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Mr. John Maloney

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•(1815)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): I'd like to call the meeting to order and address our orders of the day.

I apologize for being three quarters of an hour late. We just finished a vote, as you've probably been briefed.

With us this evening are Deborah Brock, an associate professor from the Department of Sociology at York University; Aurélie Lebrun and Lyne Kurtzman, from the Alliance de recherche IREF/Relais-femmes; and Professor Richard Poulin, from the University of Ottawa's Department of Sociology.

I would ask Deborah Brock to lead off.

You have roughly ten minutes for your presentation. It will be followed by our first round of questions from our panel, at seven minutes each. I will probably intervene at about nine minutes into your presentation. When I intervene, it's perhaps time to think of wrapping up; otherwise, we'll be here for hours.

Ms. Brock.

Mrs. Deborah Brock (Professor, Department of Sociology, York University): Thank you very much for inviting me.

I've been conducting research on prostitution for about twenty years now, and for more than twenty years I've been insisting that prostitution is actually a matter for social policy rather than criminal law. During that time, I've interviewed and had conversations with many women and young people working in prostitution. I've also been employed in a social service agency mandated to address the needs of young men working in prostitution, I've engaged in collaborative research projects with sex workers, and as much as possible I now try to write and speak in conjunction with sex workers rather than about them.

When I began doing work on prostitution, around the time the Fraser committee was deliberating, really only Professor John Lowman, in Vancouver, and Professor Fran Shaver, who was here in Ottawa at the time and is now in Montreal, were doing this kind of research. Since that time a national research network has been established and has been generating some empirically based qualitative and quantitative data on prostitution and the impact of its regulation.

Fran Shaver alone, I know, has interviewed more than 400 sex workers—primarily sex workers working in prostitution. I know

Professor Shaver has already appeared before you and has provided you with some of her empirical research findings. She has challenged a homogeneous view of sex workers being uniformly bleak and exploitive, and has critiqued popular perceptions about sex work and workers. My own research, while it's not as impressively empirically grounded as hers, does support the findings of her research and that of other researchers in the network.

My own expertise lies primarily in the study of the regulation and policing of prostitution, and this was the topic of my book *Making Work, Making Trouble: Prostitution as a Social Problem*, which I published with U of T Press in 1998 and which I'm sure you all eagerly read before my presentation. Here are some of my general findings.

Women working in prostitution are stigmatized and penalized for the work they do as they attempt to meet their economic needs. Many of them, if not most, see this work as an opportunity to improve their life conditions. Sexual abuse, violence, and low self-esteem are overestimated as determinants for entering prostitution; however, their personal safety does become compromised once they enter sex work, as a result of being named as marginal disposable women deserving of legal prosecution rather than of legal rights.

I think young people working in prostitution are better conceptualized as engaged in survival sex. It is survival sex that is generally sporadic, and it may be only one source of income opportunity among a number that they participate in. Sex for these young people may be exchanged for money, food, a warm place to sleep, or drugs. It's considered by them to be a practical, utilitarian kind of transaction directed to meet their immediate needs. From work with young people working in prostitution, I would say their engaging in survival sex is not so much a problem of prostitution per se, nor one that prostitution-related legislation can solve. Their problems are much more systemic and broader, and occur prior to their entering or engaging in survival sex work. These young people will continue to engage in survival sex where their needs aren't being met within the context of the family; where alternative, non-coercive means of support do not exist; and where economic and education opportunities for them are limited.

Since the introduction of the communicating legislation in 1985, there has been no apparent reduction of street-level prostitution. It has, however, made the streets much more difficult and dangerous for sex workers, who are more likely now to work alone and have less opportunity to be selective about their customers. Moreover, shifting land use patterns, particularly through redevelopment of downtown cores in Canadian cities, has disrupted established prostitution areas, thereby creating a social problem in these areas as more affluent residents move into the downtown cores and insist that prostitutes move out.

The question remains, where should they move to? As much as the advocates of programs like StreetLight would like to reform prostitutes and get them out of the trade, many sex workers prefer the work to the alternatives available to them. Should they leave, of course, someone else will soon come along and take up their corner.

Criminalization, it should be noted, has had significant negative consequences for sex workers, but no demonstrated benefits. It does not keep women and young people out of prostitution; it stigmatizes and socially isolates participants, making them more vulnerable to exploitation; it makes working conditions significantly more difficult and dangerous, as I know John Lowman will be discussing in a couple of weeks in his presentation to you. In addition, it criminalizes people for the work they often feel compelled to do out of economic necessity. Therefore, I support the repeal of prostitution-related legislation from the Canadian Criminal Code.

●(1820)

I'd like to name some of my reasons, and then I'd like to name some alternatives that need to be investigated.

Street solicitation is a geographically specific, localized concern, not a national problem, and prostitution-specific criminal legislation is not necessary or appropriate to address the nuisance effects of street solicitation. Rather, municipal by-laws regulating noise, litter, and so on can be enforced when necessary in order to address any nuisance effects. This is an approach that doesn't single out these sex workers as a criminal class.

By the way, nothing has been done to make indoor options available to these sex workers once they are encouraged to leave the street. One way to encourage them to leave the street would be, of course, to repeal bawdy house laws and make indoor options more appealing to them, again not in a criminalized context.

This may sound impractical to some who fear an influx of prostitution will result from decriminalization, but I'd like to remind you that these kinds of fears always accompany attempts at criminal law reform that seek to loosen the net of regulation. These fears are seldom borne out.

The most complicated element in implementing a decriminalization strategy is to secure agreement between the federal, provincial, and municipal levels of government. I acknowledge that this process will not be easy. Municipalities will demand some level of autonomy in determining local-level regulation of indoor and outdoor prostitution. This will be a complex process, so it demands further research and consultation prior to its implementation, but this research must be done if we're going to move forward on this issue.

Given that the avoidance of exploitation of sex workers is also a key concern for the federal level of government, the interests of persons working in the sex industry will need to be taken into account in municipal-level planning. The rights and obligations of sex workers must be clarified and confirmed by provincial labour legislation. Indeed, labour legislation that addresses adult prostitutes as working people will provide that framework for the safeguarding of these workers' rights, balancing the interests in municipalities and local-level regulation. As you know, there are now numerous sex worker organizations in place across the country that are ready and willing to participate in this dialogue. I trust that you will be consulting them soon.

The discussion paper "Is Work Working? Work Laws that Do a Better Job" was just released by the Law Commission of Canada in December 2004, as you may know. It argues that stigmatized workers, such as sex workers, require greater labour protection in Canada and that this aim of greater labour protection is inconsistent with the current regulatory framework. The commission suggests that worker associations, such as collective bargaining agents or unions, professional associations, and employee associations, can benefit marginalized and stigmatized workers. This should be buttressed by progressive labour and employment legislation. I ask you to consult this document in your deliberations.

I do want to see prostitutes and other sex workers protected by law. Where the exploitation of sex workers by other persons occurs, I recommend that police enforce existing legislation in the Criminal Code, such as sexual assault, other forms of assault, fraud, abduction, theft, extortion, forcible confinement, and so on. There are plenty of criminal laws to deal with the abuse impacts on prostitutes. These name and target the actual problem rather than relying on prostitution-specific legislation. For example, procuring legislation, which should also be repealed, is so sweeping at this time that it encompasses all prostitutes' voluntary relationships.

I want to conclude by stating that we cannot attain equality for women without implementing measures for social justice.

●(1825)

The Chair: I don't want to cut you off, but perhaps just slow down. Our translators are having difficulty keeping up to you.

Mrs. Deborah Brock: I'm sorry.

I want to conclude by stating that we cannot attain equality for women without implementing measures for social justice, but there can be no social justice for women working in prostitution without decriminalization of prostitution.

I apologize for going so fast. I was just so concerned about the time.

