenience store workers, for example, run a high risk of sexual assault, twenty times greater than that of other women.

What are the lessons to be learned from this kind of approach? Backgrounds are diverse. Working conditions are diverse, both within sectors and between sectors. Geographic variations are significant, and we don't know enough about them. There were also similarities between sex work and service work. This tells us that sex work is much more complex than it is typically represented to be.

What are the lessons to be learned from an examination of the enforcement patterns? Well, the first lesson—and I'm sure you're aware of it—is that enforcement patterns are biased. There's sector bias in the arrest statistics. Ninety percent of those arrested for prostitution-related crimes come from the street; yet the street represents only 20% of prostitution activities.

There's a gender bias in arrests. Forty-eight percent of those arrested for communicating are women. But if we put together a formula and come up with the number of people who are communicating, only 4% of those actually communicating are women. There's a gender discrepancy in the sanctions that are applied with respect to section 213, the communicating section. Women are more likely to end up in prison than men. They are charged with much more extensive fines than men. These enforcement patterns reinforce the stigma and marginalization of women.

Other consequences of enforcement are even more serious. To a large extent enforcement patterns set up a two-tiered system, which causes more harm. There's an increase in violence against sex workers. John Lowman, who has reported extensively on this issue, will undoubtedly make the same case when he appears before you.

The consequences also violate the basic human rights of sex workers. The Pivot Legal Society from Vancouver has put together an interesting document making this case. They too will document it when they appear before you. These consequences also undermine the strategies sex workers use to maximize their safety and security while at work. I have done work on this topic with my colleagues at the University of Windsor, most recently in Toronto and Montreal. This case will be made when they appear before you in March.

These consequences further alienate and marginalize sex workers. What are we to do? What are some guidelines for reform? It's long been recognized that criminalization is not an effective deterrent and that it does not protect the individuals involved in prostitution or the public in adjacent environments. So what's to be done? I suggest that we repeal all prostitution-related laws. There's existing legislation we can use to counteract many, if not all, of the negative effects.

There are generic criminal laws, assault in various forms, sexual assault, criminal harassment, forcible confinement, kidnapping, which can all be used to protect sex workers and others.

●(1820)

Generic criminal and civil public disturbance laws can be used to protect the public from nuisance. The trick here is to ensure that the focus is on the disturbing activity and not on the individual.

We could also choose to regard the sexual procurement of children and youths as an abuse of power. This is a recommendation from my colleague John Lowman that we should probably take seriously. In the meantime, why don't we simply use sexual interference and sexual touching to protect youths under 14?



In the process, we also need to develop some initiatives to eliminate stigma and marginalization in police and court responses, and clearly we need to consult with sex workers on how best to regulate their business, in line with other businesses.

These things need to be integrated with guidelines for social reform. It has long been recognized that legal reform on its own is not sufficient to make a difference. It just can't.

We need to integrate legal changes with social and education programs that address the underlying issues. Initiatives can include the education of the public and policy-makers about the diversity in sex work in sex workers' lives. We can provide economic and organizational support for sex workers' organizations, which probably are in the best position to help sex workers. We can provide education and job training for those who indeed do want to leave the industry. And, of course, we can support pan-Canadian, multi-site research to increase our knowledge about the industry and to investigate the broader issues underlying the harms involved.

Finally, I simply want to submit some documents to the committee, and I'd like to do so formally. I actually made copies of an article based on my presentation to the Fraser committee. It's over twenty years old, but I was intrigued to learn how similar it is to what I'm saying today. There are just much stronger data to make the case. I also want to submit this compilation of some of my research. Most of it I have cited in the notes of the references that go with these slides, so the actual data can be accessed if necessary.

I've also worked closely with my colleague Cecilia Benoit, of the University of Victoria, and we have been pulling together research from across Canada to get a sense of what's being done particularly with respect to health and safety in the sex trade. What these documents represent—and there's a package in French and a package of English—is a whole listing of the kind of research those fifteen researchers have been doing and a clear identification of the gaps in the research in Canadian studies.

Thank you very much.

• (1825)

**The Chair:** Thank you, Dr. Shaver.

Madame Roy.

[*Translation*]

**Ms. Michèle Roy (Spokesperson for the Regroupement québécois des CALACS, Regroupement québécois des centres d'aide et de lutte contre les agressions à caractère sexuel):** Good evening.

I am going to start off by talking about our group's experience, the way we work and what the work experiences of women who have experienced violence and prostitution have taught us.

The Regroupement québécois des Centres d'aide et de lutte contre les agressions à caractère sexuel is a group of 26 organizations located all across Quebec. Member groups have been working to combat violence and sexual exploitation for over 25 years now. These are feminist groups that work with women, girls and families, in some cases. The work we do with these people essentially involves assisting victims and defending their rights, as well as information and public awareness, prevention and reporting.

Over all these years, we have met with thousands of people, women, who have been victims of different forms of sexual violence. We support them in any medical or legal procedures that are required, as well as with police and various social groups. We see a tremendous amount of resistance, mistrust and doubt in women who say they have been victims of violence.

Every year, we also work with hundreds of social, school and mixed groups. We also do outreach through interventions in public places and in the media. We make policy recommendations to various levels of government with a view to securing changes to laws, regulations, social policies, attitudes and mentalities.

A number of us are women who have experienced some form of violence at one time or another in our past and who got involved in order to effect change. Like the girls and women we meet and support, we, too, have experienced some form of sexual exploitation, often at a very young age, when we were still children, and sometimes even nursing infants. I am talking about forms of sexual assault such as rape, incest, sexual touching, pedophilia by family members—in other words, fathers, brothers, grandfathers, step-fathers, etc.—forced exposure to pornographic material, and forced participation in pornographic activity. Children have been filmed. They have been forced to dance. They have been photographed by members of their immediate circle.

These women and girls have also been victims of sexual assault by persons known to them, by friends, family neighbours, co-workers, people met through leisure activities, teachers, and clergy members. Some of these women or girls have also been forced to get involved in prostitution at a very early age, because money or goods were exchanged. Their father, brother or boyfriend would force them to have sex with someone who would then give the man money, beer, cigarettes, clothing, or a ticket to a show. These women, children or teenagers did not directly receive either the money or the goods. Often, they only learned later, and indirectly, that they had been sold at a party as booty or as a consolation prize after a card game or to settle a drug debt, for example.

These women and girls often experimented with prostitution very early on, but not voluntarily most of the time. For them, there was very little about prostitution that could be considered glamorous, liberating, motivating or fulfilling. They have experienced or are still experiencing contempt, fear, violence, rejection, and a form of dehumanization.

These different forms of violence—because we consider prostitution to be a form of violence against women—have significant consequences in terms of health status, mental stability, and so on. These are the consequences of different forms of violence, not only prostitution. Women who have been victims of domestic violence, sexual assault by a friend or a spouse, or prostitution very often suffer similar consequences—in other words, a great deal of despair, distress and loss of self-esteem.

Often it is difficult for them, and even impossible at times, to define the boundaries of what they want, to know what they truly want, and to choose or to refuse, because those boundaries have not been respected and they have never learned to identify them *per se*. They have internalized the violence and often have extremely destructive thoughts and feelings towards themselves. They say they're nothing, that they have no worth, that they're sluts, whores, depraved, that they can hope for nothing better, that the only thing they have left is to sell sex, that that's the only thing they're good for, and that only whores like them can understand them.

A lot of women who have experienced these forms of violence thus tend to engage in prostitution and have significant physical and psychological scars. I'm not saying that all women or everyone engaged in prostitution has experienced different forms of violence. I'm saying that those who have experienced different types of after-effects or consequences. Often they're linked to a past involving violence, either in their childhood or their teenage years.

● (1830)

Victims of different forms of violence present symptoms often associated with post-traumatic stress syndrome. When women talk to us about their experiences with violence and prostitution, they describe symptoms that often resemble the symptoms of post-traumatic stress syndrome. They have internalized thoughts and feelings that are extremely damaging to their sense of self-worth. We're talking as well about a very high tolerance threshold for violence, sensitivity disorders, sexual problems, significant deterioration of physical and gynecological health, and tremendous resistance to assault and injuries, for which they do not attempt to receive medical care.

Very often, when we experience one form or another of violence, we misidentify our responsibility. When is it legitimate to go and seek assistance, medical care, and so on? Often, injuries and health problems worsen because we delay seeing a health professional, because we don't dare go or because we don't feel we have a right to receive that care, for example. There are also several forms of alcohol and drug dependency.

In our eyes, all these women and teenagers who engage in prostitution are not criminals; rather they are victims of a masculine form of violence against women. I say « masculine » because the majority of customers are and continue to be men seeking the services of children, both girls and boys, and women, in most cases. It's important to place this in the proper context.

In our opinion, there is an issue related to violence and equality between men and women. There are issues related to the importance of recognizing women's right to equality. So, the kinds of changes or amendments you are seeking to make to solicitation laws, for example, must be seen as part of a whole analysis of issues related to

violence, equality and safety. It is important to review social measures as a whole from this perspective.

We believe that persons engaged in prostitution must not be subject to discrimination of any form, under any circumstances. We regularly support women who have been assaulted, women who are working as prostitutes or have done so in the past, when they go to see a police officer, physician or prosecutor to lay charges or ask for medical care. It's true that they are not believed. It's true that they feel they're treated with contempt, mistrust and a lack of consideration. All of that is quite true. And it's true for all women experiencing violence, unless they are the perfect victims of a monstrous criminal.

