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•(1745)
[English]

The Chair (Mr. John Maloney (Welland, Lib.)): I'd like to call our committee to order.

This is the Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. Our guest this evening is Mr. John Lowman, a professor of criminology from the School of Criminology at Simon Fraser University.

Mr. Lowman, generally what we do is we start with a presentation from our witness, up to a maximum of ten minutes, and then we go to questioning by our panellists. We start with a seven-minute round and then we go to a three-minute round, more or less.

I would ask you to commence, Mr. Lowman, and we'll go from there. Thank you for attending.

Professor John Lowman (Professor, School of Criminology, Simon Fraser University): First of all, I'd like to thank the subcommittee very much for inviting me to speak today. I've prepared a submission, but unfortunately, because I was still working on it late last night, I haven't had the opportunity to have it translated. Nevertheless, it is available.

What I'll do very briefly initially is just give you an idea of the research I've done over the years. Then I'll talk about the history of prostitution law in Canada and some of the dilemmas over the years. Then I'll talk a little bit about the main options that the people in the research world are talking about in terms of where to go with policy.

Just to give you an idea of my background, I started working on research on prostitution....

By the way, I use the term "prostitution" to distinguish direct-contact sexual services from other kinds of sex work. When I use the term "sex worker", I will be referring to prostitution specifically. Sometimes I'll use the term "prostitute" as well.

My first research was in Vancouver, back in 1977. At that time there was growing concern about prostitution on Vancouver's streets primarily because police had closed the main off-street locations in Vancouver to cabaret clubs, which had produced a much more intractable problem in the process. I was looking at displacement.

In 1984 I did background research for the Special Committee on Pornography and Prostitution, the Fraser committee. In 1989 I worked on an evaluation of the communicating law, did one of five

studies for the Department of Justice, and did four updates of that study.

In the early nineties, I started to try to raise the profile of violence against prostitutes. The Department of Justice funded another research project. We were looking at the huge increase in the number of homicides that had occurred after the enactment of the communicating law.

Toward the end of the 1990s, I was involved in a study of clients. There had been no extensive research on the clients of prostitutes. We did a three-year study, which is ongoing. I'm also currently looking at various kinds of off-street prostitution: escort services, massage parlours, and the like.

When we come to the history of prostitution law, we begin with a series of vagrancy laws that were introduced from England. They made bawdy house an offence, and they made street prostitution an offence, on the grounds that they were a nuisance, and it was a nuisance logic that controlled or propelled those laws. There was also a law against using false pretences for the defilement of a woman under the age of 21.

If we go back to the first part of the 19th century, of course, we're looking at a time when, in law, women and children were owned by men. The problem with that type of law was that they got little protection from men in the process.

In the second part of the 19th century, you see the development of the social purity crusade, a form of social engineering logic born of a variety of different kinds of Christian values, looking at creating a moral society here on earth, using principles of social engineering. It was their efforts that led to changes in the law in the latter part of the 19th century, which started to see women as the ultimate moral guardians of the family. You got a very different kind of attitude to the use of the law to protect women from various kinds of exploitation.

Those efforts meant that by 1913, no longer did you have just the vagrancy laws and the notion of nuisance. You had a whole series of laws relating to living on the avails of prostitution, procuring, a whole slew of new bawdy house offences—all with an eye to protecting women and children from exploitation. This was the period leading up to the eugenics movement, and so on and so forth. It was called the white slave trade, and was quite racist in tone. Nevertheless, it was driven by a concern to protect women and children from licentious men.

• (1750)

That is the moral cauldron in which our prostitution laws were written. They were written in a moral context quite different from our own, although of course we're still interested in protecting people from exploitation.

What has changed? Those laws as they appeared in 1913 are pretty much the laws we have on the books now. The primary changes have been the introduction in 1988 of the law that criminalizes offering or buying sex from a youth, and we've had some of the living and procuring on avails statutes beefed up in terms of the sentences. But the significant changes have occurred in street prostitution law. The first one was in 1972. Vagrancy C was the law that was in place up until 1972. That law made it an offence for a common prostitute to be in a public place without being able to give a good account of herself.