The Chair: You were right on the mark. Thank you very much.

Madam Lebrun and Madam Kurtzman, I understand you're both making a presentation. However you've split it up—perhaps five and five—we're looking at probably ten minutes for both of you included.

[*Translation*]

Mrs. Aurélie Lebrun (Research Officer, Alliance de recherche IREF-Relais femmes): Thank you.

The current prostitution laws have a negative impact on society in general and women in particular. In this regard, we believe that the acts of prostituted women should not be criminalized.

Prostituted women are victims of police enforcement, violence at the hands of customers, isolation and social stigmatization. They also have limited and inadequate access to health services.

Apart from these consequences, which are the most widely recognized, it should not be denied that a significant proportion of prostitutes are also exploited by pimps, the vast majority of whom are men, who are their managers, agents, spouses and romantic interests. These people, men in many cases, abuse them, harass and rape them in order to profit from the proceeds from the exploitation of their bodies.

While there is a media spin defending the individual right to use one's body as one wishes and legitimizing prostitution as a profession like any other, it is in fact the sex merchants and pimps who make a career of it and make considerable profits, not the prostitutes.

Research generally shows that most women in prostitution, while they temporarily manage to earn a living, experience major dependence, health, mental health and violence problems and that their careers “in the trade” often end in a dramatic and premature manner.

These facts are known to researchers and workers, but many, including us, feel there is an urgent need to get a fuller picture of the world of prostitution so that legislators and the various social players involved, that is to say social workers, the police community and the health communities, can make informed decisions.

However, we don't think a mere reform of the Criminal Code is sufficient to solve the problems raised. We'll come back to this in the suggestions at the end of our presentation.

Currently in Canada, Criminal Code enforcement focuses essentially on street prostitution because the law defines prostitution as a public nuisance, which means that the law is essentially enforced when prostitution disturbs the merchants or residents of a neighbourhood.

In Montreal, for example, massage parlours and escort agencies, where a large part of prostitution activity is carried on, are only very rarely subject to police intervention, unlike the street, where most police activity is focused.

This state of affairs is symptomatic of our knowledge and perception of the world of prostitution. Police officers rarely go to the places where prostitution is hidden, and these places remain very difficult for researchers and social workers to gain access to. As a result, our knowledge of the phenomenon is limited to street

prostitution, which is estimated to represent less than 20 percent of prostitution activities, according to certain studies.

So what actually happens in massage parlours, which are flourishing, in escort agencies, over the Internet, in private apartments? Who are the prostitutes? How old are they? Are they minors? Are they women who have been trafficked from outside the country? Have they chosen this activity? If so, how do we explain why pimps recruit their “employees” outside high schools, by targeting the most vulnerable among them and in the least politically and socially well-off and unstable countries in the world.

The still fragmentary information from our research shows that this is a world of violent and exploitative relations. We can no longer continue to disregard this other population, knowing that it is in this not negligible category that minors enter the world of prostitution and people who may potential have been victims of the sex trade are concealed. If we want to begin a review of the prostitution laws, shouldn't we start by examining our desire and ability to seriously document the phenomenon, without the hypocrisy which, as is noted, consists in, for example, partially enforcing the law or targeting and essentially criminalizing prostituted women.

● (1830)

Since the Fraser Report was published in 1985, the world of prostitution has undergone profound change. Sexual services offered have diversified and access to those services has expanded. All these changes are in response to the imperatives of a globalized economy. In this particular context, we're observing for the first time that women have moved to the front ranks of international migratory movements, and it would not be an exaggeration to assume that this constant increase in the number of migrants is due in part to the expansion of the sex industry.

In the context of this testimony, we would particularly like to draw your attention to the urgent need to become aware of sexual trafficking in women and children in Canada. We think it important to make the connection between sexual trafficking and prostitution because these two realities are part of the business logic of offering a product—a regularly renewed supply of women's bodies and sexual services—at the lowest, most flexible price possible. This is why the sex industry has turned to foreign countries to recruit poor women, who are pushed into prostitution by a lack of resources.

Our research shows that both local prostitution and international sex trafficking are under the control of criminal groups such as Hell's Angels, the Russian mafia and the Chinese mafia. Together with international trafficking, there is a developing domestic Quebec traffic under the control of street gangs in which young girls from Rimouski or Gatineau are forced into prostitution in, for example, Niagara or Toronto.

● (1835)

[*English*]

The Chair: Madam Kurtzman.

[Translation]

Ms. Lyne Kurtzman (Research Officer, Alliance de recherche IREF-Relais femmes): I'm going to continue in the same vein. After a few months in the field, we know that trafficked women and children do not wind up on the street, contrary to what happens in Western Europe, for example.

In Quebec, it appears that most sexually trafficked women wind up in motels, escort agencies, strip bars, massage parlours and private apartments so that they are virtually never exposed to the public.

The sex trade is an underground industry yet, paradoxically, highly publicized and accessible to anyone. Its development is assured by legitimate institutions: the Yellow Pages—you need only flip through them—newspaper advertisements, the Internet, major sports events and certain government programs, such as visas for exotic dancers provided by two federal departments—as we recently saw—the Department of Immigration and the Department of Human Resources. Currently documented sources have established that a number of Romanian women who came to Canada under this government program were forced to provide sexual services, sometimes under threat of considerable violence.

We think it very important to put an end to this silence, tacit or otherwise, which truly jeopardizes these women, who are victims of lax law enforcement and of the idea that prostitution is acceptable, provided it is not a public nuisance.

A number of federal government departments have conducted studies to document the actual situation regarding the sex trade in Canada. We believe the work of this Subcommittee on Solicitation Laws should consider the findings of those studies and of the studies currently under way in a number of places in various research communities.

Canadian laws regulating prostitution should not constitute a form of implicit encouragement of sex trafficking in women and children. Parliament has a duty of care in formulating its laws. Similarly, there's work to be done to harmonize the laws of the various levels of government to ensure consistency in drafting and enforcing laws concerning sex trafficking and prostitution.

We believe it is time to take a stand on prostitution and to define our position as a society. We believe the notions of indecency and tolerance levels are obsolete criteria for legislation purposes, particularly since they do not reflect the views of those in the sex industry, in this case of women.

The laws are not neutral instruments or instruments that merely adapt to the surrounding culture: they also defend specific models.

At the UN World Conference on Women in Beijing in 1995, the Canadian government recognized the various consequences that Canadian laws and policies could have on men and women. It then made a commitment to implementing a gender-based analysis process in all federal departments and agencies before adopting any new policy or laws.

What has become of that commitment in the review of prostitution laws? When you know that the vast majority of customers are men, that the profits essentially go to the sex merchants and pimps, the

vast majority of whom are men, and that sexual services are rendered by women and children, isn't there an urgent need to expand our analysis to include society in general and to take a more comprehensive look at relations between men and women?

We regret that the emphasis is placed on the secondary phenomenon, that is solicitation and communication, or on the appearance of good morals, not on the basis of prostitution practice, which is an unequal relationship between the sexes and specific exploitation of a small percentage of women. We must avoid introducing provisions that remove barriers to the trade in women's bodies and legitimize the fact that men have unlimited access to the bodies of a certain number of women, thus creating two classes of female citizens: so-called respectable citizens and those dedicated to the sexual comfort of men.

● (1840)

In closing, we would like to make a few suggestions that may be of use in the rest of your work: continue documentation and research work on prostitution and the sex industry and, together with Status of Women Canada, which is responsible for gender-based analysis, undertake a gender-based analysis process in a perspective of equality between men and women; open a national consultation process and stimulate a society-wide debate in order to take a stand on prostitution as an unacceptable act in a society based on equality between men and women and respect for the rights of the child; introduce an in-depth legislative reform that includes laws concerning sex trafficking—we're thinking, among other things, of the Immigration and Refugee Protection Act—and adopt a full legislative apparatus that comprises a set of social education, prevention, social integration and economic programs for prostituted persons. This apparatus should also include laws to protect women victims of sex trafficking and to enable them to institute legal proceedings, where necessary.