We also consider prostitution to be directly related to the sexual exploitation of women and that, as such, it cannot be seen as work, in the same way as other jobs, or as a fulfilling way to access economic autonomy. Prostitution constitutes a form of violence primarily against women, female teenagers and girls, but also involves men, male teenagers and boys.

We consider prostitution to be a violation of fundamental rights, that no reason could possibly justify considering victims of this form of violence to be criminals, that many of the sexual models or gender relations featured or illustrated in the sex industry do not jibe with reality and promote negative and violent perceptions and influences within society, particularly towards women and girls. Through the sex industry, boys and men learn a specific way of viewing their relations with women, a specific way of viewing their relationship with sexuality. They receive a message that tells them they have the right, in exchange for a certain amount of money, to have access, however they like and whenever they like, to the bodies of these individuals, and that paying legitimizes, legalizes and authorizes that activity.

We believe that women's vulnerability to poverty and sexual exploitation is aggravated by discrimination related to social factors such as age, ethnic origin, social class, and physical or mental health problems. In Quebec, for instance, we see important differences among prostitutes. For example, many more women from Aboriginal or Inuit backgrounds end up working on the street, as opposed to the agencies.

● (1835)

A class analysis is needed with respect to the different forms of prostitution. I'm not referring only to street prostitution, but also what goes on in escort agencies, massage parlours and other places. We have to look at how cross-discrimination marginalizes women, increases their vulnerability, and limits their ability to defend themselves and deal with these issues.

We also believe that society provides very few means or resources with which to support women living off prostitution, most of whom do this, not by choice, but under duress or because of their poor socio-economic situation.

We also believe that the sex industry makes huge profits—something that is very rarely discussed—from the sexual exploitation of women. Very little analysis is done to determine who is benefiting from the sex industry, not only financially, but in terms of power.

We also think it's important to point out that it simply isn't possible to take a position on this, either in Quebec or in Canada, without an analysis of all the people involved in the prostitution system, in order to determine who is benefiting, who the different partners are, and who holds the real power. We also think it's critical to examine the linkages and impacts on women as a whole. People making a living from prostitution are not the only ones concerned or affected by prostitution. As we have already stated, rape has an effect not only on the women who fall victim to it, but on all women, if only because of the fear many women feel, a fear that prevents them from going where they want or doing what they want, because they're afraid of placing themselves in situations where rape can occur. Similarly, prostitution affects all women, creates social models with respect to sexuality and relationships between people. It is important to consider this.

In our opinion, it is important to recognize the problem, and to treat prostitutes primarily as victims of sexual exploitation. I use the term « victim », not to infantilize or victimize these individuals, but rather to recognize who the aggressor is and who the victim of the aggression is. Similarly, we talked about women who are victims of domestic violence and we have never considered that these women had no power or no ability to act. It is important to protect prostitutes and promote their well-being, and to work together to provide them with tools that will allow them to get out of prostitution. It is important to investigate and prosecute people who coerce them, exploit them and abuse them. We need to look at the different ways in which this occurs with customers and pimps. In our opinion, it's not the same thing.

So, we need to consider a whole series of measures, just as we did for issues relating to violence against women. Legal changes are not the only way to truly reduce violence against women. There are other steps that can be taken, such as social policies aimed at alleviating poverty, insecurity, unemployment and exclusion, and fostering training, the right to proper housing and improved social programs. For example, it is clear that in Quebec and all the other provinces of Canada, cuts to social assistance have had a direct impact by increasing the number of people engaged in prostitution. It's pretty obvious:  $1 + 1 = 2$ . It's important to have comprehensive, solid and lasting policies to combat violence against women. It is also important that these policies be aimed not only at women and girls, but also at boys and men, and that they force them to be accountable for issues such as this, clearly conveying to them what people making a living from prostitution have to go through.

We also want to state that consistent with our approach, we are fully supportive of female prostitutes and denounce violence, discrimination, racism and all forms of contempt to which they're subject. We are not in favour of any measure that would increase that. However, we are very concerned about the fact that some measures could ultimately increase men's relative power within the prostitution system. Any legal review, amendment or change must consider these issues.

• (1840)

[English]

**The Chair:** Thank you, Madame Roy.

We'll now have a seven-minute round. I'm going to hold you strictly to it, and we'll come back with three-minute rounds thereafter.

Mr. Hanger, would you like to go first?

**Mr. Art Hanger (Calgary Northeast, CPC):** Thank you, Mr. Chairman.

First, I would like to apologize to the witnesses for my late arrival. I missed out on a good portion of Ms. Geadah's presentation, but I trust I'll pick up on it as I go through my questions.

As a quick question for all the witnesses, are you in favour of legalizing, decriminalizing, or both?

[Translation]

**Ms. Michèle Roy:** Is your question addressed to each of the witnesses?

[English]

**Mr. Art Hanger:** Yes—legalizing, decriminalizing, or both?

**Dr. Frances Shaver:** I can start.

I would be in favour of decriminalizing. I think what we need to do is take all of the current laws out of the Criminal Code, use the laws we already have in place to regulate the negative aspects, and develop other ways of regulating the business end of prostitution—and that needs to be done in consultation with sex workers.

I think legalization leaves a lot of sex work being organized in the context of the Criminal Code, sets it apart from other kinds of work, and helps to support and maintain the stigma and marginalization that sex workers already feel from this semi-outlaw status they carry, if it were to be legalized.

So I'm opting for decriminalization because legalization doesn't do the job.

**Mr. Art Hanger:** All right.

[Translation]

**Ms. Yolande Geadah:** May I speak French?

[English]

**Mr. Art Hanger:** Yes.

[Translation]

**Ms. Yolande Geadah:** I'm against the legalization and decriminalization of prostitution in general, but in favour of decriminalizing the act of prostitution engaged in by female or other prostitutes. They should not be subject to any kind of enforcement measures. On the other hand, I believe there is a need to increase controls and tighten up enforcement against other persons involved in prostitution, and to focus more on education, public awareness and prevention in general, because laws that focus on enforcement alone will not allow us to attain our goal. We need a combination of things.

The example of Sweden which I referred to earlier warrants close consideration and study by your committee. The Swedes have managed to put in place both a law that cracks down only on those who profit from prostitution, and a program to assist people wanting to get out of prostitution. This has to do with the right to not have to engage in prostitution in order to survive, or for other reasons.

[English]

**Mr. Art Hanger:** So you're more in favour of seeing laws around the periphery or elements around prostitution and the prostitutes themselves that would enforce the actions, say, of pimping or—

[Translation]

**Ms. Yolande Geadah:** Exactly. We don't want to legalize or decriminalize the actions of those who profit from other people's prostitution. We want to legalize or decriminalize only the actions of people engaged in prostitution, but at the same time offer them access to solid social programs that will help them to move out of prostitution. The Swedish example is extremely telling in that regard and I believe it warrants careful study.

**Ms. Michèle Roy:** My views are pretty well the same, but I believe that no country in the world has totally decriminalized this activity thus far, without introducing regulations of one kind or another. It is impossible to imagine decriminalizing the activities of all the players involved, and at the same time deciding to let the market operate freely and regulate itself, and in so doing, to eliminate violence or issues of that kind.

We need to consider initiatives that will remove the pressure prostitutes currently feel, either because of city by-laws or sections of the Criminal Code. There are changes to be suggested and a review to be undertaken in that regard. However, when it comes to customers and pimps, we have to take a serious look at what we're doing and make this part of a whole set of measures aimed at combating violence against women.

• (1845)

[English]

**Mr. Art Hanger:** Okay.

I have another question for all of you. Is organized criminal activity involved in the whole issue of prostitution? In your research—and you've all conducted research—is organized crime involved, and to what extent?

**Dr. Frances Shaver:** I can start.

Certainly in the research that I have done and my colleagues have done, there's no clear indication at all of organized crime being involved. This is also a finding of the Fraser committee over 20 years ago, and I have found nothing different, nor has it come to my attention that overall it has a major role.

**Mr. Art Hanger:** Okay.

[Translation]

**Ms. Yolande Geadah:** On the contrary, all the studies carried out at the international level, in every country, recognize that organized crime controls the sex industry, including in the Netherlands, which is the country that has gone farthest with respect to liberalization. It is always organized crime calling the shots in the industry. There are two reasons for that: first, it's extremely profitable, and second, it's a way of laundering money.

By buying or investing in legal brothels that are recognized by the government, organized crime operatives can launder money obtained illegally. Organized crime is extremely active in this area, in all of those countries that have legalized brothels, whether we're talking about Germany, Australia or the Netherlands. It's too bad you missed

my presentation. I highlighted those examples and the results of the measures they have introduced.

**Ms. Michèle Roy:** Some of the women we have met and supported in fact had links to a pimp, or some of their family members had links to street gangs or organized crime. It wasn't systematic, but there is no doubt that it was a factor.

[English]

**Mr. Art Hanger:** If there's a shift in the way our laws are formulated, should the government be involved in registering and taxing prostitution?

**Dr. Frances Shaver:** There are sex workers who are paying taxes already. It depends what you mean by registering and taxing prostitutes. If sex work is to be decriminalized, there's no reason for the government to register sex workers in any manner differently from how it would register me as a professor, or you as a member of Parliament, or any other kind of worker we may have. I would say no, the government doesn't need to register sex workers. If sex workers are involved in business and earning money, yes, they should be paying taxes like other Canadians who are earning money from a job.