That was repealed in 1972 for two reasons. It was essentially a status offence. It was a status as a common prostitute that was being criminalized, not an actual act. Also, the Criminal Code defined a prostitute as female by definition, and so it was also a discriminatory law.

It was replaced by the soliciting law, that you cannot solicit in a public place for the purpose of prostitution. It was a law that applied only to the sex seller, not to the buyer. There were attempts to apply it to the buyer, but they were only successful in Ontario. They were unsuccessful in British Columbia.

The real problem with that law occurred through jurisprudence, which determined that soliciting meant much more than merely offering a price for a service; it meant pressing and persistent behaviour. Gradually, as that interpretation settled in, police across Canada stopped using that particular law.

Many commentators at the time said that jurisprudence turned Canada's streets into sexual supermarkets—that was from an editorial in *Maclean's* magazine in 1984—and they attributed the flood of street prostitution to the Hutt decision, the decision that made soliciting pressing and persistent behaviour.

I have always disagreed with that point of view, because it turns out that in Vancouver and Toronto, the spread of street prostitution had occurred long before these changes in jurisprudence. Police in Toronto and Vancouver had put prostitution on the street by closing down the off-street locations. That happened in Toronto on Yonge Street, after the Emmanuel Jack murder in 1977. A 14-year-old shoeshine boy had been killed on top of one of the bawdy houses on Yonge Street. That was used as the rationale for closing down that strip. Of course, what happened at that point was that street prostitution problems in Toronto started to increase. I think the

Fraser committee got it right when they said that what had caused the street prostitution problem was the contradictory and self-defeating nature of our prostitution law.

I believe you've already heard from Paul Fraser. He no doubt will have told you that the main logic of their committee was that you have to overhaul the entire edifice of prostitution law, not do just piecemeal reform. That was not what happened. Only the street prostitution law was changed. Evaluation of that law showed that it had no impact, or very little impact, on levels of street prostitution in Canada, but what did happen after that law changed was a huge increase in the amount of violence.

Just to give you an idea, I'll use the homicide of sex workers as the tip of the iceberg, as an index of what happened.

• (1755)

If we go back to 1960 and look at five-year periods and numbers of homicides, from 1960 to 1974, a 15-year period, there are no homicides. As we get into the late nineties, when we have what I call the "discourse of disposal"—i.e., we've got this street prostitution problem, we've got to get rid of prostitutes—the violence starts to escalate. From 1975 to 1979 we see three homicides.

The period from 1980 to 1984 was when the Fraser committee was sitting. We heard all sorts of residents' lobby groups who, quite understandably, did not want prostitution in their areas, who talked about getting rid of prostitutes. It created a milieu in which violence against prostitutes, I believe, became much easier for certain kinds of men, predatory misogynistic men in particular, to be able to justify violence against prostitutes.

When we go from 1980 to 1984, we find eight homicides.

These are British Columbia figures, by the way. I forgot to mention that.

In 1985 the communicating law is enacted. Up to 1989 we see 22 homicides. From 1990 to 1994 we see 24, and from 1995 to 1999 we see 50. But there's a question mark there, because we still have not found many of the missing women on the downtown east side of Vancouver.

The government that listened to the Fraser committee at the time did not take the main recommendation: that is, if prostitution is to remain legal, we must decide where and under what circumstances it can occur.

I've studied prostitution law now for 28 years, and I have to sit here and tell you that I have no idea what it is trying to achieve as a whole. If you go to the 1990 case...and I've reproduced this in the brief that you'll be getting subsequently. If we look at the Supreme Court of Canada talking about our prostitution law in the 1990 reference case that upholds the communicating law—section 1 saves it—we see three justices taking one position and four Supreme Court justices taking another position. Four of them say, well, the purpose of the law must be to eradicate prostitution. The other three say the very fact that this country's legislature has never decided to criminalize prostitution itself must have some significance; there are reasons for that.