This reform should be designed in particular to put an end to police enforcement, stigmatization and discrimination against prostitutes and also to completely decriminalize women and all persons who prostitute themselves. However, it should continue to criminalize persons who profit from prostitution, be they customers, pimps or owners of sex businesses; guarantee the protection of and access to health services for prostituted persons and victims of sex trafficking in Canada; introduce information and awareness campaigns clearly condemning the buying of and trade in the bodies of women and children and to denounce them as criminal acts unacceptable in a society that advocates gender equality and the rights of the child; maximize the impact and coherence of an eventual bill by ensuring harmonization between the various legislative levels.

I'll stop there, Mr. Chairman.

We would like to suggest that, when the subcommittee travels to the various cities of Canada, it seek the testimony of women's groups working on issues relating to violence against women because they are in regular contact with women who experience violent situations in the prostitution community.

Thank you.

The Chair: Thank you, Madam.

Mr. Poulin.

Mr. Richard Poulin (Full Professor, Department of Sociology, University of Ottawa): Good evening and thank you for the invitation.

I'm going to start with two anecdotes. We're going to take the case of Germany, where prostitution was legalized in 2000. Of course there is a consequential logic. First, all businesses with 15 employees or more are now required to hire apprentices, including brothels, so including the eros centers. This of course requires us to make a social choice. Who would agree to send their 18-year-old daughters to work in a brothel as apprentices?

The other problem is that, and this happened quite recently, once again in Germany—consider the logic of the legislation—women on unemployment will lose their unemployment entitlement if they do not accept offers of employment from brothels. There is a logic to the legislation, and it's that logic that I'm talking about here.

You have the brief I provided to you, in which I summarize the experience of the Netherlands, Germany and Australia. I won't go back over it too much because I believe we can say other things.

There are two ways to stop prostitution. You can take the short view, which is that we don't need to analyze the question of prostitution with pimps and customers. We focus essentially on prostituted persons, whom we characterize as sex workers. In this kind of discussion, you never hear it said that there are social relations that have a decisive effect in prostitution and which are conditioned by the fact that there are three main actors: the pimp, the prostituted person and the customer. The sex industry of course provides a framework for all that.

However, between 85 and 90 percent of prostituted persons in the Western world are under the control of a pimp. It's even worse in Third World countries. That's significant. The average age at which a person enters prostitution in Canada—these are people recruited by pimps—is 14; it's 13 in the United States. Personally, I can't say any free choice is being exercised when a 13- or 14-year-old person enters prostitution. I don't call that a trade either.

The mortality rate of women and children forced into prostitution in Canada is 40 times higher than the national average, which means that prostitution is conditioned by violence, on the part of both pimps and customers. This isn't solely attributable to the conditions in which prostitution is carried on, contrary to what my colleague Deborah Brock claims. It's prostitution itself that is violent, not its conditions.

Consequently, I think we must understand prostitution as a three-way social relationship and see the power relationships involved in it. According to a survey on prostituted persons, if those persons had the choice and the means to get out, 92 percent of them would prefer to do something other than prostitution. So I think that's significant.

Here are some other figures, which are cited by Badgley, who directed the investigation into child sex offences in the same years as the Fraser Report. He estimates that there are 10,000 child prostitutes in Canada. It has been noted, among other things, both in Australia

and the Netherlands, that, where there is prostitution legislation, there is an increase in child prostitution. In fact, in the Netherlands, the number of children increased from 5,000 to 15,000. So when prostitution is legalized, organized crime doesn't lose control of it. We see an increase in prostitution and, as a consequence, an increase in trafficking for the purpose of prostitution and an increase in the prostitution of children, including those from outside the country and who are therefore victims of trafficking.

In my view, these are conditions that frame any analysis of prostitution and thus any analysis for the purpose of changing the laws. I'm not a legal expert; I'm a sociologist. So I'm essentially concerned with social relations. Furthermore, I know that Canada is a signatory to the UN Convention on Transnational Organized Crime, and thus a signatory to a convention against trafficking in women and children for purposes of sexual exploitation.

• (1845)

The definition of victims of trafficking set out in the convention states very clearly that there's no notion of consent. Those who defend the sex work perspective say that a distinction must be drawn between voluntary prostitution, forced prostitution, forced trafficking in women and voluntary trafficking. The convention states that that is not the case. Canada is a signatory to that convention.

It is also a signatory to another convention, the Convention on the Rights of the Child. Canada is very militant with regard to that convention. It is internationally recognized for its involvement in the convention, which rejects pornography, child prostitution and so on. Canada therefore has a firm position on the subject.

Consistent with those two conventions, plus that of 1949, to which Canada is also a signatory and which is called the abolitionist convention—and Canada's laws stem in large part from the 1949 convention—Canada, if it's serious, should therefore make its laws based on them. The 1949 convention states that, like prostitution, trafficking in women and children for purposes of prostitution, is shameful. It also states that no country should accept it. It decriminalizes the activities of the prostituted person and criminalizes those of persons who take advantage of prostituted persons, that is to say pimps. That's a fundamental point.

Switzerland goes a little further now. It considers prostitution as violence against all women in society. It has therefore criminalized pimps, taken a tougher stand against them and against traffickers and also criminalized the demand. Since prostitution exists because there are people who want to profit from it, it has therefore criminalized customers.

The attitude is that prostitutes are victims of a system of prostitution which is now both global and national and which is linked to organized crime, something that is very well known to police forces. This is clearly shown in all the reports of Europol and Interpol and American reports as well: the link is very strong.

Even pornography is linked to organized crime, despite the fact that it is legal. In the last report I saw in the United States, the police—the FBI and so on—estimated that between 76 and 100 percent of all pornography production was under the control of organized crime. If Canada is a signatory to a convention on transnational crime, should it take a position consistent with that convention under which police officers, judges and so on may prosecute whoever must be prosecuted, and not attack the victims, that is to say prostituted persons, who, in most cases, are entrapped by police because they're visible? They're mainly the ones who are arrested under the solicitation laws, much less so customers, even though they're also contemplated by that same measure.

I'm going to cite two examples. An abolitionist country like France, with a population estimated at 61 million inhabitants, who, as the myth has it, view sex as a very good thing, has as many prostituted people as a small country like the Netherlands, which has 16 million inhabitants, and one-twentieth that of a country like Germany. We're talking about 300,000 prostituted persons in Germany, which has approximately 82 million inhabitants. So you see that legislation has the effect of exponentially increasing prostitution and, consequently, trafficking for purposes of prostitution.

It is estimated that, in Sweden, there are about 100 prostituted people per nine million inhabitants. Sweden is the only country in Europe that escaped the wave of trafficking in women for purposes of prostitution. In neighbouring Finland, where prostitution is legal, there are an estimated 15,000 to 17,000 victims of trafficking for purposes of prostitution every year.

In these conditions, it is therefore clear that your thinking on the issue will be decisive with regard to the type of society we want, the type of society that will develop.

● (1850)

There is another argument in support of this demonstration. Canada is a signatory to the Convention on the Rights of the Child. And yet, once again, children who engage in prostitution are not even considered as victims, but rather as criminals.

I'll give you an example. In Vancouver in the 1990s, prostituted children were charged 59 times more often than their male customers. In six years, only six men were charged with soliciting a child. Under the international conventions, a child is a human being under 18 years of age. Only six men were charged, and two were convicted. During that same period, 354 children were charged with solicitation. So it's also an education problem.

Then things changed. Now police no longer harass prostituted persons. They consider them victims of a system of pimping. They attack those who create the demand: pimps and customers. That's one solution.