[Translation]

**Ms. Yolande Geadah:** No, that system doesn't work at all. I'm also going to leave a copy with the Committee of a paper by Janice Raymond, that summarizes the ten reasons why legalization and registering prostitutes do not work. What that does is create two different classes of people: those who operate legally and those who operate illegally, so that the problem remains.

[English]

**Mr. Art Hanger:** Should the government be involved in taxing prostitutes?

[Translation]

**Ms. Yolande Geadah:** No, because that would be a way of legitimizing such activity. What we need to do is set ourselves the clear objective of combating prostitution. Prostitution has negative consequences both for the individuals involved and for the community as a whole. Taxing it is a way of legitimizing it. I believe that on the contrary, we should be taking every possible step to combat prostitution and help people get out of it altogether and free them from it. I think that would be a more coherent and human way of responding, which would respect everybody's human rights. We don't want to strengthen the system by taxing or registering people engaged in prostitution.

**Ms. Michèle Roy:** I don't think it is appropriate for the government to become an official, legal and authorized pimp. The Canadian government says it is working to foster equality between men and women and to eliminate violence. So, I really don't see how it could, at the same time, initiate a system that would legalize prostitution, in which it would be involved and through which it would collect taxes. We should be seeking to eliminate this activity altogether. We all know that won't happen overnight, but we have to set clear objectives in order for it to happen.

[English]

**Mr. Art Hanger:** Thank you.

Do I have any time left?

**The Chair:** No, sir.

Madame Brunelle.

[*Translation*]

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Good evening.

Ms. Shaver, your comments surprised me and shook my entire understanding of prostitution. Perhaps I misunderstood you, but as I listened to your comments, I had a picture of prostitutes as women acting freely, making their own choices and engaged in a commercial activity like any other. I don't doubt your results, but I'm trying to understand why there is such a discrepancy between the different positions expressed by the witnesses here today, and I am having trouble reconciling these divergent views. I'm wondering whether it depends on the place or context in which prostitution is examined. Maybe you're not thinking of the same thing. Are we talking about street prostitutes or high-end call-girls? What exactly did you analyze? It's clear to me that we are witnessing the globalization of procuring and sexual trafficking, and so I am having trouble reconciling that with what you are saying.

• (1850)

[*English*]

**Dr. Frances Shaver:** Well, I can understand why you're having some difficulty doing that. I guess one part of it has to do with some of the ways in which I began to do my research. The research that I've done and that the colleagues with whom I've been working have done over the last 20 years is grounded, for the most part, in what we would call "field samples". We've gone out into the field and done rigorous sampling, not only on the street, where I've done a lot of my research; we've also used appropriate sampling techniques for those who are escorts, those who are dancers, and those who are involved in other parts of the industry. What happens when you do that kind of research is that you capture some sex workers who are in crisis, but the majority of sex workers you capture are those who are not in crisis. They have not come to the attention of the social service agencies. They often aren't coming to the attention, on a regular basis, of the police or the courts.

Because of the way in which the sampling was done, I suspect the majority of sex workers are reflected by the type of data we see in the field studies. Much of what we see in the media—and much of what we saw in earlier studies—is from social service agencies who help people in crisis, or from sex workers as they leave police stations after arrest, on their way out. For me, that accounts for a lot of the difference.

I also would argue that the more traditional kind of data that comes when we have access to those who are in crisis is that...and I'm not saying that's not happening, but I'm certainly arguing that this story, this portrait of the sex worker, has to be combined with the portrait from less traditional kinds of data-gathering that's done when in the field, when you're actually trying, as much as possible, as difficult as it is with this hidden population, to get samples that are much more representative. That has been my major concern in all the research I've done, to look for those who aren't necessarily matching, and to try to ensure that when I'm accessing a population, I'm getting, as much as I can, a representative sample.

For me, that accounts to some extent for some of the differences between the two, that this other portrait, then, the other stories, have a chance to come out in a way in which they often don't.

[*Translation*]

**Ms. Paule Brunelle:** Yes, I understand now.

I want to put one question to all of you. Violence against women is increasing more and more, whether we're talking about domestic violence or violence in general. Violence is everywhere. Our society is more violent.

What connection do you make between violence and prostitution? Do you see prostitution as something that can help to reduce violence against women? One might think that once prostitution is legalized, there is no longer a need to force women to perform the sex act because there is easier access to someone for that purpose. Or do you believe there is a connection between violence and prostitution?

**Ms. Yolande Geadah:** Your question is an interesting one. It is often said that if we try to control prostitution, that will increase violence against women. That is a myth. The reality is quite the opposite. In all those countries where prostitution was legalized or partially decriminalized, violence has increased. In the prostitution business, violence is omnipresent. Prostitutes are subject to violence from johns, pimps, their pushers, and so on. They exist within a system founded on violence. When prostitution is legalized, people express their sexuality more. More men use prostitutes and that is reflected in their relationships with women in general. That is precisely what prompted Sweden to react. Previously, Sweden was ultra-liberal—a little like the Netherlands, and all of a sudden, they realized that the level of violence against women had risen considerably. That's when they decided they had to do something—namely, propose legislation that would reduce the demand for prostitution more fundamentally, by attacking the root causes of prostitution.

I agree that it's precisely the reverse that is happening. This myth is being perpetuated through the presentation of inaccurate results such as these. The sample choice is highly significant. If you access persons working in the industry only through an organization such as Stella, which advocates total decriminalization, then the people you talk to will obviously convey that perception and propose solutions that don't work anywhere in the world. But if you talk to people randomly in different areas and different settings, it becomes clear that the situation is completely different. Consideration must be given not only to what we see locally, but to what is happening at the international level. All the figures speak for themselves in that respect.

•(1855)

**Ms. Michèle Roy:** I would add that women are seeing that increasingly easy access to pornography, pornography which is more and more violent, is having a direct impact on their relationships within the couple. This is not something that has been observed only in the case of female prostitutes. Many women in shelters, women's centres, CALACS and in other groups are talking about how their partners' demands have changed, that there is more violence, and that this is increasingly considered to be normal, natural, exciting, and what have you. That is on the rise. Twenty years ago, men didn't walk down the street carrying a porno magazine for all to see; they would hide it in their newspaper. Nowadays society tolerates that: people see it as being part of sexual liberation. However, women and teenagers are telling us about the direct impact it has on their sex lives.

We work a lot with high schools, where teenaged girls tell us about the sexual demands placed on them by their first boyfriend. They are considerable. If I'm told that the fact that prostitutes exist allows men to... All of this relies on the logic which states that men's sexual desires are uncontrollable, irrepressible, and that they must satisfy them however they want and whenever they want, either by force or by paying money.

Based on our observations and the way teenaged girls and women have described their sexual experiences, it just isn't true that prostitution helps to reduce violence. It's quite the opposite, and that has an impact not only on sexuality, but in a whole host of other areas. There is a difference between the voluntary choice of different sexual practices and coercion. I'm not passing moral judgment on what people do or don't do when it comes to sexuality; I'm simply saying that women are speaking out against these demands and against coercion. They seem to like that sort of thing in this film, because their education is based on porno films and magazines where they see women cut up into little pieces, whose pleasure is broken into parts. They feel as though they should be doing the same thing. We're not talking here about relationships or experiences shared by two people who are equal and can accept or reject any kind of sexual activity. We're talking about coercion, obligations, demands, and violence.

[English]

**The Chair:** Thank you, Madam Brunelle.

**Dr. Frances Shaver:** I would like to have an opportunity to answer that last question.

On my colleague's representation of the violence experienced by women and children, and the large proportion of all of us as women and children who have experienced violence in the course of our lives, it's certainly not something I would want to deny. But I do want to change the shape of that a little bit, because I think the broader issue is the violence in general that's experienced. Whether it's in singles bars, or in homes and families, it's happening in contexts that have absolutely nothing to do with sex work. It's happening in the much broader social context. I think that's where the major problem lies, and the violence we see in sex work is simply a subset of this broader violence.

If we want to do something about violence toward sex workers, I think we really have to deal with violence and the exploitation that's

being referred to on a much larger scale in the broader social arena. That's where we need to start if we want to make fundamental changes to the way in which men and women are treated and are treating each other. The lessons to be learned and the education that has to be done are at a much broader and more basic level. If we start there, then clearly they may filter down. In the meantime, I think we need to worry about what we can do to protect sex workers.

I certainly think it's important to have our eye on the global view, but what we're going to be doing and what you're going to be doing in this committee will make a difference in what we do in Canada and what we do in our cities in Canada. The data I provided is not simply from Montreal, and it's not simply from sex workers who are associated with organizations such as Stella that already support the decriminalization of prostitution. It's from anyone we find in the fields in which we have gone out to do our research. That has been done in several cities across Canada at several different periods, both at the time of the Fraser committee and in the 20 years since then. So I simply want to remind the committee—I guess I don't have to remind you, as you all know well what your jobs are—to at least to keep in mind that we want to make a difference here in Canada to what's happening, without putting others at risk.

Just to go back to the question of no decriminalization, my understanding is that there is decriminalization in New Zealand. It's something that the committee could certainly look into, and I could provide information on that. A lot of the ways in which they regulate, if I may use that word, sex work is like any other kinds of work; it's through the occupational health and safety codes that are available for any other kind of occupation. They've also expanded those and made them applicable to sex work. So there is regulation of that kind of work, as with other kinds of work, to protect both those working and using the service, and those who are working for somebody in that industry.

In addition, as I argued earlier, on the very negative effects that my colleagues are making reference to, we already have laws in our Criminal Code that we can apply. I think my colleagues have hinted that these are not actually applied appropriately in the case of sex workers. So there's a lot we can do with the laws that are on the books to increase the protection and the respect toward sex workers.