We are left with a situation where, if the Supreme Court of Canada can't figure it out, I really don't know how the rest of us are supposed to be able to.

Now, I was asked to speak a little about local regulations as well. I decided I would make two comments. The first one is that when you've seen municipalities or provinces try to use the laws at their disposal to control street prostitution, almost invariably, if there is a court challenge, they fail. That is because as the communicating law tries to control street prostitution via the criminal law, the municipality trying to use bylaws to control prostitution, or a province trying to use things like nuisance injunctions, which we've seen in both British Columbia and Nova Scotia, when they're challenged will fail. They're ultra vires federal jurisdiction.

The second point I wanted to make about local regulation is that we have a two-tiered system of prostitution in Canada. There is prostitution on the street, and 95% of law enforcement is geared to keeping prostitution out of mind and out of sight. That's a summary offence, of course.

At the same time that is happening, I hear people and some politicians sometimes saying, we can't do anything for street prostitutes, and we can't talk about where it should be located so they're safe, because it would be tantamount to condoning prostitution.

The odd thing about this is that prostitution already is legal. If you look at the bylaws of a city like Vancouver—and I've included these as an appendix in this brief that you'll be receiving—you will see that quite clearly Vancouver licenses and makes money off prostitution. Many municipalities do by licensing prostitution and escort services and body-rub parlours.

The other thing I've done in the brief is talk to you about the range of recommendations that I suspect you're going to hear over the next couple of months, ranging from criminalized buying and selling of sexual services, at one end of the spectrum, to complete decriminalization of prostitution, at the other end of the spectrum.

• (1800)

I suspect there will be two main camps when you sort through all of the rhetoric. One will be a prohibitionist camp and the other will be a decriminalization camp. The prohibitionist camp will be based on the Swedish model, which criminalizes the buyer, but not the seller. Decriminalization involves treating prostitution as a form of work, recognizing that prostitution is not a monolithic trade.

I distinguish between sexual slavery, one person forcing another to prostitute, and survival sex, where circumstances force a person to prostitute, such as running away from home at the age of 15 to escape sexual abuse, or addiction-driven prostitution, or poverty-driven prostitution. Then there is a form of prostitution where people really do exercise choices. I think for the first two kinds of commercial sex—slavery, which clearly we don't want and nobody is going to advocate, and survival sex, where we've got to figure out how to deal with issues of poverty, child sexual abuse, the effects of colonization on aboriginal peoples, drug addiction, and so on and so forth—there are going to be solutions that go well beyond the law.

For the people who make choices, the issue is should the state have the right to tell that person they cannot use their body to sell sexual services, they cannot use their body in that way? The bottom line is this: should the state have that power? Some people think not, and some people think the state should have.

I'm an advocate of decriminalization, because I believe prohibition causes more problems than it solves. I believe our system of criminal law has exposed women at the bottom end of the sex trade—mostly those involved in survival sex—to great risk, and in a variety of ways. They've been forced into commercial districts. The areas of street prostitution have expanded through the use of things like area restrictions on bail and probation orders. These areas are getting bigger and bigger, and it's more and more difficult for people to look after each other.

We also have predatory, misogynistic men the likes of Gary Ridgway and, if he's guilty, Mr. Picton, who have been out in the killing fields we've created with a system of law that clearly is not serving anybody particularly well. It certainly isn't keeping nuisances off the street, although it has allowed prostitution to be shunted out of some residential areas, but at great cost. It hasn't done anything for women and men involved in sex work.

In a lot of ways, I think it makes it more difficult for us to keep kids out of prostitution. One of the things you will often hear is that we can't tolerate adult prostitution because it will encourage kids to get into it. I believe that only by taking control of prostitution can we actually stop kids from getting into it, because we leave this huge, uncontrolled business for them to disappear into.

Organized crime: I think prohibition is what generates it. If we're concerned about organized crime, well, I guess in certain ways, people who run off-street prostitution establishments, by virtue of the fact that they have to organize to do it, are organized crime by definition.