I hope the subcommittee can observe the Swedish experience and learn lessons from it. I remind you that it is the only European country that has escaped trafficking in women and children for purposes of prostitution.

Thank you.

The Chair: Thank you.

You have seven minutes, Mr. Hanger.

[*English*]

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

I'd like to thank all the witnesses for appearing today. You've certainly made some interesting presentations.

In my former life I was a police officer. I was involved in working for the vice squad for a period of time, undercover for the most part. Those were different years, in a different time. In terms of street prostitution we just saw the beginning stages of the escort services that sprang out of law changes. Actually, a lot of prostitution went into those kinds of services, massage parlours and the like.

You're absolutely right about the concentration being basically on street prostitutes. I have to say that this was where the enforcement lay. Of course, that brought it in its own level of enforcement, too, in the sense that as time went on, the police, instead of actually dealing with the issue of prostitution, became the referees of prostitutes on the street corners. When disagreements and fights broke out, then they would have to go and resolve the disagreements and fights between prostitutes and their pimps. It became a different kind of philosophy, if you will, where the police engaged in refereeing more than trying to stop or control the problem.

I was interested in one comment you made, Mr. Poulin, about the number of children, or child prostitutes, charged. I've heard this before. The explanation always given to me was that this was the only way they could remove them out of the circumstances in which they were in. I guess that has some merit, but to me it doesn't get rid of the problem.

You have done research on the whole issue of prostitution, on how the present laws don't seem to be working. Has anyone looked at this whole issue of enforcement when it comes to cracking down on pimps and traffickers? Because there is legislation in place already dealing with that particular point.

As well, to what degree are the courts dealing with this issue if it's brought forward by police and prosecutors?

● (1855)

[*Translation*]

Mr. Richard Poulin: I can give you some answers by drawing comparisons with other countries, because I've studied the globalization of sex industries, not necessarily politics.

One of the major problems encountered in Belgium and elsewhere, for victims of trafficking—and there are more and more of them in Canada because Canada is both a destination country and a transit country to the United States—is to find a way to convince people under the control of a criminal ring and a pimping ring to inform on their pimps.

That's very difficult, particularly since they are in a ring where they know perfectly well that organized crime is international—they arrive in Belgium from Albania in particular, and you must understand that the Albanian mafia has a very bad reputation—they know that their parents and families still live in Albania. So there are retaliation measures.

On the other hand, we're really dealing with organized crime. Reintegration centres in Italy and Cambodia have been attacked by criminal gangs in order to kidnap their prostitutes and take them back. They wanted to remove them from the integration centres simply because they didn't want them to testify against them.

The problem is to have a policy to ensure that prostituted persons can testify. For example, in the case of victims of trafficking, they should at least be given permanent residence and not be deported from the country after they've testified. In other words, they testify, then they're deported from the country. So they have no interest in testifying. You have to think of these measures in order to determine causes. Otherwise you have to wait.

It's through information that we can make out a case to prosecute pimps and criminal gangs. And if there are no measures protecting informers, we can't do that. Even then, it's very dangerous because protection is needed, as the examples of Italy and Cambodia have shown. Criminal gangs there defy the government. They attack centres to release prostitutes and bring them back under their control or cause them to disappear.

● (1900)

Ms. Lyne Kurtzman: I would agree with what Mr. Poulin said, that is to say that we absolutely have to protect women who are suspected of being in trafficking situations because they are very often in a situation of inequality when they are arrested. The first suspicion we have stems from the fact that they don't have the right papers. They're in Canada illegally, and they're returned to their countries. That happened not very long ago. We were dealing with a young Asian woman who was returned to her country when she was strongly suspected of being in a ring that trafficked in women. She wasn't given the required papers so that she could first obtain minimum protection in Canada. She didn't want to return to her country, and those papers would have given her a certain number of rights and enabled her to find a defence lawyer. That doesn't happen in Canada.

I know that there's a procedure in the United States for providing them with temporary papers. Perhaps we should look in that area.

Mr. Richard Poulin: There's also the experience of Belgium, where they're quite advanced in the field because Belgium wants to fight the Albanian crime rings. You could also see what's going on there because Belgium is dealing with an extremely violent and dangerous ring.

The Chair: Ms. Lebrun.

Mrs. Aurélie Lebrun: I'd like to add that people who testify must be protected at the local level because, when they're under the influence of violent persons, such as a pimp, for example, they need protection in order to be able to testify. There's also the part concerning police action, that is voluntary law enforcement. Today, at least in Montreal, the police don't go after pimps, unless a complaint has been filed somewhere against a massage parlour. In those cases, the police intervene. Otherwise they're very much aware that criminal groups are involved. They'll be proactive with regard to children, but as regards adult prostitution, there's no real action against pimping. There's also an entire education and a genuine will to enforce the law because they'd have the actual means to do so.

Mr. Richard Poulin: I would recall that the 1949 convention on trafficking in women and prostitution, which was adopted after the Universal Declaration of Human Rights, in the same movement, very clearly states that the states absolutely must develop reintegration programs for prostituted persons.

However, the problem in Canada is that there is no such program. Obviously, if you fight prostitution and don't provide services to reintegrate the victims, this will continue. But 92 percent of prostituted persons are willing to get out of the trade if they're given the means to do so, but they aren't given the means. So it continues: they have to live.

[English]

The Chair: Thank you, Mr. Hanger.

Madam Brunelle.

[Translation]

Ms. Paule Brunelle (Trois-Rivières, BQ): Thank you for...

[English]

Mrs. Deborah Brock: Can I answer as well?

The Chair: Yes, go ahead.

Mrs. Deborah Brock: I'm glad to see that we're all concerned with, first and foremost, the safety and security of women who work in prostitution, whether they are Canadian residents or Canadian citizens or whether they migrate to Canada. But I think we could all agree that the way in which the law has currently criminalized prostitution is a significant part of what puts women working in prostitution at risk. They're driven underground, they're made more vulnerable, they have less access to health care services, and they don't have access to legal services.

Clearly, we need to create the kind of context in which they will be less vulnerable to people who are able to exploit them precisely because prostitution is a criminalized activity. Its clandestine character allows them to be moved across borders or taken advantage of within a given place.

The Chair: Thank you. And I apologize, but I didn't see you indicate an intention to speak. That's why I went on to our next questioner.

Madam Brunelle.

[Translation]

Ms. Paule Brunelle: Thank you all for your presentations, which are really very clear. What's been quite astounding since I began sitting on this subcommittee is to see how the sex industry is flourishing, increasingly so, and to see the globalization of this sex economy, which gives this problem incredible scope.

It can be seen that all stakeholders agree on the need to protect the health and safety of prostituted persons. We hear a lot about social reintegration measures. I believe that's an important aspect.

When we hear about criminalizing pimps and customers, we think that's logical, but it seems to be an insurmountable challenge. When I look at what's been done about organized crime in Quebec, I see that we've managed to eradicate the phenomenon in large part. So there may be a way of doing something.

Could you give us any suggestions on how to go about criminalizing pimps and customers? I don't think we can do that just by changing a few statutory provisions. A broader operation must be possible. Do you have any ideas for us on the subject?

• (1905)

Mr. Richard Poulin: Pimps and those who transport persons from one place to another are already criminalized under the Criminal Code. Perhaps the international trafficking aspect should be reinforced since Canada has become a destination and transit country. That could be reinforced, but that already exists. However, there is nothing criminalizing customers, except in the area of solicitation. That's what's lacking. It's not the fact that they're forcing people to prostitute themselves that's criminalized, but rather the fact that they solicit those people.

Sweden has developed measures in this area, and customers are now prosecuted, even though few have in fact been prosecuted. Eighty-six percent of the population supports the Swedish law. There's a very strong consensus on this. There has been a decline in the number of prostituted persons and a radical drop in the number of customers, which is very important.