•(1900)

**The Chair:** Thank you.

Madam Davies.

**Ms. Libby Davies (Vancouver East, NDP):** Thank you very much, Mr. Chair.

First of all, to the witnesses, thank you very much for coming today. There are certainly some very divergent views here.

I get the sense that there's possibly some agreement that the status quo we face today has not worked and is not working, whatever your broader philosophical or political perspective might be.

The question I am very interested in is really the impact of the law. I think there is a broader area, and we will get into that, but the issue I've dealt with in my community in East Vancouver, which is mostly on-street prostitution where the visibility is, has been the impact of enforcement. I've really come to the conclusion that enforcement itself is creating an enormous amount of harm to the women involved. I wonder if you could comment on that.

We are trying to assess what kinds of models we might go to. I have my own views and opinions, but I'm learning a lot as well. But I do feel pretty strongly that if the status quo is there to protect women on the street—whether they be sex trade workers or not—or if it's there to protect local communities, it has failed on both counts. I wonder if you would comment on that.

I'd certainly like to invite Ms. Valérie Boucher to speak, if she wants to answer the question as well. She's here from Stella, I believe, and is on the list as a witness. Maybe we could begin with Valérie, just in terms of how she sees the impact of the status of the law now.

● (1905)

[Translation]

**Mrs. Valérie Boucher (Coordinator for the XXX Forum, Stella, As Individual):** The first thing to be said about criminal laws currently in force in Canada is that they are extremely negative. Let me give you some random examples. Violence increases when there is tighter enforcement. It is clear to us that the things being done to sex workers are increasingly violent: sexual assault with firearms, and sexual assault involving several people. There are a number of explanations for this: one of them is that stricter enforcement forces sex workers to work in isolated areas, rather than in a group, thereby taking more risks with customers, for fear of being apprehended by police. Enforcement has negative consequences for sex workers' working conditions. One of those negative consequences is criminalization itself. Last year, in 2004, 715 people were arrested in Montreal under section 213 of the Criminal Code, dealing with solicitation. That's a lot of people. Sex workers who were apprehended will have a criminal record, thereby greatly limiting their future lifestyle choices, when the time comes to do something else or travel. We're talking about restrictions that are imposed on them: years of probation, specific areas assigned to people charged under section 213.

In Montreal, there are a number of community organizations, particularly shelters for women in difficulty, soup kitchens, schools for johns, Stella, an organization for and by sex workers, and people providing needle exchange services and giving out condoms. The requirement to remain in a specific area will prevent these 715 people from going to places where they are able to receive services that meet their needs. So, there are 715 people who, at any given time, will violate the conditions imposed on them, which are extremely unfair and, in my opinion, difficult to justify. That being the case, we're talking about criminalization and a snowball effect. These people will be sent back to prison for violating the conditions of their release; they will be fined and slapped with increasingly heavy sentences. So, criminalization and section 213 which, since last year, has been enforced in a very heavy-handed fashion in Montreal, certainly don't help sex workers to benefit from better working and living conditions. If they decide to do something else at

a given point in time, they will have an additional obstacle to surmount.

[English]

**The Chair:** Does someone else want to comment?

[Translation]

**Ms. Michèle Roy:** Criminalizing the activity of women who work as prostitutes presents all kinds of problems and pitfalls. There is one point on which we fundamentally disagree, and that is with respect to what should be done about pimps and johns, and the impact on the safety of women engaged in prostitution of any liberalization measure aimed at pimps or johns. Would that improve their safety or not? That's the question.

If the various sections of the Code were applied differently to johns and to the women engaged in prostitution, things could change. Certainly, the status quo is not satisfactory, but we do not agree that the door should be open wide to liberalization, and that this will resolve the issues.

When a woman who has been the victim of violence lays charges against her spouse, or when she reports an aggressor, whether it is a violent spouse, a father or a brother, she is afraid. For her, there are consequences. There are risks for her safety and for her ability to function in her work environment. That is always an unacceptable risk, and something that has to change, but it is a risk for all women who speak out against the violence of which they're victims and which must be remedied. We must take the necessary steps to do that.

If you are saying that the legislation will be amended but that nothing else is going to be done, well, I'm not sure that will really resolve anything. If the law is changed in favour of prostitutes, without any enhancement of the social measures I have talked about, then I don't think anything will really change. I do not believe that will really improve safety or do anything else. What scares me is that we're opening the door without establishing a safety net that would really be a means of guaranteeing the safety of women. When we go in with a woman to lay charges, she is not believed. Whether she is a prostitute or not, often she is not believed. When she seeks assistance and support, she doesn't find it. That's the truth.

● (1910)

**Ms. Yolande Geadah:** I believe you should take a close look at the Swedish model. I strongly advise Committee members to look at how laws are enforced in other countries. Take a look at how the legislation works in Sweden. In my opinion, it is the only country that has truly succeeded in protecting and guaranteeing the safety of female prostitutes.

You are perfectly right to say that the status quo is inadequate, but between decriminalizing the activities these people engaged in and making it legal, there is a gap that we do not want to fill. Sweden has decriminalized acts of prostitution carried out by these individuals, but pimps and johns continue to be criminals, and it has put a whole series of measures in place to help women get out of prostitution.

In Sweden, a woman who complains to police because she was assaulted by her customer or pimp cannot be arrested. She has guaranteed protection. She is not harassed, she is offered all the services she requires to help her get out of prostitution. In my opinion, that is a coherent approach that offers benefits.

At the present time, Sweden is developing a national plan of action that will contain effective measures to provide even greater assistance to these individuals and build on what has already been done. Of course, no system is ever perfect, and the Swedish system can probably still be improved. That is what the Swedish want to see.

I think it would be worthwhile for the Committee to take a look at that national plan of action. It should be made public in 2005, although I'm not sure whether it will be early in the year or later in the year. That is something that would have to be checked.

Your concern is legitimate: we have to be concerned about people's safety, but at the same time, all the examples point to the fact that this objective cannot be met through legalization and decriminalization, unless they are accompanied by other measures.

**Ms. Michèle Roy:** In Sweden, for example, the budget for social programs is six times higher than the one for law enforcement. That's a significant amount of money. Their focus is not on law enforcement, but rather on support, public awareness, information, reporting, and reintegration. That means investing the necessary time and money and finding the means to do so. The social message has to be clear.

[English]

**The Chair:** Thank you.

Dr. Shaver.

**Dr. Frances Shaver:** I want to give a couple of examples about the long arm of the Criminal Code in terms of how it handles things. One is perhaps more a short-arm example, but it's useful.

There has been an amount of research that suggests that one of the things that sex workers, particularly those working on the street, have to do is to work sometimes in isolated areas that are very dark, to avoid police, which completely puts them more at risk from aggressors. But when they move into more lighted areas with a larger population around, they are much more likely to come to the attention of the police, which really jeopardizes the time they need to take to screen the clients. So they are more often leaping more quickly into cars with a client before they have a chance to do an adequate job of screening.

Another example that really does give us a sense of just what the extent of the consequences is has to do with the safety and security measures that sex workers often adopt. They will check for exits; they will look for other ways to get out. There are a number of little things they will do. They will make calls before they go into a situation.

If they are assaulted during that particular time with a client and they want to go forward for victim compensation—and there are some cases of this in Quebec—they're denied the right to victim compensation because of the *faute lourde* part of the law: you put yourself in a dangerous situation, you knew you were going into that

situation, and you should have known better, so you're in part responsible for what you've done and you can't be compensated.

There is a dreadful case, and I certainly hope it doesn't happen again, where a sex worker did share information with her client that she was HIV-positive. The consequence of that exchange was that this woman was murdered. Her family went forward for compensation, and compensation was not allowed on the grounds that—and I don't think this would hold up any more, but it does give you an example of what is possible—she should have known better than to tell a client that she was HIV-positive.

We have laws coming into place now that make it necessary to share this information with someone you're planning to have sex with, so these are the kinds of things we really need to be careful about integrating.

While I appreciate what my colleagues have said about the Swedish model and the extent to which it may provide greater support for women and certainly increase their chances for security, certainly if they have that much more money than we do for social programs, we need to figure out how that happened and do the same ourselves.

But there is another side to the story in Sweden; there is a sex worker side. Research by Petra Ostergren is telling us that Swedish sex workers are still feeling endangered by the laws that seek to protect them, that it's harder to assess clients because there's limited time for screening. It's also harder to access clients, which opens the field for others—profiteers, perhaps—to arrange those meetings. They are very apprehensive about those legal protections and don't want to be forced to report on a client, so are unlikely to go forward if a client has been abusive.

Informal networks between sex workers have weakened. They also suggest that they have been left with the bad customers because the good ones have gone elsewhere—they've gone toward the Internet.

This same report focuses on three official reports that also come out of Sweden: the National Council for Crime Prevention report; the National Board of Health and Welfare report; and a National Police Board report. They're thinking there's no evidence or reporting that prostitution is lower overall. They think it has simply gone underground, where it's more difficult to see and where people are more likely to be at risk. These same reports are also saying the buyers are worse and more dangerous than before.

The National Police Board, in particular, has said that the law seems to be an obstacle to prosecuting profiteers. If purchasing is a crime, what happens now is that a sex worker can be made to appear as a witness, and this person has neither the rights of the accused nor the rights of the victim—no rights at all, in fact.

● (1915)

So while I certainly think that we should be exploring the Swedish model, I do think we need to be careful to ask the tough questions about this model and the kinds of consequences it has for those involved in the industry.