So we have fundamental questions about what we want to achieve. I think the first thing the legislature is ultimately going to have to do is tell Canadians what the overall goal is of this constellation of prostitution laws. If we don't, many more women, one way or another, are going to die.

And so I would end this short presentation.

•(1805)

The Chair: Thank you, Mr. Lowman.

Mr. Mark, for seven minutes.

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Thank you, Mr. Chairman.

Professor Lowman, welcome, and thank you for travelling the huge distance you did today, coming from the west coast to be here.

It sounds like the whole system is very convoluted. As you indicated, we have a two-tiered system, one legal and one really illegal.

First, what is the difference between legalization and decriminalization?

Prof. John Lowman: In the literature, legalization refers to systems of state licensing—state-run brothels, red light districts, and so on and so forth. It would use various kinds of civil law to license and control prostitution.

Decriminalization refers to the removal of all references to prostitution from the Criminal Code, the use of generic criminal laws to deal with exploitation, violence, and so on and so forth. Some of those might need to be rewritten to actually achieve those purposes, but you'd use a generic nuisance law, for example, to deal with street prostitution.

Advocates of decriminalization don't want to see licensing schemes, to the extent that they worry that the state might become a more demanding sort of pimp, to use that imagery, than any kind of street player. I've talked to women who have worked in German Eros Centres. When I heard them describe the sorts of rents they were paying for space, and the conditions they were working in, I shuddered. That's not exactly my vision of where we're trying to go.

But those are the basic sorts of issues. With civil law, again, it would be generic laws, not specifically written to control prostitution but commerce more generally, zoning and so on and so forth.

Mr. Inky Mark: So basically, you can't decriminalize without looking at the legalization side as well.

Prof. John Lowman: I think ultimately that's the way it's going to work out. It's a question of what kinds of laws and how they would be written. And I think where the research needs to go right now, and where we need to be doing a lot of conversation, is with people involved in the sex trade themselves. If we design laws that they don't like, then.... I mean, we can't just design laws to please a group

of people, obviously, but if they don't make sense to them, we may come off the rails in that process as well.

Mr. Inky Mark: In the western world, how many countries actually have a legalized system for prostitution that's state-run?

•(1810)

Prof. John Lowman: Many. In Germany they have the Eros Centres. Australia has a form of legalized prostitution. New Zealand decriminalized two years ago, I think, but what you've seen there is sort of creeping legislation, so that their version of decriminalization looks more like legalization. The Dutch have decriminalized. Denmark has decriminalized. In England, prostitution laws are very similar, but it's legal for a woman to work out of her own apartment without running afoul of the bawdy house law. Of course, we've got legalized prostitution in Nevada, and there are all sorts of different systems in parts of Asia.

Laws were introduced as a result of the impact of the Second World War in Japan, for example, where prostitution had always been legal until that influence; you've still got many different kinds of prostitution in Japan and certainly what you'd call sporadic efforts to control it.

So you have many different things, but criminalization is the smallest percent.

Mr. Inky Mark: What is your opinion, based on your research, on whether prostitution serves a public good to society? Is there such a thing?

Prof. John Lowman: I think the answer to that question depends on our view of sexuality. Having talked to many clients, I realize that many of them are not actually interested in sex. I mean, there is a cultural view that men, when they're going to prostitutes, are expected to have sex. But from talking to both sex workers and these men, I've found that 15% to 20% of them are not actually buying sexual services; they are desperate to be touched, desperate for companionship.

I've looked at some work on the recovery of heart attack victims who have pets. They do much better because of touch. I think there are so many things we don't understand about what drives prostitution and the needs and desires of human beings in the process.

Some people hope that a much more holistic kind of approach, which may involve some kind of sexual activity but which is about the treatment and the touching of the body, will mean that what we call prostitution now will look very different at some time in the future.

A well-established moral view of Victorians was that prostitution was the ultimate safeguard of the family. It was hedonistic sexuality that didn't entice people away from the family unit, and things like that.