In Western Europe and North America, it is generally estimated that 10 to 15 percent of men use, or regularly use, prostituted persons. In Thailand, where prostitution and sexual tourism have developed since the Vietnam War, that is in the past 30 years, where there are purportedly millions of prostituted persons and hundreds of thousands of children, 75 percent of the male population now goes to prostituted persons. In the sex industries, supply creates demand, not the reverse.

According to some analyses, this is part of Thai culture. That's false. Thirty years ago, Thais didn't hire more prostitutes than Western men. It was the developing sex industries that changed "consumption", "consumer" habits. Of course, if 75 percent of the male population uses prostitutes, there would have to be prostituted persons to serve that population. Thailand therefore exports Thai women around the world and imports people from Myanmar, Nepal, Mekong, etc. So there are extreme regional traffic segments, with the participation of organized crime.

In addition—and these are interesting points about relations between minorities in Canada—minority women are exploited in Taiwan, as they are in Thailand. As you know, in Canada, for example, prostitution among Aboriginal persons is higher than elsewhere. There too, minorities are exploited. There is a vulnerability among minorities that enables pimps to recruit them more easily for prostitution rings.

All forms of discrimination and all the imbalances of a society will therefore be reinforced very significantly by the sex industry, particularly if it is legal: then there won't be any more pimps. In Germany, as in the Netherlands and Switzerland, a husband has a right to prostitute his wife, since, when prostitution is legalized, pimping is logically legalized as well. Pimps become businessmen.

There's no more organized crime; now they're all businessmen. But the violence is still there.

[English]

The Chair: Madam Lebrun.

[Translation]

Mrs. Aurélie Lebrun: There are no doubt ways of catching pimps under the act. I don't think an act is enough. It has to be supported by a social program, but education as well. That brings us back to what we asked in our presentation, that is whether we in Canada today believe that prostitution is acceptable.

For example, if you walk down St. Catherine Street in Montreal, you get what I think is a clear message that it's acceptable to a certain degree—I don't know to what degree. At the same time, that message is also sent out to pimps, since no police action is taken against them or against massage parlours, escort agencies or dance bars. They make money; they benefit from the status quo. There's no real action since there's implicit tolerance, even encouragement and trivialization of a certain sexuality.

So you really have to send a clear message. When you pass a law, you have to say at the same time what's unacceptable and what you don't want.

They say that bikers in Montreal never touch child prostitution because the reprisals are real. Prostituting a child is very dangerous for pimps. But trafficking in children still goes on in Montreal, and it's often carried on by foreign mafia groups.

There were arrests in Quebec City last summer. So a clear message was sent. But there aren't any in relation to adult prostitution. A position should be taken on that, at the same time a law is drafted.

• (1910)

[English]

The Chair: Madam Brock.

Mrs. Deborah Brock: I'm a bit concerned about the extent of the focus on pimps, given that so much of the research out there—for example, the work of John Lowman, Fran Shaver, and others across the country—indicates that perhaps the role of pimps in prostitution is overdetermined and that the majority of women actually do work independently in the business.

In any case, regardless of the role or prevalence of pimps, I think we need to raise the issue of how one creates conditions for autonomy for sex workers. That includes, as I suggested earlier, thinking about how we can implement labour and employment legislation, labour employment rights for workers, so that they do have protections as well as rights in the labour force. It would not be a market, a separate kind of criminalized activity that then could be controlled by other parties for their own means.

The Chair: Madam Kurtzman.

[Translation]

Ms. Lyne Kurtzman: We also encounter police cases in our research. We encounter different types of stakeholders concerned by prostitution issues. We meet police officers who tell us they don't have the material resources to conduct raids and track down pimps. They don't have the means to do it. The teams aren't big enough. Priorities are elsewhere. If there is one priority in particular, it's very definitely minors. Everything that goes on among adults is not a priority; it's part of the budgets; it's secondary.

We could definitely state clearly in our laws that buying sexual services is a reprehensible act. It should be said that it's a criminal act. That's not being said right now. That would very definitely be a way of addressing the issues of pimping and buying sexual services. It should be clearly stated in a law and there must also be the political will to establish police teams capable of raiding premises where there is a strong suspicion that child prostitution is being carried on, but also prostitution with violence and sexual trafficking.

There is increasing certainty that the nude dance bars around Montreal—you only need to observe this—in most cases use women who have recently arrived in Montreal from foreign countries, and they have very likely been victims of trafficking.

The Chair: Thank you, Ms. Brunelle.

Ms. Davies?

[English]

Ms. Libby Davies (Vancouver East, NDP): Thank you very much, and thank you to the witnesses for coming today.

It seems to me there's a lot of confusion about what we mean by prohibition, decriminalization, and legalization. Prohibition is often touted as a sort of remedy. That's historically what we've had. Yet when we talk about organized crime, I would think that organized crime loves prohibition, because it creates a field of chaos where there are no rules and no regulations. When it's all underground, that's what organized crime likes, because that allows them to move in and control a situation.

That being said, it doesn't mean that I think we should suddenly move to legalization. I actually want to question the witnesses on the differences you see between legalization and decriminalization.

For example, Ms. Brock, you say that you don't favour legalization. So then what do we mean by decriminalization? I certainly pick up on your point that probably the most difficult issue is looking at the jurisdiction between federal, provincial, and municipal. My own feeling is that whatever we do, we likely won't be able to do it unless we have some municipal buy-in on something, but it's not clear what it is.

To the witnesses, then, how do you see decriminalization working, and how would municipalities actually be involved in that?

• (1915)

Mrs. Deborah Brock: First and foremost, one has to begin with labour legislation—and this is what distinguishes this model of decriminalization that I'm at least proposing from something like legalization. You begin with employment legislation. You begin with having sex workers form professional associations, join unions, and so forth.

Ms. Libby Davies: Isn't that legalization?

Mrs. Deborah Brock: No, it's within a context of removing prostitution-related legislation from the Criminal Code and at the same time establishing a certain set of workers' rights and responsibilities, like those other workers have in the Canadian economy. From there, there will be some municipal-level forms of regulation, just as there are for other businesses. But I don't think that, because it is sex work, it should be singled out for very specific or special forms of regulation.

Ms. Libby Davies: Is that what you'd see legalization as? What do you see legalization as? I'm not clear on how you see the difference.

Mrs. Deborah Brock: What legalization does is create certain kinds of very limited conditions set or determined by the levels of the state about under what conditions sex work can occur and where. It involves licensing. It involves allowing certain forms of prostitution in particular areas of cities and not in others. It puts into place a very rigid form of organization of sex work—some international examples have been pointed out by others on the panel today—and one that actually allows for and intensifies the exploitation of women who work under those conditions.

We've seen how often it is not women who have citizenship rights in a particular nation who will choose to work under conditions of legalization—for example, in a red light district—because their work is so highly regulated and controlled. That is why you find high numbers of migrant women working in those conditions, because they do have fewer options.

With decriminalization, you are removing the prostitution-specific legislation, but you are also beginning from a very firm standpoint of workers rights. Again, the rights and responsibilities, supported by labour legislation, supported by professional associations and unions, are a very significant part of working out under what conditions prostitution takes place, what the wages will be, what kinds of work the workers themselves are willing to engage in. They must have a lot more control over their working conditions than a system of legalization allows.

[Translation]

The Chair: Ms. Lebrun.

Mrs. Aurélie Lebrun: I'd like to come back to the pimps who love prohibition. Coming back to decriminalization, I think some laws aren't enforced today. I'd say that, currently in Montreal, prostitution is simply regulated. When they hide in massage parlours or escort agencies, it's tolerated; it's even virtually accepted. On the street, it's more of a problem. There it's penalized. In Montreal, police officers say that prostitution is virtually legal in Canada, and that's the case. It's in fact regulated. Prostitution activities are regulated by various statutory provisions. There's a way to control them, but the fact remains that the act of prostitution has not yet been decriminalized.

