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**Subcommittee on Solicitation Laws of the  
Standing Committee on Justice, Human Rights,  
Public Safety and Emergency Preparedness**

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**Chair**

**Mr. John Maloney**

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• (1740)

[English]

**The Chair (Mr. John Maloney (Welland, Lib.)):** I now call the meeting to order, and I thank the witnesses for being here this evening.

We would ask the panel to restrict their presentations to approximately ten minutes. After every group has presented, we will go to questioning. First we will have seven-minute rounds, and after that, three-minute rounds.

Madame Bertrand, would you mind starting it off?

[Translation]

**Professor Marie-Andrée Bertrand (Professor Emeritus of Criminology, Criminology and Sociology of Law, University of Montreal):** Thank you, Mr. Chairman.

My presentation will be broken down into four parts. First, I would like to talk about the limited effectiveness of criminal sanctions in the matter of paid sexual services. Second, I will discuss the pernicious aspect of section 213 of the Criminal Code of Canada; third, the vulnerability of women in intimate relationships, whether they are married, separated or sex trade workers; and fourth, I would like to talk about a proposal to amend the Criminal Code on these matters.

My first point has to do with the limitations of criminal sanctions in this area. Some 6,000 offences have been recorded in recent years under the sections at issue here. Three thousand people were charged under section 213 of the Criminal Code. The disturbing thing is not the way in which these offences will be processed by the criminal law system, but rather our suspicions regarding the number of paid sexual services that were never brought to the attention of police officers and the justice system. I would like to be very clear. I do not want more of these cases brought to their attention. I am simply trying to say that because of this rate of repression, Canadians have very little respect for the Criminal Code and those who drafted it.

We do not have any data on illicit sexual practices in Canada. However, since this is a victimless crime, we can compare what we do know because of the criminal sanctions with what we know about other criminal offences for victimless crimes, such as offences under the legislation on drugs. Surveys in Canada have revealed that approximately 2 million Canadians violate the Controlled Drugs and Substances Act. Since I have been directing research on this subject for 30 years, I know that in recent years 40,000 people at most have been charged. This represents a repression rate of 0.1%.

In the case of unlawful sexual practices, we might imagine—and I would leave it up to you to evaluate my hypothesis—that perhaps one million Canadians at some point in their lives have violated sections 210, 212 and 213 of the Criminal Code. If you prefer, let us say half a million or even a quarter of a million people have done so. In any case, with 5,800 recorded offences, the repression rate would be 1.2 or 2.5%.

My comment as a criminologist is this. When the repression rate for a criminal offence is so far below the social phenomenon itself, people become cynical about their lawmakers, who did not properly understand the phenomenon when they passed this legislation, and who suspected, I imagine, that it could not be enforced.

What is even more serious is that this repression rate, or this lack of repression, if you will, reveals that this type of legislation, which has such a minimal impact, definitely lends itself to discriminatory and differential types of enforcement. This is incontrovertible, and I will give you proof of that if you wish.

• (1745)

The enforcement differs depending on the following factors: ethnic origin, age, the degree of poverty, the situation, which I will speak about further in a moment, and the place where the prohibited activity occurs.

This repression rate is even more disproportionate given that this is, as I said earlier, a victimless crime and a phenomenon that is visible only to the police. By definition, the police are supposed to enforce the law in public places. Their role is to work in public places. So what they see, first and foremost, is what happens in the street. That is clear from the fact that the vast majority of the 5,800 people found guilty of offences were charged under section 213.

With respect to complaints from people living in the neighbourhood, they are not about a particular prostitute, but rather about the phenomenon. How can charges be laid against a phenomenon? How can police officers deal with a phenomenon? It is literally impossible. In the case of victimless crimes, we are asking the police to act as social workers. As such, it is really not possible to charge everyone who might be guilty or to charge only those who are the most guilty.

Other paid sexual services performed in homes, in massage parlours, or by escorts are not as visible, of course, and do not expose participants to the same risks. I will come to that in a minute.

I will move now to my next point, which is violence in intimate relationships between couples, former couples and families, and in unlawful sexual relationships. All women are exposed to risks in intimate sexual relationships. As we know, sexual activities in couples, in families and between former spouses are often very dangerous.

I am also a psychotherapist, and I have a private practice. Illegal sexual relationships are definitely not the only type of sexual relationships involving risks. The unhealthy but very real need of a partner to dominate the person who is the object of his or her desire and to control the sexual relationship is very widespread. I have seen this in my clinical observations and also in my practice as a criminologist. This need is sometimes expressed in various forms of sadistic behaviour. Resistance for reasons of hygiene, physical pain, disgust or fear lead to an increased risk that the person will be beaten, humiliated, rejected and so on. These risks in illegal sexual relationships do not disappear because the person works in a house and has the support of an escort agency which tracks the movements of clients, calculates the hours and is familiar with the rates charged.

However, in the case of sexual relationships negotiated through escort agencies or carried out in homes, someone does see the clients. They have to identify themselves in some way. There are some restrictions between the sexual desire and obtaining it, while in the case of street sex workers, the time between the desire for a sexual encounter and the actual event is very short or virtually non-existent.

• (1750)

The situation I am trying to describe is one I know about from things that were told to me in confidence, and also from my professional practice, of course. For street sex trade workers, it is more probable that the sex work will be sadistic, compulsive and painful.

Nevertheless, and I want to emphasize this, there are risks involved in all intimate relationships between men and women, particularly young women. However, a poor, vulnerable woman with no social network who works on the street is 10, 15 or 20 times more "at risk"—I do not like this expression, but it is quick—than women who have other types of sexual relationships.

I have listened to and read the proceedings of your committee. I know you are concerned about women who die while engaged in this type of activity. In a striking article published recently in *Beyond Criminology: Taking Harm Seriously*, a collection of British articles that just came out, an author with a background in geography shows that the most powerful indicator in determining where the sex worker will die is the place where the activities are carried out. The poorer the place, the fewer social resources there are, the fewer multicultural contacts, the fewer social controls in place, the greater the risk to these individuals with so little social support.

This author, Mr. Dorling, thinks the risk of murder for these individuals is 173 times greater if they are working in a poor place with no social resources, contacts or solidarity than if they work in a wealthier place where homes are occupied by people who are responsible, have plenty of space, and so on.

[English]

**The Chair:** Can you wind up in about a minute?

[Translation]

**Prof. Marie-Andrée Bertrand:** Right, I'll wind up.

I now come to my suggestions, as to what I would do if I were in a position to influence the legislator on the bills which you are considering. First, I would recommend legalizing sex work carried out under municipal or provincial licences from homes where the occupants pay taxes and are subject to health screening.

Second, I would recommend fines for street-based sex work, modeled to some extent after Bill C-38, for instance, on marijuana. That would imply deleting section 213 from the Criminal Code and making this amendment to the Contraventions Act, which would provide fines to control street prostitution in terms of frequency and location.

Third, I would work very hard to establish a policy which would allow Canadians to understand the difference between three things the Law Commission of Canada is currently discussing. I'm referring to the difference between unwanted behaviour, a tort, or behaviour that causes damages, and actual harm, which can be used to establish the criminal nature of a behaviour.

Unwanted behaviour, is for instance when a beggar stops me on the street and won't let me move along. A tort would be, for instance, a noise which makes it hard for me to do my work. Actual harm is when my person, my integrity, my reputation, my property or that of others and the security of the state are actually being threatened.

Thank you.

• (1755)

[English]

**The Chair:** Merci.

Ms. Landolt.

**Ms. Gwendolyn Landolt (National Vice-President, REAL Women of Canada):** Thank you very much. It's a great pleasure to be here, and we're very grateful for the opportunity to speak to this issue, which has been troubling our organization for many, many years.

One of the problems we see with the prostitution law is that it is both illogical and hypocritical. In other words, there's no crime of prostitution, but it's with communicating. Keeping a common bawdy house or procuring are the offences. You can have an escort service and are never bothered. A massage service is not bothered. But when you are on the streets, then the Canadian law seems to take effect. It seems that where it occurs is the offence, not that it's occurring at all.