The big question is, of course, why don't women search for commercial sexual entertainment? I think one of the theories is that it's just not worth paying for when it comes to....

Voices: Oh, oh!

Mr. Inky Mark: Do you believe it serves a public good overall?

Prof. John Lowman: I'm going to answer the question this way: I don't necessarily think it's harmful. And that means it may well serve some kind of useful purpose.

Mr. Inky Mark: Thank you.

The Chair: Thank you, Mr. Mark.

Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Good afternoon, Mr. Lowman. It is a pleasure to hear you. As we listen to you, we realize how complex the prostitution issue is. We indeed know there will be no single solution.

Up to now, you are the only witness to have carried out studies on clients. As you may know, the objective of this committee is mainly to avoid violence against women.

How much did these studies on clients allow you to learn? Who are these men? Are they that violent? Do your studies tell us something new about prostitution? Could they be used in a context where laws would be amended?

• (1815)

[*English*]

Prof. John Lowman: I think the biggest shock for me in my three years of work with clients came from the fact that I was expecting to see a sort of one-dimensional man as the client, but I came to realize that there are many, many different clients, just as there are many, many different sex workers. Hence the first comment I made—and sex workers bear this out—that quite a few clients aren't there for sex. And even for some of those who have sex, that's probably not the main reason they're there.

Now, ours was a self-selected sample. We did three methodologies. One was a self-administered questionnaire, delivered locally around British Columbia, particularly in Vancouver. Guys would fill this in and send them back in a self-addressed envelope. We also appealed to men for interviews over the telephone. We got 36 interviews—I was very surprised—and we got 55 of the self-administered questionnaires.

We also ran a survey over the Internet. This was back in the nineties, so as you can imagine, we geared it to English-speaking countries. That was the target group we chose. We would like to have translated it into a number of different languages, but we didn't in the end do that. So we were aiming at the U.S.A., Canada, Australia, New Zealand, and the British Isles, of course. At that time, as you can imagine, 80% of our respondents were U.S.

We did not see a lot of men in that survey admitting that they were violent, but of course they were a self-selected group. Most of these men, because of the way we advertised and found them, were men who were going to off-street prostitution establishments.

Now, the other work I'm doing right now is with off-street prostitution. I have two establishments that I've got records for going back nine years, and in each one they've only ever had to call the police once in that period. If a man is predatory, misogynistic, and out to hurt women, he's going to go to the prostitution strolls where he cannot be found, cannot be detected, won't be seen, or whatever the situation is.

We found men talking about their disappointment with prostitution. It's not necessarily just a matter of sexual release. Some of them were looking for something more. Often sex workers don't like the men who are looking for something more. They would just rather get on with the business and have it over with.

Ironically, sex roles are reversed in prostitution. It's the woman, at least in heterosexual prostitution, who likes to get it over with as quickly as possible. We have this cultural image of the man who's only there for 10 seconds and oh, dear. Of course, sex workers would probably prefer that in many situations.

So what we're finding is an enormous amount of variation. And where you have monitored situations, you don't see the kinds of violence we're seeing on the streets.

Sorry, that was a long-winded answer.

[*Translation*]

Ms. Paule Brunelle: It seems the problem is rather street prostitution. During the testimonies—and you briefly mentioned it earlier—there was a reference to a case, in Vancouver, where prostitutes had been delocalized. That's when the environments became potentially very dangerous for women. Should street prostitution be prohibited?

[*English*]

Prof. John Lowman: Going back to the 1950s and 1960s, you had a form of equilibrium, at least in Vancouver, and I get the impression that you did in other cities as well. You had prostitution being organized by bellhops and taxi drivers. Men would often meet women in cabaret clubs. It was cabaret clubs in Vancouver that were closed. You had one street prostitution stroll up until the early 1970s, which was on the downtown east side. You've always had prostitution in that area.