Coming back to the pimps, I think they like the chaos, but they especially like the money, and I believe that prostitution is a very quick way to make it. If ever there were some question of complying with all the labour law rules, I don't think it would work.

In my view, these people are criminals, and they make money quickly because they don't abide by the law. It can be seen that, in countries where prostitution is decriminalized, organized crime is always present. Those people don't want to give up such an easy way to make money. The people who are subjected to prostitution are people who are totally controlled; that's for sure. I think pimping is here to stay. As long as there's money to be made and as long as it's profitable, there will be pimps. I think that's the reality about pimping, and as long as there are girls or other people to exploit, there will be organized crime.

• (1925)

[English]

The Chair: Madame Kurtzman.

Ms. Lyne Kurtzman: No.

The Chair: Mr. Hanger, a three-minute round now.

I'd ask our questioners to be short and succinct with their questions, and similarly our panellists, if you would make a quick, succinct response to the question.

Mr. Hanger.

Mr. Art Hanger: Yes, thank you, Mr. Chairman.

Mr. Poulin, you speak of Sweden and the fact that in that country, I gather, the laws are designed to crack down on both pimps and Johns, I assume. I'm wondering, looking at the overall picture, how does that compare to the Netherlands when you look at the number of charges laid, the number of prostitutes engaged in that activity, and the amount of money that has been stopped, if you will? Because I agree with you that where there's money you're going to find the organized crime. I'm just curious as to how that all plays out in that country when you compare it with the Netherlands.

[Translation]

Mr. Richard Poulin: The comparison is an interesting one, but one that's hard to make, in that there are only about 100 prostituted persons left in Sweden, and between 30,000 and 35,000 in Holland. That's hard to compare because prostitution revenues in Holland, revenues related to organized crime, are much higher. It's estimated, for example, that 80 percent of prostituted persons in the Netherlands are victims of trafficking and that 75 percent of them are in the country illegally, without papers. It's claimed that legalization would, in a way, make it possible to normalize matters and that there would be no more trafficking, no more organized crime and that everything would be legal, but that's contrary to what's going on. In Victoria, Australia, there are now 400 illegal workers in 100 legal brothels. We're seeing an explosion in the industry.

You're perfectly correct: organized crime is interfering in all this and couldn't care less about the laws. It knows it has an open door to develop the sex industry, an extremely profitable industry. Whether it's legal or illegal, this is happening in countries that have legalized prostitution.

So, in those countries, you see an increase in organized crime and organized crime revenues, as well as greater corruption among government officials, be they in immigration or the police, for example, because these industries have so much money it's much easier for them to corrupt.

[English]

Mr. Art Hanger: Maybe these were on their books before, at least dealing with procurers and those living off the avails of prostitution, but I gather that's the concentration not only of the Swedish police but also of the courts. The sentencing must be tough then to take the money and just literally shut the operation right down.

[Translation]

Mr. Richard Poulin: They attacked demand. They essentially focussed on customers. Pimps disappeared from Sweden because they emigrated elsewhere.

By focussing on customers and making people aware that it's not right to buy sexual services, to buy the body and sex of another person, by engaging in education, that reduces prostitution to an incredible degree. In Sweden, there is no trafficking for purposes of prostitution, and that's a fact. These experiences are well documented. A department provides a summary of all these experiences and explains it all on its Web site. I think this is an option you should explore.

• (1930)

[English]

The Chair: Thank you.

Is there anyone else?

Madame Kurtzman.

[Translation]

Ms. Lyne Kurtzman: I'd like to add a comment.

Attacking demand may seem to mean attacking men who are close to us. So the term may seem a bit strong, but you have to look at the Swedish model. It's criminalized, but men are not destroyed after an arrest: there are fines of a few hundred dollars. These men can do community work, if they have no money.

The message is clear: it's criminal; it's an offence; there are fines, and penalties can go as far as imprisonment, in the case of reoffences. We're not talking about putting men in prison for life. We should analyze the Swedish model because it's an interesting one. It's really based on an educational perspective.

[English]

The Chair: Merci.

Madame Brunelle, for a few minutes.

[Translation]

Ms. Paule Brunelle: I was somewhat on that track, and I said to myself that prostitution was an act of subjection. The woman becomes an object. It seems to me there's always a question of violence and possession in the act. I thought it was a courageous political act on the part of politicians to call for the prosecution of customers. It seems to me there has to be a political will.

I also thought an awareness campaign should definitely be conducted, as you said. The image that people mainly have is that of the street prostitute you see in the old movies. It's quite pathetic, but little is known of this area. The general public knows so little about it that there will definitely be work to be done so that politicians can adopt these kinds of measures.

However, my question is about something else. It can be seen that this is a cycle of violence against women. What can be done, while the laws are being changed, to try to protect women and stop this cycle of violence which repeats itself, which continues and which is dramatic?

Mr. Richard Poulin: That's the big question. It's very hard to answer it. Among other things, there should be investment in reintegration houses to help prostituted persons, as Italy has done, and in centres for raped women, battered women, and so on. Services should be provided that people can make use of. That's more or less it.

The big problem is also the family structure as a whole and how it is developing. For example, it's said that between 80 and 90 percent of prostituted persons have suffered incest, sexual abuse and physical abuse as children. As a result, children often run away—hence their youth—or are thrown out of the house and wind up at bus stations and shopping centres, and the organized crime rings and pimps are waiting for them. They're recruited.

So there's a problem of violence at the source. You don't simply become a prostitute for economic reasons. Many women would refuse to prostitute themselves even if they were poor. There's something else that explains the phenomenon. Violence is part of the explanation. Action must therefore be taken on that.

There are laws against incest, violence and so on. I believe we're well armed in that regard. But it's a more general problem. In my book, for example, I talk about the pornographization of the social imagination. Do you know how many pornographic films can be seen on television on the regular and specialty channels? There are messages in pornography. Young people's attitudes have changed with regard to sexuality. There's a different vision of sexuality that also affects the bodies of young people: tattoos, body piercing, etc. So there's a lot of work to be done in this area.

No framework has been set for pornography. I don't know why the Fraser Commission didn't go as far as it should have. Pornography dominates and it's pornography that gives young people their sex education, more than schools or anything else. So we have a general problem. That's part of the sex industry in general. The sex industry as a whole should be addressed.

• (1935)

[English]

The Chair: Thank you.

Madam Lebrun and then Madam Brock.

[Translation]

Mrs. Aurélie Lebrun: In fact, prostitution is a very complex subject, as we have seen. There's trafficking, prostitution in closed areas, in the streets. For example, in Hochelaga-Maisonneuve, a Montreal neighbourhood, prostitution is a way of making ends meet. These are single mothers who can't make ends meet. So there has to be a recognition of poverty among women and of their constant pauperization. Social services should also be put in place to assist these single mothers.

I believe there's a specific answer for each case. For example, as regards trafficking, one thing that is being done a lot in Europe right

now and that could be done in Canada is to go to the countries where trafficked women come from and do preventive work. These women are often coerced. They're told that things are better in Canada and that there are opportunities for them to earn a living. They don't really know where they're going. So they should be informed about what's going on, about what's in store for them, so they can make informed choices if they have to make a choice, if you can say there's any choice when you're in a precarious situation and have no income.

Prevention and education seem to be obvious answers to me. It's also part of our choice as a society to say that prostitution isn't a problem of prostitutes, but a transversal problem across society. We have to define the kind of relations between men and women and the kind of sexuality that we want to have in society as a whole.

[English]

The Chair: Ms. Brock.

Mrs. Deborah Brock: I'd just like to signal that prostitution is actually a fairly complex kind of work relationship. There are a variety of ways in which women come to work in prostitution, with a range of degrees of freedom or coercion in which they enter prostitution. We actually do need to keep in mind a much more nuanced analysis of the business when we are talking about prostitution. Unless we have this nuanced analysis, we're certainly not going to be able to think about strategies, particularly if we are concerned about exploitation of women.