**The Chair:** Thank you, Dr. Shaver.

Madam Fry.



**Hon. Hedy Fry (Vancouver Centre, Lib.):** Thank you very much.

I think Madam Shaver made a very important point about asking the tough questions on anything that seems too good to be true. I often find that it is.

I share Madam Brunelle's position here, in that I'm surprised specifically by a couple of the things, Dr. Shaver, you presented. One is with regard to the age of entry; it's 16 to 18, not 13 to 14. Next, at the Swedish conference, the first World Congress Against the Commercial Sexual Exploitation of Children...those figures seem to be pretty high. We held a conference in Victoria when I was minister for women's equality to which we brought commercially sexually exploited children and youth from around the Americas. They specifically said they'd started at very early ages, 13 or 14, across Canada and in the Americas, going all the way down to Latin America. But what they did say—and I would like to hear your comment on this—was that they didn't work on the street, as one would have thought they did; they worked through Internet sites. It may very well be that this is a sort of underground, younger age group that's working. That's one question.

As a physician, having had quite a few people who worked in this trade, I again question the issue of the similar levels of childhood abuse. I have found that an inordinately large number of women in the sex trade were victims of sexual abuse of some kind from a family member at a very early age.

Those are two questions I wanted to ask you, but what I'll do is ask other questions and then maybe you can answer them all.

I thought there were some interesting ideas brought up here, and one of the ones I would like to talk about is the concept of not simply looking for a silver bullet, some sort of legislative answer that will fix it all. I tend to look at the public health model...to something like prostitution, which the Canadian Medical Association has recently said is the single greatest public health challenge of our day...

That is to look at the whole issue of research, public awareness and education, primary prevention—which would obviously have to be for the root causes, what they are and how you prevent them—and then secondary prevention, which would be the harm reduction piece, dealing with the drugs and diseases, and other things. Of course, then you move into treatment and rehabilitation, reskilling, etc., and finally legislation as a means of protecting the women who work in this industry. I agree with that model, and to pick the legislative model alone does not deal with the long-term issue.

I did want to ask a question, but it's a difficult one to ask. We talked about street prostitutes being more at risk. There is an attitude in our society with regard to street prostitutes and with regard to call girls, those who work at the high end of the spectrum. I would like to ask you this especially, Dr. Shaver, because you've done the interview work.

I perceive sometimes, because of the way some of this work is glorified in the media and in film, that there is often a different way women themselves look at that work. One is a prostitute; the other is a beautiful person who is giving a service, and isn't it fun? They are in fact the ones with the power because they can make men grovel

and come to them, etc. I just wonder how we deal with that, because I think that's a bad message; we all know it's a wrong message.

But the fact is, we ourselves in legislation treat the two people as being very different. Street prostitutes are hounded, they're treated as scum, they suffer from diseases, etc. Then you have—which is where I think organized crime comes in—the larger business of glamorous, Las Vegas-type call girl work, and people make it sound as if you are the greatest thing since sliced bread because you're a beautiful and very desirable object, as opposed to someone people look down on.

I think there's a mixed message we somehow need to talk about, because while I personally think decriminalization is one way to deal with this legislatively, one wonders whether we don't also need to look at a public education piece that will allow someone to say, well now, if this is not a criminal act any more, maybe this is a business I should get into, because it looks good.

● (1920)

At the same time, if a woman wants to go into that business because she's fully informed and makes a choice that this is what she wants to do, I would like to know how you feel about that—providing we're not exploiting, providing it's a clear choice, providing we've decriminalized, and given there are all of the perks that can come with this particular job, and the glamour. If a woman wants to do this, what do you think about this, the choice women can make with respect to what they choose to do with their bodies? We can't talk about abortion on the one hand and not talk about what women want to do with their bodies in every sphere.

These are some difficult questions. I'm only throwing them out to be a devil's advocate, and I would like to hear your answers, starting with Dr. Shaver.

● (1925)

**Dr. Frances Shaver:** All right. I hope I have them all in my head, but you can remind me if I've forgotten them, as can the rest of my colleagues.

The age of entry is always a difficult question and certainly has been debated, and was widely debated when the Fraser committee was sitting as well. Some of the issues that come into play there have to do with how various groups are responding to sex work. When it's happening to what I would be prone to call runaways or street kids, who really fall through the social safety nets and are on the street because they don't want to be at home or can't be at home, and we have no place to put them and have no social programs for them.... Certainly some of these are involved in survival sex. Are they calling themselves sex workers or not?

The ages of some of these may be different, whether people are talking about the “one time”, or “a time”, or the “first time” it may have happened to them, and it may never have happened again for several years.

These are...?

**Hon. Hedy Fry:** The young people I'm talking about were workers. At least 100 of them came to Victoria from all around the Americas. Many of them were under the age of 16. They talked about sexual abuse moving them into this arena, and then they don't consider themselves sex trade workers. They don't want to be called prostitutes. They want to be seen as commercially sexually exploited youth—and children, and I would love to see that language changed, for starters.

**Dr. Frances Shaver:** Certainly. In response to that clarification, then, I would have to say that my data is Canadian and North American-based, and if the age is younger in other countries, then that may well be so.

But in that regard, you also made reference to the Internet and Internet sites and Internet chat rooms. We don't really have any good research at all in Canada that I'm aware of on these Internet sites—how they're organized, how they work and who is involved, and what the ages are of people who are involved in those sites. That's certainly an area the committee may want to do some more exploration about.

Concerning your questions around victims and violence and the data I was presented respecting appropriate comparison groups, one of the important things to keep in mind is that a lot of the research that is available reporting on the violence linked to sex work—particularly childhood violence and abuse—is really data that's collected only from sex workers. That can't tell us anything.

If we really want to know whether an experience or a history of childhood sexual and physical abuse has something to do with ending up in prostitution, then we need to do a study that starts first with a sample of Canadians. Then we want to sort those according to who has been abused and who hasn't, and then we want to look at the proportions of those who were abused—at what proportion ends up in the sex trade and what proportion don't—and the proportions of those who were not abused and what percentage end up in the sex trade and what percentage do not. This research has not been conducted.

The research by Susan Nadon—the other colleague I referred to—is an attempt, by putting together these closely matched comparison groups, to try to get a sense of what's happening and where the differences lie.

Perhaps we can only look to the data that's presented by my colleagues in some of their work, where they're reporting three in five individuals have a history of sexual abuse. That's true whether you're involved in the sex trade or not, so it's that more general Canadian data we would want to compare with as to what the proportions look like in the sex trade. That would be one way to handle this.

It's somehow in some circles, and perhaps even in our minds as we work through this, possible to be comforted by the idea that there's a reason people end up in sex work—particularly if it's

something we might consider to be distasteful—and considering that many of them are victims of violence makes that an easier and more comforting place to sit. But certainly the data I've presented, and data from others that I've not presented here, suggests it's not as clear an open-and-shut case as one might suspect.

For your question about the difference between—

• (1930)

**Hon. Hedy Fry:** I actually wanted to hear a little bit from the other women—first, about the issue of the public health model; second, I wanted to discuss the attitudes to two different kinds of sex trade workers, the high-end...the street worker who is at risk and who is seen as being very low-life, and then this sort of glamorization of what goes on elsewhere.

My comment on the sexual abuse isn't just.... Having practised medicine for 23 years and having done a lot of adolescent medicine, I know that a large number of my patients who were in the sex trade had been sexually abused. Their sense of low self-esteem, and this concept that they were something to be discarded, and therefore didn't care about their bodies at all, was very high. A lot of psychological work has been done on that sense of low self-esteem and an inability to feel clean—

**Dr. Frances Shaver:** We're certainly aware of some that work, but I also think that you're talking then about a population in crisis, and not the general population of sex workers.

But I think we should hear, as you say, from our colleagues, and come back to your other questions later.

[*Translation*]

**Ms. Yolande Geadah:** With respect to the age issue, the situation varies depending on the research and the sample chosen. As regards prostitution, I believe it is more difficult to make contact with minors, because they are not interested in taking part in research projects or are not easily accessible. That may explain the fact that some results are completely distorted, compared to the reality we are seeing overall.

As for the percentage of incest victims now involved in prostitution, all the research I have examined, which relates to a variety of countries, shows that it is very high: between 65 per cent and 85 per cent. The most recent research I have seen has just been conducted in Quebec by Rose Dufour. That research, based on the author's interviews with female prostitutes, show an even higher figure: almost 90 per cent of female prostitutes who suffered incest at a young age ended up in prostitution. While that is not a causal link, it is still extremely significant, given that this is a considerably higher percentage than for the average population.

With regard to your other question, I would say that prostitution must really be seen as a chain of sorts where street prostitution is at the bottom. I also perceive it as being almost like an iceberg: the vast majority of forms of prostitution are underneath, in the depths; a tiny tip of the iceberg emerges from the water, whereas 90 per cent of it is hidden beneath the icy water. The ones on the outside, presented as being fun and glamorous, are the high-end escorts. And whenever they are mentioned, reference is made to all the benefits associated with their work. And yet the movement Ms. Shaver referred to earlier is always a downward movement. There is no upward movement there: things just spiral downward. Prostitutes that start out in a glamorous environment have more and more difficulty attracting customers as they age, so that they gradually descend the social scale of prostitution, ultimately ending up on the street. We did not talk today about the fact that everything would seem to indicate that street prostitution is closely connected with drug addiction. It is impossible to dissociate the two, which means that in order to resolve issues related to street prostitution, we also have to resolve the issue of drug addiction. We cannot turn a blind eye to that reality.