In the early 1970s, you had already started to see a large spread of street prostitution in Vancouver, and I don't think it had anything to do with law enforcement. We always seem to want to say that everything that happens with prostitution is a reflection of law enforcement. I don't think that was the case then. You had all sorts of cultural changes going on, and you had something called a sexual revolution by people who didn't know what happened in the Second World War. I think you had a lot more kids running away from home, and you had some changes in the nature of local control of different kinds of sex establishments. There was an increase in exotic dancing. So all of those things were going on.

In the 1970s, prostitution in Vancouver was largely in residential areas, which of course is a problem, but because of the eyes on the street and the density of the strolls, with women spotting for each other and things like that, there was less opportunity for violence. It's only after all of these campaigns to try to control the street prostitution scene, and the moving of it into commercial and industrial areas, that you see the vulnerability of the women increasing.

In many ways, I think the legislation we introduced just galvanized the stigmatization of prostitution and made it that much easier for predatory, misogynistic men to justify violence against prostitutes. What worries me most about the Swedish model is that it's not offering anything that will change that situation. Quite frankly, it will be just more of the same.

• (1820)

The Chair: I think we'll only allow one set of questions per party, Mr. Ménard. We'll go to Ms. Davies, then over to Ms. Fry, and then in the next round you can ask questions, if you wish. I'm not going to allow two sets of questions, if that's all right.

Madam Davies.

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

First of all, Professor Lowman, thank you so much for coming today. I really appreciate just the context that you give us. I think the clarity of thought you have about this is extremely helpful for us as we try to figure this one out. I've got lots of questions, and hopefully we'll have several rounds.

There are a couple of things that I'm struggling with. First of all, to paraphrase what you're saying—and I believe this as well—very similar to the drug issue, prohibition really equals a sort of chaotic and violent state. I've come to that same conclusion. What I struggle with more is this: what do we move to? I can't see that it's a more prohibitionist model, because I think that's failed. If we do get into a decriminalized regime, what does that even begin to look like? When you distinguish between what you see as legalized, as state-controlled licensing, red light districts, I don't want to see that either.

So if we decriminalize and we take all references out of the Criminal Code, then are we still in such an unregulated state that we're actually still producing potentially a dangerous situation? When you say we need to keep young people out, and we do that by bringing in controls, well, what does that look like? I can't quite see in my mind yet what that regime looks like. Perhaps you could speak to that.

The other thing that I think has come up again and again is that every witness has talked about the spectrum—you know, going from slavery to survival sex to this issue of choice. I think that's hard as well. How does one define where that choice is, right? Because there is a grey area. We could look at a waitress, for instance, and say, well, maybe she chooses not to be a waitress—I mean, who wants to be a waitress—but as long as someone's there, they should at least be safe. They should have their working conditions, they should get a decent rate of pay, and they should not be exploited. So it's difficult to assess the whole issue of where that choice is.

If you could begin by addressing those two things, that would be helpful.

Prof. John Lowman: Let's try the second one first, the issue of choice. It is the most important issue for us to conceptualize when it comes to prostitution. You have one line of thinking that says that no woman would ever choose to prostitute if she really had choices. My problem with that is the qualification “if she really had choices”.

In an abstract world, if we could all choose just what we liked, how many people would do any kind of wage labour? Well, I guess a lot of people would, actually, but I suspect a whole bunch wouldn't if all of a sudden they got a cheque every week and they didn't have to do a thing. Now, I like photography; I'd be out there with my camera.

So I'm not sure about that abstract, that “no woman would ever choose”, but what I do know is that when I start looking at the upper echelons of prostitution, I meet women with degrees. I meet women who have put themselves through school and then gone on to do whatever, to do some entirely different kind of profession. In other words, I meet people who do have choices.

However, if you go to the other end of the spectrum, and I'm looking at a 15-year-old girl who's run away from a group home or a foster home or a home where she's being abused, and she's now on the street, what choices does she have? She is homeless. Social services aren't usually going to be there for her if she wants to remain autonomous. Often they're going to try to send her home or send her to a group home or whatever.