One of the things that concerns me is the representation that violence against women, including sexual violence, is much greater for women who come to work in prostitution than for women who don't. I personally believe the rate of violence against women in sexual violence is very high broadly, across the board. I'm just very wary of this kind of mono-causal explanation that sexual abuse leads women to a lack of respect for their bodies, so of course they go into prostitution.

We can also find lots of women who consider themselves feminists and who would never dream about working in prostitution, but who have also been sexually abused or experienced other forms of violence as children. Instead, their response was to reject something like working in prostitution. So it cannot be a mono-causal explanation.

Some women who experience sexual violence may go into prostitution, others may not, so there must be other factors, other intervening variables, that lead women to work in prostitution. Primary among them is economics, economic necessity. Secondly, they need to have a practical and utilitarian attitude toward sexuality that makes them think being involved in the provision of sexual services is something they can do. They may decide it is a better option than cleaning hotel rooms, working at McDonald's, or whatever the case may be.

• (1940)

The Chair: Thank you.

Madam Davies.

Ms. Libby Davies: Thank you.

I certainly agree that it is a very complex subject, and I think one of the things we have to do is separate out different elements. There's the survival sex trade, and it's very important that there be exits. I think the whole issue of deteriorating socio-economic conditions of women is driving more women into the survival sex trade.

One of the central questions we're going to wrestle with in this committee is what we do consider to be exploitative or coercive. For example, Professor Poulin, you hold the view that all prostitution is exploitative and possibly coercive. I don't know, but in my mind this is something I think we have to wrestle with.

My concern is that we have to provide exits for women, but as long as they're there I feel the current regime is absolutely appalling, and just to criminalize women...or even the Swedish model. We heard on Monday, for example, that the Swedish model is actually driving prostitution more underground. It was interesting and unbelievable to hear you say that there are only 100 prostitutes in Sweden—is that what you said?—with 13,000 in the Netherlands. It makes me wonder what actually is really going on in Sweden. Maybe we do have to come up with some made-in-Canada solution.

I do feel this issue of exploitation and coercion is very important, because we don't want to allow that to happen. But are there other elements that do involve choice when women are there? Do we just abandon them because it's "illegal"?

It's not really a question, it's just something I think we're struggling with. If you want to add anything to that, go ahead.

[*Translation*]

Mr. Richard Poulin: You challenged me at the start; so I'd like to give you an answer.

To understand the phenomenon, I think it's irrelevant to distinguish between forced prostitution and voluntary prostitution. It is relevant if you say that it's sex work, that it's a trade like any other, but it isn't for the purpose of understanding the dynamics of prostitution. The UN Convention on Transnational Organized Crime states very clearly, on the question of victims, that consent, whether forced or not, is of no importance. It opposes trafficking in women and children for purposes of exploitation. That concerns sexual exploitation. It also concerns organs, because some people remove organs in order to sell them. The fact that someone consents to have a kidney removed is irrelevant. I'm working within that logic.

In Canada we don't sell human blood; we give it. We're talking about giving organs, not selling them. The convention I referred to states that organs should not be sold, even less so human beings. So my reaction is to say that the distinction between forced prostitution and voluntary prostitution is irrelevant.

It's said that prostitution is now clandestine. In the Netherlands, 80 percent of prostitution is clandestine, and it's legal. The difference is that, in the Netherlands and Sweden, acts committed by persons engaged in prostitution are not criminalized. In Sweden, acts committed by pimps and customers are criminalized, not those of persons engaged in prostitution. That's a fundamental point for me.

In Canada, acts committed by persons who live off prostitution are not criminalized. What is criminal is solicitation, in other words what is seen. It's legal in Canada for prostituted persons to prostitute

themselves. It's solicitation, pimping and trafficking that are illegal. In our case, it's solicitation that poses a problem.

In practice, persons who prostitute themselves are harder hit than customers. Customers are occasionally arrested. When a female police officer passes herself off as a prostitute, the customer can be arrested the moment he solicits her. Persons who prostitute themselves are subject to more police enforcement than customers, even though some customers could be arrested under the solicitation law.

Blood is sold in the United States. Canada is different from the United States in this regard. Here we give our blood.

● (1945)

[*English*]

The Chair: Madame Lebrun.

[*Translation*]

Mrs. Aurélie Lebrun: I find it hard to draw a distinction between forced prostitution and voluntary prostitution. You often hear about these prostituted persons who make a choice and who are content with that choice. I don't know at what point that choice was made in their lives, but many start young. I'm in the field and I don't meet prostituted women who have a stable life, who have incomes, who are very organized in their lives, who depend on no one and who love their profession.

I have a problem because I meet a lot of workers; I meet the police. I don't see them. On the one hand, I hear stories, I read reports on the health of women, and you see that they're raped, that they're battered, and they say in the end that these are the risks of the trade. I ask the question: can we think that prostitution is really carried on in a manner respectful of women, without any exploitation? Shouldn't we rethink... Isn't prostitution a form of exploitation at the outset?

I've seen references in some reports to persons who list all the problems encountered by prostituted women in strip bars. There's a new report and that's what it says. I call that violence. They say you have to legislate, that that will disappear. At what point do they tell customers to stop pinching them, to stop doing that? You have to educate them, to tell them. Where does this violence come from? I ask myself the question.

I read reports that make me think there's a lot of violence, and the conclusion is all that will disappear once prostitution is decriminalized. I'm in favour of decriminalizing prostituted persons. As for the people who use violence, there are ways to prosecute them for violence, for sexual harassment. Isn't all this sexual violence implicit in prostitution?

[*English*]

The Chair: Madam Brock, could you give a brief response, please?

Mrs. Deborah Brock: Yes.

I'm afraid I can't create any statistics for you. As well, I want to note that I think the concept of free choice in prostitution flattens out the realities of prostitution and how people enter into it, as much as do the concepts of exploitation and coercion. The reality of prostitution, for most people who work in the business, is much more nuanced. The reasons they get into the business are much more nuanced than these polls would suggest.

I would also like to close by having us think about this model of prohibition. It has not, clearly, gotten rid of prostitution, nor has it done anything to ensure the safety or protect the people who work within prostitution. The model of legalization, similarly, has not led to the abolition of prostitution, nor has it increased the safety of people working in prostitution. So that leaves us with decriminalization, doesn't it?

I think what we need to think about is what a workable model of decriminalization is going to look at. Countries around the world, as has been suggested today, have given these models opportunities. They don't work. We have to think of a new way. This is going to be a very consultative process, but I think a process of deregulation is certainly the way we have to go. The use of a broader range of social supports, whether they be social services or other means of social policy, including labour legislation, is the way we need to go with this, now.

The Chair: Thank you.

Mr. Hanger, this will be your final round. Again, could we have short questions and short answers, please.

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

Ms. Brock, I'm just trying to wrap my mind around what you are actually saying when you say you want to create a business environment out of this prostitution environment or profession, to be like an occupation for which people can be trained—which is what any business environment might do. I'm having a hard time understanding where you're coming from with all of this.

I'll tell you my experience, when it comes to young gals. I agree with Mr. Poulin about the age of these young gals that, say, are runaways or fall into the clutches of some procurer or some pimp. They will be wined and dined, they will be bought clothes, they will be given things, they will be paid attention to, and they will succumb to this attention. They will be given maybe drugs, alcohol, whatever. There comes a day of reckoning for these young gals.

This is not by choice, believe me. This is where they are exploited to the max. They will end up having to pay back, and they will be told that. If there's any resistance, there will be force used against them. They will be conditioned for the street, and that is, they will be raped repeatedly, for days on end. They will be deprived of much in their daily life, and then they'll be dumped on the street and told, "Now you go out there and make us some money". It's dollars and cents that make this world turn around when it comes to that kind of prostitution.