Our organization over the years has taken a long look at jurisdictions that have attempted to decriminalize prostitution, and we've been very concerned about what we've seen.

A best example is Sweden. Sweden removed all laws against prostitution 30 years ago, but in 1998 it had to bring back laws prohibiting prostitution. Why? Because they found a number of very unfortunate things happened. In Sweden, with a high economic background, you'd think women wouldn't enter into prostitution, that they had enough social backing from cradle to grave, but in fact, women entered into prostitution in Sweden in droves because they found it was "easy money". They found that one in ten Swedish males were taking advantage of these Swedish women who were prostitutes. It became so prevalent in Sweden that they in fact had to bring in legislation in 1998 against the sale of sex on the streets.

There are many people who say, well, if we get women off the streets, everything will be wonderful—such things as regulating it or such things as legalizing it by taking it out of the Criminal Code.

We looked at countries that have tried to do that, and the results are absolutely mesmerizing. We found out that one of the effects of decriminalizing prostitution was that sex professionals never did stay in their designated areas; they moved around where business was.

Red light districts, or the brothels, became centres for trafficking and other crimes. Police make few checks on legal brothels, with the result that they quickly become ideal connections for drug traffickers. Posing as clients, drug dealers thrive, completely assured of privacy for their transactions.

Legalization creates legitimacy, and legitimacy leads to a tremendously increased usage of prostitution. An example is Amsterdam. There's more illegal prostitution than there is legal prostitution. In every single country that has tried to decriminalize prostitution, illegal prostitution has greatly increased. In legalizing prostitution, all forms of prostitution boomed, with unregulated prostitution increasing much faster than legal prostitution activities.

Pimps continue to operate freely and comfortably in brothels situated in red light districts.

To give you a specific example, the City of Boston tried to regulate prostitution by restricting it to red light districts. That area quickly became a self-ruled jungle called the "combat zone", impenetrable by local police. The reason for this is because wherever there is prostitution, the criminal element—drugs, gambling, pornography—quickly follows in its wake. The Boston red light district became controlled and secured by organized crime, preventing local police from entering it to restore order. The situation was only corrected when Boston city council revoked the red light licensing regulations.

Nevada now has 28 legal brothels, but they're finding that the number of women on the streets greatly increased as soon as they established brothels. The prostitutes working in the brothels in fact are nothing more than slave labour. They work 14-hour shifts, seven days a week, three weeks in a row. They're only allowed out on permission and only under escort.

● (1800)

West Germany tried to find an answer. It permitted several high-rise apartments, called Eros Centres, to be used exclusively for prostitution. In these centres, prostitutes were forced to pay high rent for the cubicles in which they lived and operated. The rent was required even when they were not on the premises. The prostitutes,

scantily clad, were required to sit at the landings by the elevators, to be surveyed and selected by customers when they stepped out of the elevators. Their pimps predominated and controlled the business.

Incidentally, the unexpected consequence of legalizing prostitution in Germany is very interesting. One effect has been that brothel owners, who must pay taxes and employee health insurance, have been granted access to local databases of the job seekers at job centres. Under Germany's welfare reforms, any woman under 55 who has been out of work for more than a year can be forced to take any job available, including one in the sex industry, or lose her unemployment benefits. In fact, when you make prostitution legal, you therefore think it has no moral position, so women are at this present time forced to seek job opportunities in the prostitution industry.

Another example is the state of Victoria in Australia. In 1986, Victoria's Australian Labor Party government legalized brothels, claiming crime would be eliminated, prostitutes' lives would be made safer, and there would be fewer health risks. None of this happened. Organized crime took over the prostitution business in Victoria, with five or six gang leaders still controlling the entire prostitution industry.

Sexually transmitted diseases—STDs and AIDS—have increased. This is due to the fact that medical authorities examined only one of the partners in the sex act, which was self-defeating. Also, favourable medical results provided a false sense of security to clients, prostitutes, and controllers. Medical examinations also provoked hostility and decreased cooperation from the prostitutes, who moved around too much to be kept track of. If one did get infected, another one took her place in the medical checkup simply by using the infected woman's medical card.

All forms of prostitution boomed in the state of Victoria. For example, in the state of Victoria in 1992, there were 200 illegal brothels, while there were 60 licensed brothels.

The point we're making is that if you want to curtail prostitution, legalizing it is certainly not going to be the answer. Prostitution is harmful. It's the selling of a human body for the sexual pleasure of someone else. It's degrading, it's dehumanizing. Simply, human dignity is lost in the act of prostitution. Prostitution has many harmful effects on the prostitutes themselves, the clients, and their families. As a prostitute sells sex as a service to a customer, the dignity of women and men is demeaned.

Prostitution adversely affects the environment in which solicitation occurs. Because there were streets that were simply impassable because of prostitution, we brought in the communication provisions in the prostitution sections of the Criminal Code in 1978 in order to protect the environment and the streets where prostitutes were operating.

Prostitutes are extremely vulnerable members of society. They're open to personal and sexual degradation, exploitation, and violence from customers, pimps, and businesses from whose premises they work. They have no security, and they have no job training to sustain them in later years, when their physical and mental health is at risk.

The effect of prostitution on young children is detrimental. We are extremely concerned about the effect on teenagers, because they find that this is so-called easy money. They see it on the streets and are taken in by prostitution.

What we are suggesting is that the prostitution lifestyle is often taken up because of prostitutes' addiction to hard drugs, an addiction that leaves them sick and homeless. As a lawyer, I've had many clients who have been prostitutes. I've seen them. They're drug addicts, they're alcoholics, they're emaciated, and they need treatment. They need care.

As ordered, they have to have safer lives. This means providing transitional housing and support for these women who are largely too troubled and dysfunctional to live on their own.

• (1805)

In effect, a heavy investment in social programs must be a major priority, along with any changes in our prostitution laws.

So our organization is making the following proposals. Since the act of prostitution itself is not an offence at present under the Criminal Code, we believe it should be amended to prohibit prostitution itself as well as to prohibit the activities surrounding prostitution, such as keeping a common bawdy house, living off the avails of prostitution. This has worked well in some states, such as western Australia, and it can work here as well.

Such an amendment would be in accordance with Canada's international commitment made in 1981, when it ratified the UN Convention on the Elimination of All Forms of Discrimination against Women. Article 6 of that convention provides that countries ratifying the document "shall take all appropriate measures, including legislation, to suppress...prostitution of women." Strict penalties for those who use children in prostitution must be invoked. The solicitation section, section 213 of the Criminal Code, should be amended to make it a hybrid offence, thereby allowing prosecutors to treat such offences as either a summary or indictable crime. This would allow authorities to fingerprint and photograph offenders. Such identification tools would assist in locating runaway teenagers and would help keep track of the dangerous johns who are operating on the streets.

Measures must be adopted to rehabilitate those men and women who work as prostitutes. Sheltered housing, more detoxification and drug rehabilitation centres, counselling, job training, and education are all necessary to help those persons regain a sense of dignity, self-esteem, and purpose in their lives.

Not all prostitutes will be helped by these recommendations, we know that, but an outreach program for them means at least some of them may be rescued from the degradation on the streets. At the present time we cannot continue allowing these women, who are suffering, on the streets. They're on drugs, they're on alcohol, and they need care. And that is what we have to bring about, by making prostitution itself an offence and not all the surrounding things, as we've done in the past—vagrancy and all the rest. We must always couple it with care for the women and men who are involved in prostitution.

Thank you.

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

Ms. Cherry Kingsley.

**Ms. Cherry Kingsley (National Coordinator, Canadian National Coalition of Experiential Women):** Hello, committee members. Thank you for the invitation. It's interesting that I would be selected for this particular panel.

I would like to just briefly explain what National Coalition of Experiential Women is, just because it's such a new organization. We are basically a collection of women with direct experience in or from sex work. We are all activists, and we represent many thousands of women from right across Canada. Our experiences include massage, escort, street-based prostitution, adult film, and exotic dancing. Our membership includes aboriginal and francophone women, women from Asia. We have a very diverse membership.