We also didn't talk about the fact that at a citizens' forum I attended in a Montreal neighbourhood, they talked about a pilot project involving the creation of a specific district where prostitution would be accepted. I heard very moving testimony from people living in these neighbourhoods, most of whom went up to the mike to explain what it was like living in a neighbourhood where there is a lot of prostitution. The disadvantages are major: women are propositioned to turn tricks as soon as they leave their homes; children on their way to or returning from school are also propositioned. It's a lot to have to put up with and a situation that has consequences for the neighbourhood as a whole. It is impossible to live in an area where street prostitution is accepted. I have a lot of trouble understanding how anyone could want to authorize such a thing; no other country does that. The Netherlands, which has the most liberal legislation, has just prohibited it. It is difficult to put up with and it cannot occur without there being consequences. You have to weigh what is at stake and consider just whose interests you are trying to protect.

You raised a very important question about who has the right to engage in prostitution. That is a right that does not exist. It is an invention that is part of the ideological debate. It is the right to live without prostitution that needs to be protected—in other words, the right not to be forced to become a prostitute in order to make a living. I am alarmed by the cutbacks to social services, including the imposition of minimum thresholds. In order to make ends meet, people turn to prostitution. Women's groups are also seeing this phenomenon among women. No one should be forced to turn to prostitution in order to meet his or her basic needs. This is a rich country and we can certainly take whatever steps are necessary to ensure that everyone has the minimum required to survive. We have to look at the root causes of prostitution and really take whatever steps are necessary. Prostitution has very deleterious effects on the entire community, and we cannot afford to ignore that.

Even if we don't believe in the freedom to choose to become a prostitute, I do not think we should be chasing after people that do that privately. We should focus on the organization of prostitution.

● (1935)

That is what needs to be prohibited. That is a collective choice that we have to make. We cannot allow massive organization of prostitution, because that would be disastrous. It would have terrible consequences. I'll stop there.

**The Chair:** Ms. Roy.

**Ms. Michèle Roy:** Last year, the Conseil permanent de la jeunesse, an organization that advises the Quebec government, also conducted research on prostitution, and met with young male and female prostitutes in Quebec. They said they had started turning tricks before the age of 18.

But the research varies. It is conducted from a wide variety of perspectives. For example, I don't claim that based on our experience at CALACS, we are in a position to represent everybody who has experienced prostitution or sexual violence. The experience we are talking about here describes only part of the reality. And yet, very often women and teenagers we have met became prostitutes when they were still children, and were forced to have sexual relations in exchange for money. But someone else benefited financially from those sexual relations—not the women. Often this would happen when they were seven, eight, ten, twelve and fifteen years of age, as well as with older teenagers. You don't become a full-time prostitute overnight. It simply isn't true that someone decides one fine day to start a business and become a prostitute. There is a whole set of circumstances that comes into play. There are a few opportunities, and then the situation becomes more complex and intense.

There are also a great many women who turn tricks towards the end of the month, to compensate for a lack of income. There are also women who live in isolation. Aboriginal women, who left their reserve because of violence, end up in Montreal at one point; when their welfare payments stop or they are no longer able to receive the compensation they had in their community, they start turning tricks. All kinds of situations can arise.

There are social classes in the world of prostitution. Everyone doesn't live under the same conditions. Although we know quite a bit about street prostitution, its consequences or how people experience it, we know very little about the way things work in the other areas, and that is of a great concern. There is violence, and women are subject to all kinds of pressures. The pace and pressure only grow, as the wages and income decrease more and more. We have to investigate all of these things, because we know very little about them.

[English]

**The Chair:** Madame Boucher, do you have a comment?

[Translation]

**Mrs. Valérie Boucher:** I just want to provide one clarification with respect to the pilot project Ms. Geadah referred to.

The idea was not to create a red-light zone. It is not possible to do that in Canada, because it is prohibited by the current legislation. This was a joint project between the City of Montreal, community organizations and the Montreal police. It involved diversion of sex workers by setting up a team composed of a community worker and a police officer, whose role would have been to reduce the social irritants caused by street prostitution. That is different from setting up a red-light zone in the south-centre district of Montreal.

I would like to come back to the question of age of entry. At Stella, we have approximately 4,000 contacts per year with hundreds of different women. There is no denying the fact that minors do engage in prostitution. Ms. Shaver clearly explained that. There are situations where a teenager cannot or will not go back home or has run away from her home; he/she will rely on sex work or prostitution to survive. That does happen, and there is no denying it.

Ms. Geadah also raised a very important point about sex work on the streets and drug addiction. It is true that some sex workers who work on the street, and probably elsewhere, have drug addiction problems. At the same time, I want to add that it is wrong to believe that most women, men and transgendered persons working on the street have drug addiction problems.

The street has a great many advantages to offer. There is flexibility in terms of work schedules, better control of the prices demanded for one's services, and greater control over customer selection. So, there are some women, men and transgendered persons who specifically choose to work on the street because of the advantages it offers.

As for other areas of sex work, Stella's mandate is to provide HIV/AIDS and STI prevention services. So, part of Stella's mandate is obviously health promotion on the street, as well as in all areas where sex workers are operating: strip bars, massage parlours, and escort agencies. These are the environments we're familiar with and come in contact with. Ms. Roy is right to say that everything is not always rosy in such environments, which is the case in any other working environment. One of the problems relates to the criminalization of work in the sex trade, which prevents people from achieving better working conditions, demanding those conditions and having some recourse if something bad happens.

● (1940)

[English]

**The Chair:** We have a little bit of a logistical problem here. We have four witnesses and four questioners, and our next rounds are three-minute rounds. You can appreciate the difficulty of squeezing four responses plus a question into three minutes. I would ask all questioners to put a short, succinct question, with no editorializing. I would ask our responders to respond in a short manner as well. If it gets too long, I'll just have to cut you off.

To questioners, as a courtesy to fellow questioners, please be short.

Responders, as a courtesy to your fellow panellists, would you also give a short response?

Mr. Hanger, you're first, very quickly.

**Mr. Art Hanger:** Thank you, Mr. Chairman.

Amsterdam claims to have examined the numbers involved in their prostitution business, if you want to call it that, and has determined that 80% of the prostitutes are foreign.

**Ms. Yolande Geadah:** Did you say 80%?

**Mr. Art Hanger:** Yes, 80%.

That seems like a very high number, and it sounds more like trafficking in human beings for the sole purpose of prostitution. Can you explain to me what your research has revealed about that particular number, given the fact that it's legal in that country?

● (1945)

[Translation]

**Ms. Yolande Geadah:** In the Netherlands, it is estimated that between 80 and 85 per cent of prostitutes working in Amsterdam are foreigners. As I mentioned earlier, the research shows that 70 per cent of them have no papers. One can therefore assume that they were victims of trafficking.

Countries that have legalized and liberalized prostitution are in fact the countries where there is the most of trafficking. I think that's inevitable, because when you legalize this activity, there is a massive expansion of the industry, so that teenagers and people that make up the disadvantaged segments of both the national and foreign populations have to be recruited.

That is of great concern to me. Is Canada, which is a country of immigration, interested in far more massive traffic? Already, some 16,000 people who are victims of trafficking arrive in this country every year. Do we want that number to increase ten-fold or fifteen-fold? The consequences of legalization for trafficking are disturbing, and it is important to consider them carefully.

[English]

**The Chair:** Madame Roy, would you like to comment?

[Translation]

**Ms. Michèle Roy:** We obviously want Canada to be more open to immigration, but not in order to offer this kind of work to women. I believe current immigration laws are too restrictive, but at the same time we have to be able to offer women coming to Canada something better than prostitution.

[English]

**The Chair:** Dr. Shaver.

**Dr. Frances Shaver:** I can't speak to the data from Amsterdam, but I did want to speak to the issue of trafficking.

My objective in this would be to try to work out what's problematic and what's not problematic. I don't think migrating to work is problematic, whether it's sex work, agricultural work, domestic work, waitress work, or factory work. What is problematic and what concerns my colleagues and all of us here is that when you do arrive, you end up being confined on arrival; your passport or papers are confiscated; to some extent your labour is indentured or you're in indebted servitude; or you have been misled about the work setting. These are the kinds of concerns I would have around the trafficking issue. Having laws that protect any workers, domestic, sex worker, or otherwise, from those kinds of consequences is important.

We should be signing the international convention on the protection of the rights of all migrant workers and members of their families. The convention provides for basic human rights standards and a minimum standard of protection regarding working conditions, pay, education, social services, unionization, and freedom from abuse both for documented and undocumented workers, on par with the national citizens. I think this is what we could do in Canada to solve some of the problems around the trafficking issue, as it's called.

**The Chair:** Madame Boucher.

[*Translation*]

**Mrs. Valérie Boucher:** There is no doubt that trafficking is a concern at this time and that it is often connected to work in the sex industry. However, we have to be careful about making a connection between the trafficking of women and children and sex work.

Women who immigrate to improve their working conditions sometimes end up in the sex industry without having been forced to do so, and without there having been any coercion or deception. That aspect of things is very rarely mentioned. More and more groups of sex workers, particularly in Europe, are working with women who immigrate with a view to improving their living conditions. It turns out there is much less violence and coercion than we may imagine. These women are resourceful and inventive. Naturally, the person has to agree to perform that kind of work in her future country of residence. Here in Canada, we also say no to coercion and violence.

[*English*]

**The Chair:** Thank you.

Madame Brunelle.