I wouldn't want to even dream of seeing something like this turn into a business. I don't know how you can take that organized activity, run by organized criminals, and make it legitimate. It is demeaning. Those young gals are totally destroyed, and it takes huge, huge efforts—I know that there are some programs in this

country—to pull them out of that mess they're in. You explain to me how you could turn that into a legitimate business.

● (1950)

Mrs. Deborah Brock: Well, part of the labour laws in this country do prohibit child labour. Certainly conditions of exploitation are not something that will be tolerated under a decriminalization model.

Certainly the exploitation of young women, young people, in the way that you suggest, does have to be addressed. That's not precluded by a decriminalization model. But, again, I think that we have a broad range of legislation in the Criminal Code that needs to be mobilized around kidnapping, forcible confinement, assault, and sexual assault.

Why aren't the police laying these charges? Why is it they just go after the procuring? They can't get them on the procuring, so nothing happens. It's much easier, I would think, for police to go after exploiters, under these criminal provisions. The criminal provisions are there; they should be used.

At the same time, again, much of the activity of young people who work in prostitution is very casual. Their problem is not prostitution per se but a whole broader array of social marginalization, lack of economic opportunities, lack of family support, and lack of social service supports. And these need to be brought into place to support these young people so they can develop their own autonomy and be able to have the kinds of supports that make them less vulnerable to precisely to the kinds of conditions you suggest.

Mr. Art Hanger: On the last few comments you've made, do you have research that you would like to table with this committee that explains your position?

Mrs. Deborah Brock: Yes.

Mr. Art Hanger: Okay. I'd like to see it.

The Chair: Thank you.

Are there any other comments from any of the panellists?

Madame Kurtzman.

[*Translation*]

Ms. Lyne Kurtzman: The results of the study were published in Quebec City two weeks ago. Rose Dufour, an anthropologist from Quebec City, did a study with prostituted women's advocacy groups. She works with associations of prostituted women from Quebec City and has just published the results of the study. It's called *Je vous salue*. It's interesting. You should get it; it's the most recent. Other studies have gathered testimonials from prostituted women, and I believe only one or two of them talk about choices. They all talk first of all about unbearable work and violence. They obviously talk about their dependence on drugs and rings. Most have gotten out or want to get out, but none of these women talks about prostitution as a profession. They reject it. I'm not saying that all prostitutes refuse to talk about it as a trade, but more and more studies are gathering testimonials. In this one, in any case, the majority very clearly refused to consider prostitution as a trade. It talks about exit strategies for prostituted women. If priority had to be given to what's very important to prostituted women, first we would have to help them get out of this trade, if you can call it a trade.

•(1955)

Mr. Richard Poulin: There can't be any research on the effects of decriminalization because no country has completely decriminalized prostitution. That's the problem.

[English]

The Chair: Thank you, Mr. Poulin.

Madame Brunelle.

[Translation]

Ms. Paule Brunelle: Ms. Brock, at the start of your remarks, you said that, for young prostitutes these were utilitarian transactions and service sex. What did you mean by that?

[English]

Mrs. Deborah Brock: Thank you. When I refer to prostitution involving young people as being casual, I mean they are engaging in a number of activities to survive. They are socially marginalized, for sure. They are without social supports. They may be living on the streets. They may be sleeping on people's couches. Rather than exchanging sex for money, they may be exchanging sex for food, shelter, or whatever the case may be—drugs.

So prostitution becomes a form of survival for them, but it's more an exchange of sexual services, and one of the things they do to survive. They may do a whole range of things to survive. They may do some legitimate part-time work. They may also deal some drugs. They may pick some wallets. There are a variety of ways in which young people are involved in the street, so the exchange of sexual services is often just one means among many for youth who are struggling to find ways to survive when they don't have social support.

[Translation]

Ms. Paule Brunelle: To what extent can legalization improve their fate? If prostitution is legalized, will that improve the fate of these young people?

[English]

Mrs. Deborah Brock: I have never recommended legalization. What I recommended was decriminalization, because I don't believe that criminalizing the activities of these young people helps them at all. Rather it confers upon them a criminal identity that magnifies their problems. It puts them in the criminal justice system, rather than social service systems that would provide the kind of support that would be positive and beneficial for them.

I really don't see the utility of that at all.

[Translation]

Mr. Richard Poulin: Do you advocate decriminalization for the pimp who recruited her as well? That's the issue.

[English]

The Chair: Do any other panellists care to comment?

Madame Brunelle, you still have 30 seconds.

Madame Davies.

Ms. Libby Davies: I'll just ask one last question.

One of the key provisions in the Criminal Code now is section 213, the communicating law. I'd like to get the views of our witnesses as to whether or not they believe that section 213 should be repealed.

[Translation]

Mrs. Aurélie Lebrun: For prostituted persons in general, yes. There isn't just solicitation; there's also the presence of a bawdy house, for a prostituted person. It couldn't be criminalized. Solicitation concerns the street. It's not very clear, but it essentially concerns the street, so yes.

However, I think that section 213, communication, would be one way of making contact with customers. Some reference is made to customers, but they're really invisible. When you talk about prostitution, most of the persons involved are customers. This section of the act is now enforced mainly against women. Why couldn't the opposite be done, that is to say take advantage of this to penalize or discourage customers?

•(2000)

[English]

Ms. Libby Davies: So you agree it should be repealed in terms of how it's used against women, but not the customer.

Mrs. Aurélie Lebrun: For sure. I agree that we should—

Ms. Libby Davies: How would that work? Women could speak to the customer, but the customer could not speak—

[Translation]

Mrs. Aurélie Lebrun: That works today. Today, this section of the act is mainly enforced against women, not really against men. When an undercover agent entraps a prostitute, it's in fact a male agent who arrests a woman. Today criminalization mainly concerns women. It's said that customers are increasingly being arrested in Montreal, but not in significant numbers. If we find that illogical, why not do the reverse?

I believe that action could be taken that targets customers, just as action today targets prostitutes. I don't think prostitutes should be penalized. In Montreal today, they aren't penalized under the Criminal Code, but they are under the municipal code. So there's also action to be taken with regard to the police. Prostitutes are charged with being on the sidewalks and loitering, and so on.

So measures can be taken there as well. The police and all municipal by-laws should change. Prostitutes are victims of the same laws as the squeegee kids, who are mainly boys, by the way. In fact, laws should be harmonized so that the actions of the various levels of government are consistent.

Mr. Richard Poulin: It's quite hard for me to answer, but I would tend to believe that this clause should be repealed, first, because it has historically been used against prostituted persons, not against customers, and, second, because it's not very widely used.

When you open the newspapers or the telephone book, you see advertising for escort services. That's solicitation, that's communication, but no measures are taken against that solicitation. So there's something obsolete in this section. I would tend instead to think that this section should be deleted from the Criminal Code.

Other sections should stay, those on bawdy houses, pimping, trafficking, and so on. Perhaps they should even be strengthened, because the Criminal Code concerns only trafficking between bawdy houses. So it's limited. It should be renewed.

[*English*]

The Chair: Thank you, Mr. Poulin.

Ms. Brock.

Mrs. Deborah Brock: I'm very glad to hear that regardless of our broader perspectives on prostitution, we all agree that section 213 of the Criminal Code should and must be repealed.

I'd also like to say before we close that I find the representation of my position, of my work, as supporting pimping and the exploitation of women a gross misrepresentation, and I'm deeply insulted by that.

The Chair: On that final word, the time is up.

Thank you very much for appearing. We again apologize for not starting as we had planned, but when we have a vote that's where our responsibilities lie. Again, thank you for your wide, diverse views. We appreciate it.

The meeting is adjourned.

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