We are committed to advancing the equality and the human rights of women in and from sex work. We oppose models of enforcement or rehabilitation that continue to criminalize or oppress women in or from sex work. We are committed to improving the living and working conditions of women in and from sex work.

I want to introduce my colleague as well, Samantha. She's a member of the steering committee.

My presentation will be a bit complex and will kind of jump all over the place, but the recommendations I think have genuine clarity. It's very clear what we're trying to recommend through this committee. The presentation itself jumps around a bit to try to reflect both the polarities that you probably have already heard about within the discussion around prostitution—you know, how there are people who are very pro-trade and people who position themselves toward abolition—and to try to reflect the diversity of the experience of the women themselves. That's why the presentation kind of hops around.

First of all, I want to particularly emphasize the impact of continued criminalization of women in sex work. We're not talking about children. Let's be really clear here. We have a law that is advancing through the justice committee designed to protect children. We are not talking about children. I think, obviously as a coalition, we take a united stance. We have utter consensus on the issue of no child or youth involvement. Obviously it's a form of abuse and exploitation, and we recognize it as such.

One of the experiences or perspectives that we have as a membership is that the current communication laws force women to, essentially, hop into cars or into situations. They don't allow for any kind of negotiation, any kind of agreement, or any kind of indication of consent or lack of consent. What it doesn't allow for basically is the communication. Women aren't given legal opportunity to provide or withhold consent or to negotiate about whatever happens to them.

We recognize, though, and want to acknowledge and make a statement about the impact on the community of street-based prostitution. There is an impact, particularly in high-traffic areas. We understand that there's a high impact on the community in terms of harassment toward children or women, needles or condoms being found on the ground, and things like that. We understand that it impacts a community, and the impact is huge. And there are the peripheral kinds of crime that may happen, like violence or drugs or other kinds of things.

But we are also asking this committee to understand that this is not in the power of the women themselves. Generally, it's not the women themselves who are posing this risk. It tends to be the consumers and other people who are exploiting these women, including drug dealers. It's not as though the women themselves have the power to make those kinds of other community changes; the community tends to hold them accountable, as though they did have this power, and they don't. We want to acknowledge that.

• (1810)

Also, women themselves often don't even control where these areas exist, because of laws on things like bawdy houses and communication. Typically, areas get designated as strolls basically at the whim of consumers and community police and because of issues like poverty. It's not the women who have the decision-making power. The continued criminalization is obviously what disempowers women, so they're unable to make those decisions for themselves.

There's a common assumption that indoor venues like massage parlours and escort services offer women the opportunity to negotiate prices safely. We often hear that people assume there's real safety for women in massage parlours and escort services. However, we always hear about raids on massage parlours; we always hear about raids on dance parlours and things like that, and the media reflect very clearly that the assumption is not entirely true. The full human and legal risk tends to be placed on the women and not the agencies. The agencies tend to provide the venues, set the prices, and set what services are provided. Often the women don't have decision-making power in any of those things, so it's not true that women have that kind of negotiating power.

As well, because of the continued criminalization of women in sex work, there's a second tier of state, systemic, punitive response to these women. Women in sex work have a real vulnerability and a lack of access with respect to welfare, housing, health care, and other kinds of employment. I'll give you a very graphic example. If a woman is sexually assaulted while being engaged in sex work—it doesn't matter whether it's massage parlour, escort service, or street-based prostitution or whatever—often she's going to have to disclose her own criminal behaviour before receiving a basic human service from a hospital or the police in a situation of sexual assault. That's a direct result of the continued criminalization of women in sex work.

Because of the continued criminal status of these women both publicly and in the legal system, women are not only vulnerable to rape, physical assault, coercion, violence, and murder, but we're finding across Canada that women in sex work are targets of them. So they're not just vulnerable; we hear a lot about the vulnerabilities of women in sex work, but women are actually being targeted for

these things. There's an equation being made through the media between sex work and rape and murder, and it's because of the continued criminalization.

We are not promoting a legal system. What we're asking for is an immediate decriminalization of women in sex work around laws like communication and bawdy houses. We think laws about procurement, recruiting, and living off the avails are currently important protections for women. We're not here to promote a legal system, because I think that's a longer conversation. People immediately move...and the position of our membership is that women themselves want to define what their working conditions are. They don't want their situations defined by regulations a government or bar owner might establish. Women would like to personally have the opportunity to define what safety means to them and what living and working conditions they should have.

The current conditions obviously amount to a human rights and health crisis for women. The immediate decriminalization would certainly provide the opportunity for women to access basic services, help women communicate safely, and allow them to negotiate safety for themselves, what they will and won't provide, and where these things will happen. That's why immediate decriminalization is a priority.

• (1815)

Although there's obvious overlap among social issues, labour issues, and stuff for women who are involved in sex work, we don't want the dialogue to be confused. You know what they say. If you move everything indoors, women can live and work in safety. If you want to provide safety to women, safe housing and safe health care, you can do that without the expectation of sex being provided.

We don't want decriminalization in lieu of social services. We want those kinds of issues kept separate. Do you know what I mean? There's a real dialogue on how this will make women's lives better. If you want to make women's lives better, that's awesome, but keep it separate from the dialogue on decriminalization of sex work.

We do not want to accept diversion programs in lieu of decriminalization. We don't accept june schools. We don't accept rehabilitation programs in lieu of decriminalization. We want genuine law reform. We hope the committee will continue its dialogue toward larger law reform and review immigration laws and things like that, and also the second-tier kinds of punitive state responses.

Our recommendations are as follows.

We want the immediate decriminalization of sex workers.

We need support and commitment from this committee towards the opportunity for women in and from sex work to have a dialogue on safe working and living conditions. That means through this committee, obviously, but also on their own. The communication of bawdy house laws have for so long suppressed and oppressed women from being able to define that. Women need to be given the opportunity, not only before this committee but in the community as well, to be supported and able to begin to have that conversation.

We need a statement from this committee to end punitive policies in welfare, housing, employment, and health systems that serve as a second form of criminalization and punitive responses for women in and from sex work. The committee needs to make a statement, if you agree to decriminalize it, that the state and its policies and services respond in kind to reflect that principle.

We need a commitment from this committee to larger law reform that includes the examination of discriminatory immigration laws.

It should be the commitment and principle of this committee that decriminalization does not happen in lieu of supports and services to women in and from sex work. A commitment to both decriminalization and services are fundamental to the quality and human rights of all women.

Thank you.

•(1820)

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

Mr. Hanger, seven minutes.

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

Thank you all for appearing before this committee.

I'm very interested in some of the comments made by Cherry Kingsley. I need a little clarification, first of all.

You're supporting the act of prostitution. Is that correct? In other words, you're suggesting that this committee formalize the act as a legitimate kind of service or work. Is that what you're suggesting?

**Ms. Cherry Kingsley:** Well, I definitely think the priority is decriminalization. To continue to criminalize women in sex work implies a choice that they're not allowed to communicate. Do you know what I mean? You have to be able to decriminalize communicating and bawdy house laws to allow women to communicate what their consent is.

Do you know what I'm saying? It's a contradiction to not allow women the legal right to communicate what level of consent is allowed.

**Mr. Art Hanger:** Okay. I only need some clarification from you, if I may.

**Ms. Cherry Kingsley:** Yes, we support it. Yes.

**Mr. Art Hanger:** You support the act of prostitution as a legitimate form of work, number one. Do you want control?

**Ms. Cherry Kingsley:** Yes, I think women want to define their working conditions.

This is a really hard one. You're putting me on the spot here because there isn't complete consensus within our organization. Some people view it solely as a labour issue. Other people see that there are real economic realities that force women into these circumstances. It wouldn't be fair of me to not represent both of those kinds of opinions.

Do you understand what I'm saying? Some women feel forced into this situation.

•(1825)

**Mr. Art Hanger:** Some are.

**Ms. Cherry Kingsley:** Whether it's through circumstance or whether it's through choice that women are in prostitution, they're still deserving of human rights. So it's through circumstances or choice that women find themselves in that situation. Do you know what I'm saying? I try to reflect both.

**Mr. Art Hanger:** I'm trying to get a clearer picture of what you're saying. That's why I'm asking you this particular question.