[*Translation*]

**Ms. Paule Brunelle:** Another issue of great concern to me relates to pimps and the domineering-dominated relationship. I have a lot of sympathy for female prostitutes, but I have none whatsoever for pimps.

If you had to amend our current laws, what would you do about pimps?

**Mrs. Valérie Boucher:** First of all, under section 212 of the Criminal Code, a pimp is someone who lives partly off the avails of the sex work carried out by someone else. Yet the relationship that many women and men carry on with a person called a pimp is a business relationship, as is the case with bosses in general, including my own. Whether you work as a secretary, sex worker, waitress or something else, in every workplace, there are unequal or abusive

relationships. The problem arises when the necessary tools are not available to secure recognition of one's rights as a worker. That opens the door to every possible kind of abuse.

As Ms. Shaver already mentioned, in Canada we have laws to control violence against women, abuse, coercion and sexual assault, as well as psychological violence, more recently. Therefore, it would be possible to make abusive bosses subject to the same laws.

● (1950)

[*English*]

**The Chair:** Madam Geadah, a comment? No.

Madam Shaver.

**Dr. Frances Shaver:** I would like to simply add to that the importance of differentiation between the pimp who may be the boyfriend or lover or husband or perhaps the female partner of the sex worker in this case, and the pimp who fits the image that we think of when we see "pimp" or hear the word "pimp", as someone who is violent, someone who is aggressive, someone who is forcing an individual to do something against their will.

Now, that's a pimp who none of us is willing to tolerate, but that's a person we can do something about. We can put that person in prison simply by using all the laws of the land that say it's illegal to assault and to coerce and to kidnap any individual, whoever that individual might be. If a man or a woman is simply living off the avails of prostitution of someone else who's working in the business, I don't see that's a problem at all. Lots of women give their earnings to their partners who may or may not be working, and it's their choice to do so, and I think it should be the choice in this case.

So the living on the avails section and the procuring section in fact really do nothing, and when I say repeal the laws in the Criminal Code, I mean those laws as well.

**The Chair:** Madame Roy.

[*Translation*]

**Ms. Michèle Roy:** I think we're talking here about people that profit from trading in women bodies and sexuality. In my opinion, if a woman hands over her wages as a secretary, nurse or something else to another person, that is not the same. I think we're also talking here about an unequal relationship. To me, that is very clear and unacceptable.

[*English*]

**The Chair:** Thank you.

Madam Davies.

**Ms. Libby Davies:** I just want to clarify this. Is it three minutes for both the question and all the replies?

**The Chair:** Well, we've been sitting around for five minutes, getting everything, the question and answers, a total of five minutes. That's what it's been coming down to, so we want to be fair to everybody.

**Ms. Libby Davies:** I'll try to be fast, then.

I think everybody can agree that we should not be allowing or tolerating any coercive activities or harmful activities. So perhaps one way to approach this is the issue of consent, and I'm sure there will be some disagreement, because then what constitutes consent, and we get into the issue of choice.

We did hear from Mr. Fraser, who was the chair of the committee from 20 years ago, and this was a very central point for their report, as to what was coercive or consenting. One of the remedies they put forward that was not approved was not the idea of red-light districts, but it was the idea of women being able to work out of their own homes. They would be licensed in some way, regulated in some fashion.

So I want each of the people here to comment on that in terms of a possible remedy.

**Dr. Frances Shaver:** I can go first on that, because I spoke of this before the Fraser committee myself over 20 years ago.

And I certainly applauded the Fraser committee when they had this partial sense for decriminalization which was making some kinds of bawdy houses—what would be the equivalent of bawdy houses—legal, I think, if they had only two or three people in them.

My problem with that as an approach on its own is that it still has us regulating sex work within the confines of the Criminal Code. That differentiates it from any other kind of work. If it's going to be possible to let men and women and transgendered people work out of their own homes or together in an agency where they're managing their own activities, then I think they should be able to do that under business codes and not under some kind of criminal law.

So I would want to push the Fraser committee suggestion that step farther.

• (1955)

**The Chair:** Madame Geadah.

[*Translation*]

**Ms. Yolande Geadah:** Of course, when it comes to prostitution, the very concept of consent is a form of violence and exploitation. That is quite clear and all the data points to that. In that environment, you simply can't talk about consent. I think we have to change the way we see prostitution. We have to stop seeing it as an individual choice with no consequences. In fact, it is a choice that has terrible consequences for individuals, even those who were not pressured by someone else.

All the testimony of people who have worked in the world of prostitution for a number of years plenty demonstrates that. It destroys the person from the inside. It is a harmful activity for the individual, his/her family, children, and the entire circle. This is not an individual choice with no consequences for society. We must see it as a social phenomenon with significant and harmful consequences from a social standpoint. We must do everything we can to put a stop to this harmful activity. I grant you that it may be lucrative for a certain period of time—although never for very long—for people who engage in it, but it is to the detriment of their physical and mental health, their sexual and social lives, indeed, every aspect of their existence. People who have been through this have told us so. There is ample testimony available in that respect.

This is something that destroys you from the inside. It is like a slow suicide. No prostitute, even the ones with Stella, would want their own children to engage in such activities. It is not work, and we have to stop equating it with freedom. The fact is it means a total lack of freedom or choice. All kinds of situations lead to prostitution, and they are all associated with a great deal of suffering. In their own testimony, prostitutes often refer to suffering and a lack of choice, of the particular circumstances or pimps that drew them into it and painted a rosy picture of the advantages of making fast money, as though all this would be without consequences for these women. But that is utterly false: it completely destroys their social life. They end up feeling completely lost and unable to develop another meaningful or healthy relationship.

[*English*]

**The Chair:** Madame Roy.

[*Translation*]

**Ms. Michèle Roy:** For me, it's quite clear. The concept of consent is critical in many rape trials. We all know just how often they trot out arguments such as that the woman really wanted it, even though she had some bruises and her feet were tied. In all sorts of circumstances, men claim there was consent and say they had understood the woman was consenting.

If you are telling me you want to apply this same rule to prostitution, my answer would be: "Heaven forbid!" How can you consent to something when the relationship is an unequal one? What are you consenting to? What can possibly exist between two people whose economic and social circumstances are not the same, in terms of prestige and social status? How can anyone possibly imagine that we're talking here about free and informed consent?

I know it is possible that some people will choose to be in this situation, but in my case, I am working for the thousands of men, women and children who did not make that choice and who, either here, somewhere else, in the north or in the south, were coerced into it in all sorts of ways, either because of their economic situation or by a pimp. If a small percentage of people think they have actually chosen that life, I won't bend over backwards to try to convince them it isn't true. I don't intend to turn that into a mission, when hundreds and thousands of other people are saying that they didn't want to end up in that situation, but that they had no other choice.

[*English*]

**Ms. Libby Davies:** How does that differ from a mine worker, though? Nobody wants their kid to go underground and get blown up in an explosion—and I think I'm arguing Ms. Shaver's point. How do you see that differently? Maybe people don't want their daughter to be a waitress, but how do you protect their rights if they're there? How do you make sure their conditions are safe and healthy?

[Translation]

**Ms. Michèle Roy:** I think it's important to recognize that like any other person, they have fundamental rights—for example, equality, security and integrity. We need to put laws in place that will allow these individuals to be treated just like any other human being. Respect for human rights is important, but for what purpose and based on what underlying thinking? Are we supposed to tell these people that they can make this into an occupation and that it is just as legitimate as any other activity, or should we be providing them with all possible means of really choosing what they want to do?

In today's society, women have few choices, not only with respect to prostitution, but in many other areas as well. We have few choices available when it comes to work, sexual relations, marital relations, etc. The first step is to increase choices and freedom for all women, and then see what happens.

● (2000)

**Ms. Yolande Geadah:** I just want to make one comment about choice. You talk about mine workers, but that really isn't comparable, because prostitution involves sexuality and therefore the private side of an individual. You don't make shoes the way you make a prostitute. You can see the difference there. You can improve the conditions under which shoes are made and mines operate, but prostitution relies on a whole system that creates people.

[English]

**Ms. Libby Davies:** Isn't that a social construct, though?

[Translation]

**Ms. Yolande Geadah:** Yes, of course. But that means we can change it.

[English]

**The Chair:** Can we go on to Madame Boucher, please?

[Translation]

**Mrs. Valérie Boucher:** It's true that sex work is very closely tied to sexuality. It is very difficult for women and for some segments of the population to imagine that certain women see their sexuality differently. And yet for many women, sex is not something that absolutely must be shared in circumstances involving intimacy and love, and without which one is degraded.

I, personally, was a sex worker for a certain period of time. I've been working with women now for some eight years, including four at Stella's. I don't feel broken inside either because of my customers or the type of work I did. What does hurt me, though, is the stigma attached to it. It's the way people talk about me as someone who has been degraded or who consented, but not totally, because she was alienated. I didn't know I was alienated, but it would seem that I was. As a result, I said yes, but in reality, my "yes" didn't mean anything. That hurts me much more than the work I did, with its good and bad sides. That's for sure.

It also really hurts me to hear people talk about the women I worked with—the hundreds and even thousands of women I worked with over an eight year period—as unintelligent women who sometimes, even when they had a broad range of choices, chose sex work. I find it really sad to hear people talk about these women in terms that show so little respect, sensitivity or insight when it comes to their intelligence and self-determination.