**Ms. Cherry Kingsley:** We understand that prostitution exists now, and whether women choose it or it's due to economic circumstances, they deserve to have....

**Mr. Art Hanger:** What I gather from your presentation too is that you want the power to be able to set your own prices and do your own negotiations, as opposed to having somebody run a brothel, a massage parlour, or an escort service. You want to be able to do that yourself.

**Ms. Cherry Kingsley:** We certainly want to be able to participate in the dialogue of what that looks like. We're not suggesting that women will all of a sudden have the capacity across Canada to become private entrepreneurs and will have the management skills to manage all of that per se, but they certainly want to help define what that means.

**Mr. Art Hanger:** At the same time, you say you want to make sure those Criminal Code laws are in place that will deal with somebody living off the avails of prostitution, somebody who is keeping a common bawdy house....

**Ms. Cherry Kingsley:** No, it's just procurement. There are laws that protect women from procurement and living off the avails of prostitution. Basically, we're not sitting here trying to legitimize pimps and turn them into legitimate businessmen. What we're trying to do is empower women and give them the opportunity to negotiate and communicate safe living and working conditions.

**Mr. Art Hanger:** You don't want to legitimize pimping of any kind, whether it's by the government, agencies, or whatever. You don't want to legitimize procuring, but you do want to legitimize prostitution. Is that basically the picture?

**Ms. Cherry Kingsley:** Yes, that women are able to communicate that.

**Mr. Art Hanger:** You mentioned something about the restructuring of immigration laws. Now why would you want to restructure immigration laws?

**Ms. Cherry Kingsley:** More and more, women are finding themselves here through whatever conditions exist in their countries. We don't have a clear vision of what that restructuring would look like, but—

**Mr. Art Hanger:** Why would you want to do that?



**Ms. Cherry Kingsley:** Women are saying they're here now, whether the false pretense was based on the agency that recruited them, whether they knowingly migrated here for sex work, or whether they were trafficked here and forced here. The reality is that the full human and legal risk falls on them, and we have to begin to understand that trafficking and human smuggling are real issues facing women. The law currently doesn't add protocols. How we are currently responding to it doesn't necessarily take into account the circumstances women are in.

**Mr. Art Hanger:** Ms. Bertrand, you talked about legalizing and licensing, and having workers pay taxes—I assume unemployment insurance too. You would like to see fines for any of the sex trade workers who work on the street.

[Translation]

**Prof. Marie-Andrée Bertrand:** Perhaps I should have been more specific on that. I believe that through fines, it is possible to regulate the behaviour of people who engage in street-based sex trade so as not to create a disturbance in the neighbourhood. By the way, we can use some sections of the Criminal Code for this purpose.

Fundamentally, I'm somewhat embarrassed to be making this recommendation. What I am trying to do, after having seen the situation first hand in Finland, Sweden, Norway and Denmark, Northern Germany, East Germany—at the time, in 1997, it was still East Germany, even though the wall had fallen—is to find an instrument which would help keep the peace in a neighbourhood even though street-based sex-trade workers are active there. In this way, none of these people would actually be in a position to really harm anyone else. That's the principle.

I'm not sure I summarized this well. It was towards the end, and the chair was signaling for me to stop. That is what I would tend towards. I'm not sure I managed to express what I wanted to say very well.

•(1830)

[English]

**Mr. Art Hanger:** So it's a matter of control then. When you talk about legalization, how old is your data? When did you do your research to come up with the position you have now?

[Translation]

**Prof. Marie-Andrée Bertrand:** I saw an example of this in Hamburg, for instance. I saw it several times while I was there on sabbatical. There are two very well-organized streets, where the houses are neither upper class nor luxurious, but rather plain. It is known that on these two streets, as of 8 p.m., minors are not allowed to circulate. There are no constables on street corners, but there really is a social consensus. The only people out on the street are adults who know how to deal with this business, which is like any other business.

It's not ideal, but it's not far off. I can tell you with certainty that in 1993, 1996, 1997 and 1998, this type of solution led to a considerable decrease in illegal prostitution in the City of Hamburg. It really was legal sex trade work. In these houses, people pay their taxes and are subject to medical examinations. It's the model I was studying and which we didn't talk about.

[English]

**The Chair:** Thank you, Mr. Hanger.

Madam Demers.

[Translation]

**Ms. Nicole Demers (Laval, BQ):** Thank you, Mr. Chairman.

Ms. Bertrand, I listened carefully to what you said. I think that you expressed exactly what I feel. When women decide to work in the sex trade, it is a choice they are forced to make, but once they choose to do so, we have to give them every possible opportunity to work under safe conditions; they should not become drug addicts because they are ashamed of what they do, they should not lose their children because they cannot reveal what they do. This is very difficult.

In 1978, with Mr. Guy Simoneau, I was involved in the production of the film *Some even fall in love*, which dealt with prostitution in Montreal. I realize that nothing has changed. In nearly 30 years, absolutely nothing has changed. The situation has stayed the same, except that women are even more at risk and in greater danger.

Ms. Kingsley, you seem to believe that if prostitution were decriminalized, women would probably be safer because they would be able to negotiate conditions with clients themselves. I am having a hard time believing that. Negotiating a price does not necessarily mean negotiating one's safety. How could you also support decriminalizing pimps' activities? It seems essential to me that they be criminalized, because it is a disturbing aspect in the lives of people who choose to work in the sex trade. I am concerned by this. I do not quite see how you could think that if prostitution is decriminalized, you would be safer doing your work.

[English]

**Ms. Cherry Kingsley:** Yes, of course. The conditions are...the reality is that at a minimum it would certainly address some of the most visible aspects of the sex industry, which is primarily street-based prostitution. What we're talking about is women working in alleyways, warehouse districts, and streets that don't have much lighting. Police action has basically been against them, not for them. It's not the situation where their basic human rights are being protected currently. A huge part of that has been the continued criminalization of the women and of prostitution more generally, but particularly targeting women for criminalization. We have to change that. We can't accept the conditions that women are currently living and working in.

Allowing women to negotiate condom use, allowing women to negotiate legally whether or not they get into a car, whether they work from a house, what happens to their bodies... It's not just about women negotiating fees; it's about the things that happen to them, where it happens, and that women are allowed to work together, or whatever. It's just different things like that. Currently the law doesn't allow for those conditions to advance.

•(1835)

[Translation]

**Ms. Nicole Demers:** Don't you believe the answer would lie in raising awareness and giving people information in order to elicit their respect? As we noticed earlier, barely 3,000 people are charged over the course of a given year, despite the fact that there are far more sex acts taking place than that suggests. I do not think the real problem is the fact that this behaviour is criminalized. I think the problem rests rather in the fact that we do not have sufficient information on women's lives, on the real people they are, on what they feel. Criminalization to me is not the crux of the problem, but I may be mistaken.

[English]

**Ms. Cherry Kingsley:** Regardless of what people think, we are currently targets of rape and murder and physical assaults, and we don't have the same level of police protection against these things because of both the social and legal stigma and the legal status we have. It's been made okay because of how we've been represented, both by government and by media. There's real misrepresentation that has happened.

Regardless of what people's personal opinions are of women in sex work, there has to be an agreement that they're deserving of human rights. I mean, that's an element of human rights, that you don't pick and choose who deserves them and who doesn't. Currently, everybody here can agree that the women who are involved in sex work aren't living with human rights, and the continued criminalization of them is part of why.

[Translation]

**Ms. Nicole Demers:** Thank you.

[English]

**The Chair:** Madam Davies.

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

Thank you to the witnesses for coming today.

I think one of the questions we're grappling with is, what is choice and what is coercive and exploitative? I think there has been historically a sense that there is no choice, and therefore prohibition is the only way to somehow enforce this, and it equals protection. Prohibition equals protection. My own feeling is that this status quo has really failed as a model, so the question becomes, what do we replace it with?

I really like your approach of talking about it from a rights point of view, but even so, we come back to this question of what do we characterize as choice. We may never have a meeting of minds on this. There may be some elements of choice, but our job is, I think, to remove what coercion, what exploitation, and what risk exist. That's what I'm trying to keep in my mind.

We have heard a number of witnesses talk about the so-called Swedish model. We had one witness who told us that there are only 100 prostitutes in Sweden, which I was very skeptical about. Basically, it's decriminalized for the sex trade worker but not for the customer. I actually don't know how they would then communicate.

It would leave a very ambiguous kind of environment about where you communicate.

I wonder, Madam Bertrand, whether you have any information on the impact of what Sweden has done, and I wonder whether, through your association, Ms. Kingsley, you've been able to do any research on or have talked to sex trade workers in Sweden to find out from them how they see it working there. Are they happy with what's going on?

Do you have any information on that?

•(1840)

[Translation]

**Prof. Marie-Andrée Bertrand:** Unfortunately, I have not gone back to Sweden since 1993. So, I would not like to guess at the current effects of the legislation.

[English]

**Ms. Libby Davies:** Okay.

Ms. Kingsley.

**Ms. Cherry Kingsley:** If it's all right, can I speak to your first statement on choice as well?

**Ms. Libby Davies:** Yes, sure.

**Ms. Cherry Kingsley:** Yes, it's very real. There are economic realities that force women into prostitution. There is racism. So many street-based prostitutes in certain communities are aboriginal, or even globally, it tends to be countries with women of colour or whatever. There are other elements that can defy the ability of women to make a choice, including a bad relationship that they're in, or a sudden crisis or a traumatic event in their life, abuse, whatever. All of those things can define a woman's ability to make a choice. To legally take away her right to communicate certainly doesn't boost her ability to defy and consent. Do you know what I mean? The continued criminalization of women's rights to communicate isn't increasing their ability to give or take away consent.

On the Swedish model, it in fact increases their risk and it minimizes their ability about choice. In terms of the Swedish model—

**Ms. Libby Davies:** Can you speak a little more about what you mean by that? What does it do? We've had a number of people offer it as the solution we should be looking at, and we'll obviously go and research it more, but—

**Ms. Cherry Kingsley:** Well, there's no model in the world that genuinely empowers women in sex work, whether it be a legal model, whether it be a tolerated model, whether it be decriminalization, or whether it be outright prohibition. There's no real model in the world where you find all of the different women completely safe and completely empowered.

We're not there yet. There are certainly various models that are working far better for women than others, but in countries where prohibition is happening, not only do you have the social stigma but you have almost a state-sponsored stigma and aggression towards women as well. So you have the double stigma. Do you know what I mean? And there is no sanctuary. There is no safety. There's no opportunity for women to dialogue on safety, health, or whatever. With continued prohibition and criminalization of women, we take away those opportunities as well.

With the Swedish model, I'm going to take a leap here, because we don't have a very complex position on the legal issues as a coalition, just because our members have such diverse experience. All of us assume it as a form of labour, and access to basic human rights is fairly key. So we see the Swedish one as a bit of a contradiction, and we don't see how that's benefiting women.

Our priority, obviously, is for the advancement of the human rights of women in sex work, so we understand that the men will be fine if decriminalization happens. We're not trying to advance consumers' human rights here; we're trying to advance the human rights of women.

**Ms. Gwendolyn Landolt:** Can I add something?

**The Chair:** Can I ask Madam Bertrand to go first and then yourself?

**Prof. Marie-Andrée Bertrand:** Go ahead.

**Ms. Gwendolyn Landolt:** We looked into the Swedish model, and even though there was no restriction on prostitution, as Ms. Kingsley suggested, we discovered that the prostitutes became involved in drug trafficking and crime. Over half of the Swedish prostitutes were drug addicts, and that was really one reason why they changed the law in 1998. It was so detrimental to the women, and that's what the concern was.

It is quite true, as Ms. Davies said, that the law was changed in 1998 to go after the john and to leave women on the streets. But they are now finding that the control is such that there is no control and that women are being used, exploited, and abused by the drug traffickers as well as the fact that they are being put on drugs. They get into the drug scene, and it's very dangerous for the women. Now Sweden is beginning to look at tightening the prostitution law even further to protect the women.

• (1845)

**The Chair:** Ms. Bertrand, you had a comment as well, please.

**Prof. Marie-Andrée Bertrand:** Merci, monsieur le président.

It's not a question of choice.

[*Translation*]

It seems to me that, when we describe women who do not have a choice and must be helped to make choices, we are mostly talking about people who engage in street-based sex trade work. The people I know who do erotic dancing, work for escort agencies, organize or give massages leading to sex are mostly people who have made choices.

I can say here that some of them were my students or those of my colleagues. They paid for their studies with the money they made stripping, or sometimes by working as escorts. I know many others

whose clients consult me on occasion, who hire escorts, describe the work these escorts do and the way their work is monitored.

I am not saying that it is paradise. I am saying we should not generalize and say that none of these women chose to do this work. It is work that they do for a time over the course of their life. Let's be realistic. Very few of them, except perhaps for those who are madams or organize brothels, can do this for very long. Those that I know did it for five or six years, more or less. So they really did make choices.

I am certainly not going to identify them, but some of them are now people who organize care for street-based sex workers. Not only do they have the skills to do so, but they know a lot about self-help. So it seems to me that it is not a good idea to generalize and say that these people are like slaves given their economic conditions, their lack of education or social skills.

Second, I am completely in favour of women's empowerment. I think that given all the experience we now have in the fields of sociology, criminology and social work, we know how important it is. We have been working on the issue of empowerment for 10 to 15 years now. And we notice that sometimes we are not the experts. I noted that someone mentioned rehabilitation... [*Editor's Note: Inaudible*] I fully agree with her on that. However, social workers, psychologists, and others often know less than the women themselves when it comes to what they could do and what they want to do. I wanted to speak up again this generalization.

[*English*]

**The Chair:** Thank you.

Mr. Hanger, a three-minute round, please.

• (1850)

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

Sometimes, Mr. Chairman, I feel as though I should be sitting at that end of the table, because I have something to offer as far as my own experiences when it deals with prostitution. As a former police officer, I'll tell you—

**Ms. Nicole Demers:** Oh, I thought you were talking about escorts.

**Mr. Art Hanger:** —this ain't no rosy picture when it comes to prostitution. But maybe I'll have a chance to sit down there one day.

**Ms. Libby Davies:** We'll call you as a witness.

**Mr. Art Hanger:** I've got some of my colleagues coming. They'll be able to fill you in, believe me.

I have a question for Gwendolyn Landolt. Statement: you make prostitution legal; then it has no moral consequence. Explain some more of that to me and to the committee.

**Ms. Gwendolyn Landolt:** What happens is that, to many people, the fact that it is legal makes it become socially and morally acceptable. What it does is drive more and more women into the prostitution industry. We saw what happened in Germany, where women are being put on...when they need a job. The sex industry is legitimate, so they are told they have to take the sex industry employment or lose their benefits. Prostitution loses any moral connotation when it becomes legal. That is a dangerous thing, because all of us here know that prostitution is dangerous, and can be terribly dangerous to women.

The purpose of any legislation is certainly to protect the prostitutes as well as to protect society and young people. When you make it legal, it loses any moral connotation, and more people enter the industry, which means more deaths, more rapes, more damaged, hurt women, and a damaged, hurt society as a result. That's why it's very relevant that we do make it a criminal offence and retain that.

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

**The Chair:** Madam Bertrand, do you have a comment?

[Translation]

**Prof. Marie-Andrée Bertrand:** I do agree that street prostitution puts women in great danger, at great risk. However, I maintain that marriage is dangerous and that all sexual relations involve some risk for all women the world over. At the International Center for Comparative Criminology, we calculated, inasmuch as it is possible, the risk a woman runs when her ex-spouse comes to visit and the risk she runs physically when she has a street-based sexual encounter. We have only done it for Montreal as of yet, and I can assure you that the comparison holds up; to our knowledge, in percentage terms, when women have contact with an ex-spouse, who may at times or very often demand sex, they are dealing with a level of risk that is not far off from that experienced by street prostitutes.

[English]

**The Chair:** Thank you.

Mr. Hanger, one quick question.