[English]

**The Chair:** Dr. Fry.

**Hon. Hedy Fry:** Very well said, Valérie, I must say.

Having been a physician for 23 years, I have to tell you that I do not see this from the same perspective as you. I think Valérie makes a very important point. If we remove—and I think this is what we want to talk about—the work environment, the exploitation, the risks involved, health and violence.... If we take those risks away, surely—and I have seen this in my practice—there are women out there.... I know you don't want me to editorialize.

I had a patient who is a doctor now—and when I say doctor, she was not a medical doctor but a doctoral student. She was from Quebec. She came to Vancouver. She didn't have to take a student loan out; she made her money. She was an intelligent, brilliant woman. She went in, she made her money every night, she came home with her money. She paid her school fees. She was doing this for a period of time. She wanted to move forward and do some other things. She did not see herself as being degraded.

I'm saying that what we need to remove the concept of morality from this discussion and talk about the fact that some women will see this as a choice. They see it as a commodity, a marketable one. They have the ability to market it because they have all of the marketing tools, and they can rise above it enough to believe that they are the ones in control, the ones who have a product that people want; therefore, they are proud.

I'm not saying this is true for most women, but if we remove this ability to think outside the box for a minute, if we say that this could be a choice and removed all the negative pieces out of it, it could be a valid choice for a small percentage of women. If we can't see outside of that box, we will not be putting the right solutions in place because we would have moralized on the issue and not dealt with it as the real problem that it is in terms of safety and violence and prevention and rehabilitation where people wish to have that. I think that's important—and the exploitation pieces.

I was going to ask the question, but Valérie answered it before I could ask it. It was the truth. The whole issue of consent is one that we must consider when we're looking at solutions here, and not just throw it away as being a meaningless kind of thing. There has to be an issue of consent here.

● (2005)

**The Chair:** Does anyone wish to comment on Dr. Fry's comments?

**Dr. Frances Shaver:** I'd like the opportunity to answer the honourable member's third question, which I didn't. That was the business of glamorous call girls and the despair with which we often see sex workers. I think it's a very complex issue, and I'm glad you asked the question. This is why I'm grabbing the opportunity to answer it.

Certainly the way in which the men, women, and transgendered view each other varies, but I think what's important to say in that context is it's not necessarily a descent downward, that if we start at the high end, we're going to end up at the low end. Because again—and I guess this reinforces what Valérie said—there's a lot of back and forth.

Certainly the men and women, particularly those we've interviewed, move back and forth between various types of sex work. They may work inside in the winter, outside in the summer; things will change. But that pattern moves as they're trying to balance their concerns about money, about independence, and about protection from violence. All of these changes will depend on the context in which they're working, whether the police are out, whether the residents are out, and what's happening. Clearly, whether there's a festival in Montreal makes a big difference for what's going on in the street.

So there's a great deal of movement. We can be working the street or we can go back into working as an escort. This is complex, and I don't think we should assume it's all downward.

The other thing is, as with other social situations, there is a difference between workers. There are workers who think, "We're good workers, and those workers over there are bad workers". I picked that up on the street when I was doing my fieldwork. You'll hear it between dancers and the more contact touching that's involved with escorts and street-based sex workers. You'll hear, "Well, we don't do that", and "We are dancers, but we're not sex workers".

That difference of opinion, which is good and keeps us all on our toes to some extent, as long as we're respectful of each other, is clearly enhanced by the stigma associated with sex work and reinforces this kind of distancing, this "Well, I'm not like those bad ones in the east end, who are all into drugs. I don't do that", and "I would never lie to my client; I never cheat my client", and then another group who are professing to be good for a different set of criteria.

So certainly that's there and it's something to be cognizant of. It's there in the stories they tell, and we need to be moving all through that.

I agree in terms of this idea that if we can get rid of the exploitation, modify sex work as we know it and remove those hazards, we could well end up with a kind of sex work that is free from much of the sexual race and class discrimination that's currently ingrained in the job. If we therefore are moving toward a form of sex work that is free from emotional prejudice, where those who become sex workers are adults and clearly are not compelled to do so, when sex workers are no more economically exploited than other wage workers in lots of situations who are clearly exploited, and when the buying and selling of sexual services is equally available to both men and—why not—women, then more than half the battle, I think, will have been won.

• (2010)

**The Chair:** Thank you, Dr. Shaver.

Madam Roy, do you have any comment?

[*Translation*]

**Ms. Yolande Geadah:** I think there is a very important distinction to be made here between individual choices and collective choices. An individual choice can be accepted and tolerated to a certain point, but a collective choice means accepting the system as a whole. I am not denying the fact—you yourself pointed this out and I also know people like that—that some have derived some benefits from prostitution. For a certain amount of time, they did do that, because they made a lot of money and then got out of it. But they are exceptions and don't reflect the majority. If that were true for even 1 per cent of prostitutes, it would be extraordinary. It is less than that. The question is whether we need to implement a legislative system and collective choices that suit that 1 per cent of the population or whether we should consider all of the facts and negative implications for everyone involved.

As far as I'm concerned, there is no moralizing involved here. It's simply a matter of human rights. Prostitution is no longer a moral issue, as it used to be. It is an activity that violates human rights in a thousand and one different ways. People are consumed as though they were sexual ready-to-wear. And the vast majority of them are women from the Third World, working in southern countries that are imported and to whom the customers are sent so they can consume them on site. These are women and children with no other choice. I don't deny the fact that some of them do derive benefits from prostitution, but in my opinion, they will always have the choice of doing it or not doing it. Society should not be implementing a system or passing legislation that only reflects their particular interest. I think we have to consider the interests of all the players. In my opinion, it's not matter of moralizing. It's a matter of human rights and that is how we should see it.

[*English*]

**The Chair:** Thank you, Ms. Geadah.

Madam Boucher, do you have a final word? Nothing?

Madame Roy.

[*Translation*]

**Ms. Michèle Roy:** What we are demanding is the right to equality. As long as we're part of the system where the vast majority of people who benefit from this are men, and where the vast majority of people subjected to it are women and children, there will be inequality, and that is what must be understood. This is not, first and foremost, about personal or individual choices, or about sexual morality. It is first and foremost about inequality. I believe Canadian society has to choose the kind of society it wants to make available to men and women.

[*English*]

**The Chair:** I'd like to thank all of you for your comments. We've gone over our time, but I think we've all enjoyed it; it's been a lively discussion.

Madam Davies.

**Ms. Libby Davies:** Sorry, I didn't mean to interrupt you. I just wanted to ask a question, not of the witnesses but of our committee, before we recess.



**The Chair:** Okay, perhaps we can dismiss our witnesses and let them go home. We'll discuss that after the meeting.

Again, I thank you very much for your presence here tonight. We appreciate it. We're going to have to wrestle with a lot of these things.

**Ms. Libby Davies:** I actually just want to...*[Technical difficulty—Editor]*...very comprehensive list. I've made this point before, but I just want to make sure it's not lost. That is, we need to build in some opportunities when we are out in the communities to actually have some hearings in camera and actually work with various organizations. It might be Stella, Pivot Legal Society, PACE Society, or WISH. There are various organizations. So we'll actually hear from sex trade workers, and we may even have to divide up and not do a formal hearing like this.

So I wanted to know if the committee actually agrees that's one way we will operate. We may have to be very sensitive about how we do it.

**Hon. Hedy Fry:** Move it and we can vote.

**Ms. Libby Davies:** I so move.

**The Chair:** Yes, the researcher and I have discussed that. It's a sensitive issue how we're going to approach it, even to have members of the sex trade come forward. We may seek the assistance of organizations that deal with these men or women.

I certainly don't think we necessarily have to have a motion on it.

**Ms. Libby Davies:** Okay. As long as it's understood that it might not be in this kind of setting.

**The Chair:** We appreciate that.

**Ms. Libby Davies:** It might be off the record. We may go in pairs, or something, into a community and just meet with some people.

**The Chair:** I think our researcher would like to comment.

**Ms. Lyne Casavant (Committee Researcher):** We discussed earlier the need to find a strategy. I think I'm going to try to talk to people and try to find the best strategy for getting the views of different sex workers and people who have experienced sex work in the past.

● (2015)

**Ms. Libby Davies:** Okay, and then come back with it.

**Ms. Lyne Casavant:** Yes, I'll come back with a strategy to you next week or at the end of...

**Ms. Libby Davies:** That's good. Thank you.

**The Chair:** Mr. Hanger, do you have a question?

**Mr. Art Hanger:** I have a question on witnesses...for Mr. Girard. I put in an additional one or two witnesses to add to the list. I looked at the last copy of the official list of witnesses, and they were not on there.

**The Chair:** Tonight it's a little late, so I suggest that we go over the witness list again on Wednesday evening to ensure that everyone's..... We also have some additions from Edmonton.

**The Clerk of the Committee (Mr. Marc-Olivier Girard):** I know these witnesses will be on the next list that will be presented, yes.

**Mr. Art Hanger:** The Edmonton trip wasn't noted on here, either. Was that an oversight?

**The Clerk:** On which document?

**Mr. Art Hanger:** On the last list of documents that were to reflect what we would be doing.

**The Clerk:** I think it says "prairies", meaning that we'll go to Edmonton. It's under "prairies".

**Mr. Art Hanger:** Well, if it's not there it was an oversight. "Prairies" is noted, I guess, but the witness I suggested—

**The Clerk:** Yes, but they will be there on the next list.

**Mr. Art Hanger:** On the next one? Okay.

**The Chair:** Thank you for bringing that to our attention.

Any other questions from our members?

Very good. Thank you for your attention and patience. It was a good session. Thank you very much.

The meeting is adjourned.





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