**Mr. Art Hanger:** I'd sure like to see some research on that, Madam Bertrand. I have a hard time understanding that last statement of yours, but I'd sure like you to provide some information to this committee on that point.

I know, as a former police officer, that organized crime is at the heart of it all. I don't care if you're a dancer, or an escort service, or a massage parlour operator, the tentacles are there. I've seen it. I've had to deal with it myself.

Cherry, do you have an agent? Are you a dancer?

**Ms. Cherry Kingsley:** No, I'm not active in sex work any more. I've been out of the sex trade for a few years now.

**Mr. Art Hanger:** Good. I give you credit for that, personally, because I've seen too much heartbreak on that side of the scale for too many women who have been engaged in this activity.

I'm going to ask you a question, because I think this is very important—

**The Chair:** A quick question.

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

It's very important. Tell me how deep organized crime is into prostitution and just how it drives the whole machine, the whole industry.

**Ms. Cherry Kingsley:** First of all, I want to acknowledge something you said, and you were talking about the conditions and about the harm that has happened to people in sex work. I grew up in the sex trade, from the age of 14 until I was 22, and I'm not suggesting that what happened to me or the circumstances.... Most of my friends who I grew up with died; they're dead. They died from HIV, or they died from drugs, or they died from suicide, or many were murdered. I come from the community of Vancouver, and we know that the conditions are unbelievable, with all of the missing women. And there's absolute impunity, it seems, towards the levels of violence, and rape, and force, and coercion. No matter what I might have said to you, at the age of 14 there's no way I was making an adult career choice, and there's no way that anyone can defend what happened and the levels of violence and all that.

But at the same time, women are there, and that's the reality. Let's stop making them the criminal. Sure there are social conditions, sure there are moral issues, sure there are impacts to the community, but can we please stop putting that liability or responsibility onto the women as though they control it, as though they're choosing it, as though they have this power to be there or not be there? Can we stop criminalizing the women?

If we want to address some of these conditions, I'm all for that, but can we stop putting that responsibility onto the women, as though they can phone someone and get help? There aren't places to phone because they're criminals. Do you know what I mean? It's not like that, so we need to stop criminalizing the women. It's just that simple.

• (1855)

**The Chair:** Thank you, Mr. Hanger.

Ms. Demers.

[Translation]

**Ms. Nicole Demers:** Thank you, Mr. Chairman.

Mr. Hanger, last year, in Quebec, there were more women killed by their former spouses than there were prostitutes killed in the street. We are experiencing this very unpleasant and unfortunate situation.

Ms. Kingsley, your organization is new. How much time will you need to put together a framework in which you can work comfortably?

You say that you have nothing specific at this time. You want us to respect human rights, and I agree with you on that, but in order to ensure the respect of human rights, there has to be some structure. We must also have a workable legal framework so as to be able to legislate.

How much time will you need to consult with the people who are part of your network? When can the committee expect to hear from you to tell us what you need to work safely, with respect and dignity?

[English]

**Ms. Cherry Kingsley:** First of all, I guess there's this impression that we see decriminalization as the answer that's going to address a multitude of conditions, both in the community and for the women, and it's not that way. I just want people to understand that.

We've only had two national meetings, but we've been able to develop statements on health, safety, and social issues, a statement on law reform, a statement on children and youth and exploitation, and a statement on public education or awareness and addressing some of the issues with the media. I can provide the committee with all of those statements, so you see that we don't just see decriminalization as addressing conditions within the community and for women, but have a broader perspective.

But in answer to your question, it would take one or two more meetings with women to develop a more sophisticated statement on law reform. But we certainly have national consensus that decriminalization is important, that we can't continue to criminalize women any more. Even though this is not popular to say amongst the labour movement, the condition that some of these women are living in is that of slavery, and we can't continue to criminalize them for it.

[Translation]

**Ms. Nicole Demers:** Even when it comes to sexual trafficking? Don't you think that sexual trafficking is something else entirely? This is something that is happening now in a number of countries, and it is something that we should examine because it often involves young women who are forced to become prostitutes against their will. They are truly victims and slaves.

[English]

**Ms. Cherry Kingsley:** Yes, of course, trafficking is an issue of priority. In terms of our subversive economies—if that's what you call them—it's one of the top three in the world. It equals that of guns and drugs, and now people are one of the three economies in the world.

Even if we're talking about our global relations and our international relations, in terms of our relationship with the United States, it would do us good to address trafficking issues. They see us as a security risk because we are a transit country; we're considered what is called a transit country. We're not necessarily a destination country, but we're certainly a country through which people are transported. And the impact on women and children globally is huge. We, as a country, have made a statement that there are certain principles that we agree on, such as slavery and smuggling and trafficking.

• (1900)

**The Chair:** Madame Bertrand, you had a comment?

[Translation]

**Prof. Marie-Andrée Bertrand:** Thank you, Mr. Chairman.

On that point, as much as I feel that we must absolutely be concerned for women and probably also young boys who are brought to our country to become sex slaves, I nevertheless feel that we should be concerned about what happens to young aboriginal women in Canadian cities.

I don't know if your subcommittee has the budget to undertake a study, but it would be very interesting to examine what I would call the cohort of young aboriginal women who left their community at the age of 15, 16, 17 or 18. We could take a look at what happens to them when they move to the city, from the point of view of the issue that is being examined here, but also in hundreds of other ways. In Montreal, there is a place called the Native Friendship Centre. There is also a centre that helps sex trade workers to recover physically, to work and understand their situation. This centre, called Stella, came to the help of young women who arrived at the Native Friendship Centre, and helped them understand what it was like to live in an urban setting and what they could do in the city to maintain their own culture, something that is quite important.

Along with my colleague Mylène Jaccoud, who is working on that, I have seen that there is a group of young people, Montagnais or Cree, for example, who left their community almost at the same time and who have not found, in Montreal, the conditions that they need to try to maintain their culture and do something with it. Since these people are Canadian, we can find out why their arrival in the city leads to their involvement with drugs, prostitution, and whatever else comes along.

As for immigrant women, I am not familiar with the issue of organized crime and those women, but I am quite familiar with the involvement of organized crime in the drug trade. I think these are two different things. My colleagues who are involved in women's issues, for example, Colette Parent who appeared before you, tell me that it is quite different. I don't think we should mix the two issues.

[English]

**The Chair:** We'll have to cut this off right now. We'll come back to it if Ms. Demers wants us to pursue it.

Ms. Davies.

**Ms. Libby Davies:** I'd like to pick up on a couple of points.

I think, Ms. Landolt, you said earlier that prostitution is dangerous and that you'd actually like to see prostitution itself be illegal and not just the activities around it. Then Mr. Hanger pointed out that organized crime is at the heart of it all. What I want to pick up on is whether or not there is some recognition that the prohibitionist regime and the law itself is actually creating harm. It actually creates the environment whereby organized crime can move in, because there are no rules; there is no regulation. It's something that becomes very much underground. It allows the criminal element to move in.

I think that's partly the contradiction we're faced with, that you may see prohibition as an answer, but we've historically had that, more or less, and yet we probably have the worst situation we've ever had. So that's sort of a contradiction.

I'd like to come back to the communicating law and ask all the witnesses if they think the communicating law is actually working in anybody's interest, whether it's from the point of view of sex trade workers who are on the street communicating or customers or local communities. Who is the communicating law benefiting, and is it itself creating more harm than good at this point? Should it be repealed?

• (1905)

**Ms. Gwendolyn Landolt:** The Supreme Court of Canada answered that in 1990 when it dealt with that, in the case of communicating, and it upheld the communicating law as valid because it did stop a public nuisance on the street. There was so much confusion that the streets were impassable, and the Supreme Court of Canada said the communicating law was necessary and was valid under section 1 of the charter in that it was demonstrably required in the society.

**Ms. Libby Davies:** I know why it was put in, but do you think it has worked?

**Ms. Gwendolyn Landolt:** Well, if you don't have some restriction, you're going to have what happened when the soliciting law was struck down in 1978 in *Regina v. Hutt*. You had nothing stopping prostitution. That's why they brought in the communication law.

In *Regina v. Hutt* they said the soliciting, in order to be actionable, had to be pressing and persistent. This was found to be unworkable, so there was no law for a little while. Then the legislature said they had to do something to protect the streets, the neighbourhoods. Women were being propositioned on the street; traffic was unbearable. They brought in the communication law, and that did serve to modify, cut down, and curb what was going on in the street. It's not perfect—

**Ms. Libby Davies:** Do you actually believe that? I think the evidence will show quite the contrary.

**Ms. Gwendolyn Landolt:** Well, it's better than not having anything, which we had before, because the traffic, the condoms on the street, the needles...the drug traffickers were having a heyday on the street. But the soliciting law that did come in was upheld by the Supreme Court for the very reason that it did serve to eliminate a public nuisance.

**Ms. Libby Davies:** Has the communicating law, in your opinion, made it safer for the women who are engaged in the sex trade?

**Ms. Gwendolyn Landolt:** Well, there has been a restriction on the activity on the street because of it. In other words, the law does serve a purpose. The law does serve as a guideline for behaviour. If you remove that communicating law, you'll have many more women on the street. There is a purpose in the law.

**Ms. Libby Davies:** So you think it's made it safer?

**Ms. Gwendolyn Landolt:** Well, it has made it safer. It's lessened the amount of traffic in prostitution on the street. That's what we have, and that's what the Supreme Court said. They upheld it for that very reason. It has made it safer on the street as a result, both for the prostitutes and for the community, the environment.

**The Chair:** Madam Bertrand, can you respond to that question as well?

[*Translation*]

**Prof. Marie-Andrée Bertrand:** Fewer people have been arrested under section 213, not because the Supreme Court revalidated communication as an offence, but because, since 1991, there has been a drop in Canada's crime rate.

You did not ask me the question, but if I may, I would like to say that we have noted, through our students in the field, that the

Criminal Code provision prohibiting communication has made life much more complicated and difficult for the sex trade workers on the street. My other observation points are Calgary and Edmonton, where I recently went to teach. The situation has honestly not been settled because communication is prohibited. The situation is no better in Vancouver either.

[*English*]

**The Chair:** Ms. Kingsley, would you like to respond?

**Ms. Cherry Kingsley:** Yes, I'll just make a quick comment. It's very clear that communities have not been made safer, that women have not been made safer, by either the bawdy house or the communicating laws. That's just the truth. The communities aren't safer, and you can ask any of the communities where an active or high-traffic area exists, where there's a visible sex trade.

What it has meant is that other people in the area who aren't working, because of the bawdy house and the communicating laws, are often targeted and harassed. But it has also created a condition or an environment that's kind of—I don't know what you would call it—criminal, a criminality or something, where other aspects of criminality can flourish. Do you know what I mean?

So, no, the laws have not made the community nor women safer, and the consumer demand has not been decreased by making it illegal. And that's a huge issue. If we're talking about the morality issue, we need to not just always worry about the women's morality. If we're serious about addressing the morality, we can address the demand, the morality of the consumers.

I'm kidding. I'm not suggesting we target men all over the place. I'm just saying that if we seriously want to address it as a moral issue, then it's not just a women's moral issue.

As well, street-based prostitution makes up only 10% to 15% of the sex industry, but we're having a serious impact on the conditions and the human rights of all of the different women. We're not addressing just the community nuisance, or whatever, that is posed by the street-based ones.

• (1910)

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

We have time for one more round if we have quick, succinct questions and quick, succinct responses. So I'd ask our questioners to ask very pointed questions and I would ask our panellists to respond accordingly. Thank you.

Mr. Hanger, you have three minutes

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

The comment was made about the effects of the communication law. I actually served in the police department during that time. There was a lot of restriction on people using the streets at that time...because there were no restrictions whatsoever. So it did actually curb the level of street prostitution at that time. But I don't think it's the total answer.

I'm going to ask each panellist this very specific question. If you take the revenue out of prostitution, is that the answer?

There is a way of taking the revenue out of prostitution. You go after those—you may even have a chance to not legalize it but to decriminalize it in a sense—who want the service. You drive the dollars away, and you drive the customers away, much like what Sweden did. Despite the level of activity both in the massage parlours and in the escort services, there is no money there, because the minute there's an exchange of money, or the minute there's going to be an exchange of money, you're going to get charged.

So if you take the money out of it, organized crime sort of disappears and it goes elsewhere. What do you think of that idea?

[Translation]

**Prof. Marie-Andrée Bertrand:** I didn't understand the question.

[English]

**Mr. Art Hanger:** This is a question for each panellist. Organized crime is involved in prostitution. You don't know that? Well, it is. Now I'm saying take the money out of it. In other words, if you don't have any customers for the prostitutes, what will happen to the safety of women?

**The Chair:** Does anyone want to answer that?

**Ms. Cherry Kingsley:** Well, it's a complicated question that you're asking, because you're asking, again, oddly enough, women to try to address conditions over which we don't really have a lot of power because we've been criminalized for so long.

**Mr. Art Hanger:** Well, I'm saying go after the money.

**Ms. Cherry Kingsley:** No, I understand what you're saying. You're asking whether or not we should outlaw the exchange of money for sex, outlaw the consumption, outlaw the buying of sex so that we begin to target those who are buying it.

I don't know if you know that's a very complicated response for our society. For instance, there were days when I had many, many clients, many, many consumers, and I was one person. Say you have 10,000 sex workers in Canada—we have much more than that—you probably have 100,000 consumers, and then all of the people who profit as well, which include hotels, taxi companies, restaurants, massage, escort....

•(1915)

**Mr. Art Hanger:** Pimps, agents.

**Ms. Cherry Kingsley:** Do you know what I'm saying? You have a whole economy that has been generated. So if you're talking about outlawing both the consumers and the people who profit, then you're talking about a huge portion of society, which is probably why we've always targeted the vulnerability of the women.

That's probably not realistic.

**Mr. Art Hanger:** I think it's very realistic.

**Ms. Cherry Kingsley:** It is realistic to give women the opportunity to negotiate, to communicate, and to define safety.

**Mr. Art Hanger:** Sweden did it.

**The Chair:** Madam Bertrand.

[Translation]

**Prof. Marie-Andrée Bertrand:** I have a hard time understanding why women should provide a service free of charge. Is that what you meant by your question?

[English]

**Mr. Art Hanger:** No. I'm saying if there's no one around to pay the money, then the problem goes away. In other words—

**Prof. Marie-Andrée Bertrand:** You mean, there are no men around? That's it? That's what you're saying?

**Mr. Art Hanger:** I am. Take the money out of it.

**The Chair:** Ms. Landolt.

**Ms. Gwendolyn Landolt:** I wish that were the answer, but since time began, people have murdered, people have stolen, and people have bought prostitutes. Ancient Rome was full of those things, and they were done for money. But certainly if there is some way to get organized crime....

All of our research has shown exactly what you've said, Mr. Hanger: that organized crime is behind all this prostitution. It's drugs, it's everything. As soon as you get them involved, then women certainly get the rough end of the stick, to say the least. They're exploited.

One thing Sweden did was to go after the johns who were purchasing the service. Sweden had absolutely no laws prohibiting prostitution, yet they had women in the field. Even though Sweden has total economic security for everyone, as I mentioned previously, women still went into it because it was easy money. No matter what we do, realistically there will always be men who will purchase sex.

I think what we have to do is be stricter in enforcement and get organized crime out. As a lawyer, I maintain that the women I've dealt with who have been in prostitution don't like it. They're not there because they enjoy it. They would like to get out if a door is opened for them to get out, and it's up to us to help women get out because it's no-win employment for them.

**The Chair:** Madam Kingsley, for 30 seconds.

**Ms. Cherry Kingsley:** I have a very quick comment.

I understand the whole idea that people are trying to debate here, but the reality is that the driving force is not necessarily organized crime; the driving forces are women's equality issues, women's human rights issues, and women's economic realities. Those are the driving forces, and there are other people there who exploit women's economic realities or equality issues. There are people who exploit those, so those are the driving forces. Until we get serious about addressing poverty...women need to feed their kids and they need to pay their rent.

When communities have done their “shame the john” campaigns—which is kind of what we're talking about here—they have resulted in an increase in violence, an increase in harassment, and an increase in sexual assaults not only for women in sex work but for some of those in larger urban centres. So even when we've done the “shame the john” campaigns, they haven't resulted in a safer community.

•(1920)

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

Madame Demers.

[Translation]

**Ms. Nicole Demers:** Thank you, Mr. Chairman.

It is important not to generalize. I don't think that all prostitutes are managed by organized crime. I know some prostitutes who are university professors and for whom prostitution is a choice. So we must not generalize.

There is something that concerns me. I wonder if section 213 is not pushing the prostitutes into areas that are often much more dangerous, such as alleyways or other places where there are fewer people, where they would run a greater risk of being assaulted, raped, abandoned and even killed. Is that not what such a provision would lead to? You take the prostitutes out of the public eye, but that does not make prostitution disappear. It is as old as civilization itself and it won't go away just because some legislation is adopted.

Can you tell me if this provision had any effect in Edmonton, where it was implemented, as Ms. Landolt said, or in any other cities?

[English]

**Ms. Gwendolyn Landolt:** I'm sorry, but I missed your question.  
[Translation]

**Ms. Nicole Demers:** Does section 213 on communication not simply move the prostitutes from the streets to more remote areas where it is more dangerous to ply their trade, where they might be raped or even killed, or mugged? The alleyways are not well lit, nor are they very busy, but that's where the women take refuge because they can't work the busy streets.

[English]

**Ms. Gwendolyn Landolt:** No, that is not what happened. Women were in alleys. They were in alleyways in Amsterdam, in Antwerp, and in Brussels, even though it's wide open.

Women will still go into prostitution; they'll still go into cars and they'll still go into alleys. Nothing stops that, because they're driven.... Well, maybe some like it, but the vast majority want the money for drugs, for alcohol, and for maintenance, and they regard this as the only thing they can do. That's one of the problems.

But it doesn't drive women out of the alleyways. That's a mistaken understanding, Madam, with respect. That didn't happen. They still keep on doing it, and nothing ever prohibits that. They want the money and they sell their bodies for the money.

Why they want the money seems to be an issue here. Do they have a choice or are they compelled to do it? In Sweden they had a choice, but they did it anyway because they were on drugs. Other people, university professors and students, do it for the money. I don't know, but I know what I saw in my law practice when I did have prostitutes, and I saw how dreadful it was for them.

I would say—and keep saying—we have to reach out to them and help them because they're denigrated and treated badly. Their lives are at risk. That's why we have to have people on the street to help them and to reach out to them. We won't get all of them; we won't because many women will stay on the street, but many of these women cannot help themselves. They're too drugged out, they're alcoholic, and they couldn't keep a doctor's appointment if they wanted to. It's a very dangerous situation for them, and we should try to help them.

**The Chair:** Madam Kingsley, you have a comment.

**Ms. Cherry Kingsley:** I'm sorry, but I have to say something.

Usually I would address committee members, but I really wish people would stop representing us that way. It's part of what has perpetuated our not having the right to speak for ourselves or to communicate on our own behalf. It's perpetuated this stigma, this shame, this stereotype, and our lack of ability to participate as community members—we aren't able to communicate, we aren't able to make decisions for ourselves, people literally have to intervene, and we just shouldn't even speak, really.

You know what? Neither one of us is on drugs. In fact, I'm a mother with a 12-year-old boy who has never been abused; never. He's always been fed. I've never been homeless. Do you know what I'm saying?

I wish some of these stereotypes would be addressed, because they contribute to.... Although people think they're being helpful—I know people are trying to be helpful—you have to understand there is people's violence, there are people's morality issues, there is people's targeted discrimination, and there is people's helpfulness, all of which have contributed to a climate of intolerable conditions.

I just wish people would also hear what we're saying, just as we hear those people you're debating. We're not sitting here on drugs representing ourselves. And we can make appointments; we're here today. We made our appointment to come here and we're able to drive. We're able to speak.

•(1925)

**The Chair:** Ms. Landolt, go ahead.

**Ms. Gwendolyn Landolt:** I'd just like to respond and say there are obviously ones who can, but they're the exception. I know and I deal with them, and she is an exception. She's not the general rule. I see the women who do need assistance.

I'm glad there are women in the prostitution business who can speak out, but they're very rare, in my experience, and I've been dealing with these social issues for a long time. I'm talking not for the ones who can come to an appointment; I'm talking for the many who cannot or will not.

**The Chair:** Thank you.

Ms. Bertrand, do you have a comment?

**Prof. Marie-Andrée Bertrand:** I was asking, how do we know those who do not come to us? That was just my answer.

**The Chair:** Madam Davies.

**Ms. Libby Davies:** I just have a comment. First of all, I really appreciate your comments, Ms. Kingsley. I think that's why it's very important that the committee will be holding hearings in the way we do with women who are currently involved in the sex trade. There is a lot of stigmatization, and it's very important that we hear about their point of view and their direct experience during in camera hearings, informal hearings. That's what we're aiming to do, because otherwise we will be missing....

Your organization has done a lot to contribute to the debate about what's actually going on, and we have to build on that.

It was just a comment. I don't have a question.

**The Chair:** Do you have a question?



**Ms. Cherry Kingsley:** No, I just have a quick comment. First of all, we don't deny social conditions here. We're not an organization in denial about health, safety, addictions, violence. We're actually saying that those conditions are very real for women today—for many, many women. We're not in denial.

But if a woman lacks that level of capacity where she's unable to make an appointment, I don't see how her continued criminalization is.... Do you know what I mean? That's not going to facilitate it. It's not going to help it. There's a level of intervention that's needed, and it's probably not police intervention.

And I'm telling you that the continued criminalization of women has established not only community attitudes and responses but state and systemic responses as well. It defines how women can access housing, detox, hospitals, how women can access other forms of employment. The continued criminalization of women has set up a systemic and a state response as well.

It has defined women with that experience, whether it was their choice or not their choice, completely, whether they were a child or an adult. Because they are considered to be criminals, it's defined how they're able to access basic services even—even if they want out.

**The Chair:** Our researchers have no questions. I just have a question for Ms. Kingsley.

Mr. Hanger put a question to you. In your experience in the sex trade, was there involvement with organized crime?

**Ms. Cherry Kingsley:** Yes, later there was, for sure. There are places called high track, if you're talking about the visible aspect of the sex trade, street-based prostitution. There are places called low track, renegade. High track are the more controlled areas, the pimped areas, so you have different families, different organizations, that control those parts of the stroll. I worked at one point on what would be called high track, and then later on I worked on what would be called renegade, where sex workers are not pimped.

There are clubs and agencies that are pretty decent to women, and there are very controlled agencies and clubs. Obviously women from other countries are under very serious levels of control, coercion, and force. You have basically a nightclub owner, a strip club owner, acting with the authority of an immigration officer, with legal authority because he has legally sponsored that person. He legally controls her housing and her work. Do you know what I'm saying?

So, yes, all of that is very well organized. They're better linked and certainly better informed than we are. They're certainly better resourced than any of you are, and I understand the task you're trying to take on. They're certainly more open to talking about it than we are. If we're going to get serious about addressing it, we have to understand that it's well organized, certainly.

● (1930)

**The Chair:** Thank you for those very frank comments.

If there's no other commentary, I thank you all for being here this evening and contributing to our study.

Madam Bertrand.

**Prof. Marie-Andrée Bertrand:** I have one question.

Has your committee thought of the possible application—or the impossibility of applying—the clause on communication, with the development of the Internet and things of this sort? For instance, we have Bill C-2 regarding voyeurism on the Internet, the communication, again, of that particular action. It's just a question.

**The Chair:** Yes, that issue surfaces on a regular basis. We certainly will consider it in our deliberations.

Thank you very much for that question.

And again, thank you all for coming this evening. We appreciate it.

**Ms. Cherry Kingsley:** Thank you very much for having us.

**The Chair:** Thank you. The meeting is adjourned.





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