What I've realized with kids running away from home and getting in the street scene is that the most important thing for them is autonomy, even though it may be an illusory sense of autonomy because of the traps on the street that they can fall into.

One of the things that really got my mind thinking about this was reading a book by Maggie deVries.

• (1825)

Ms. Libby Davies: We had her here last week.

Prof. John Lowman: Well, I read her book about Sarah, called *Missing Sarah*, and there was a little section she'd put in there about how even though Sarah was going through these terrible times, even though there were things she wanted to change in her life, she was still making choices. Would we want to be in the situation she was in, making some of those choices? I guess not. But where I end up is that we make choices not in conditions of our own choosing.

Ultimately, in the best of all possible worlds, what I want to see is that if people are going to prostitute, it's always through choice rather than force of circumstance. Of course, whether we'll ever manage to reach that world, I don't know.

People choose, but not in conditions of their own choosing. That's how I try to think about the whole choice issue. It's a matter of constraint and choice. Some of us are much more privileged than others in the range of choices we have.

To get back to the first question, okay, so we decriminalize prostitution; have we just left everything to the marketplace? I'm not so sure that's what we want to do. I read an article in an English-speaking Danish paper from Copenhagen, about how certain social services had been taken away from women as a result of the decriminalization of prostitution. If what we achieve is to say, "You single mother, you don't get welfare any more, you can go down to the brothel", then we've just had a horrific outcome, as far as I'm concerned. That's not what we're looking for.

The New Zealand legislation gets around this by...and it's easier in New Zealand, as I understand the political system; it's centralized power that is distributed by the central government in a way that it can control it. As part of their legislation, you can't cut somebody's benefits off if they're not interested in prostitution.

So that's something that bothers me. Are there ultimately going to have to be some kind of zoning laws? I suspect there will have to be. One of the suggestions made by the Fraser committee for the reason of safety is that two people are allowed to work out of an apartment rather than one. Well, you would have to now rewrite Vancouver's licensing bylaws, which only allow a single person, the same as where I live, Burnaby, where only a single person is allowed to work out of a residence.

Then you have the argument, well, once you have that happening... It's what I call the "nest of prostitutes" argument; other people would realize there's a prostitute working, they would move out, other prostitutes would move in, and all of a sudden you'd have this nest of prostitutes.

I would say that less than 20% of prostitution in Canada right now is on the street; 80% of it or more is off the street. What is fascinating about this is that it goes on in our midst on a daily basis without us knowing. Police always tell us that prostitution law enforcement is complaint-driven. Well, clearly we're not getting complaints about these massage parlours that are in little corner malls and so on, but we don't know about what's happening in some of them. We don't know about some of the immigrant women who may be held in debt bondage and all of those kinds of things. So there are all sorts of problems.

Again, that's where I get back to the idea that when it comes to what kinds of controls to put in place, it's very important to talk to

the people who are going to be the subject of any kind of legislation. Whether it be generic and you have zoning laws that forbid street commerce—selling shoes, or sex, or whatever—or whether it be specific, those are all open issues.

I wish I could tell you I had the magic silver bullet, or whatever that phrase is. I believe what we need right now is a process that involves all of the significant players. That is actually the closest we can come to that magic potion.

• (1830)

The Chair: Thank you.

Dr. Fry.

Hon. Hedy Fry (Vancouver Centre, Lib.): Ah, Professor Lowman; you have answered all the questions I have been trying to ask of all of the witnesses I have asked questions of.

The issue of choice is a key one for me. I have brought this up over and over. I think what we have tended to do with the issue of prostitution is to look at it as purely a moral issue; we have never looked at it as any other.

I have been trying to get this out of the witnesses we've had, and really, most people have said, "Would you want your daughter to do this?" And I think that's the question you asked. When I heard from Maggie deVries, I think she very clearly said that Sarah had made certain choices and continued to make them.

For me, you have put what I wanted to hear into great perspective. One, we talked about sex slavery. I think we know that this is part of the whole organized crime issue, etc. We need to talk about how we deal with that. We also want to talk about survival sex, and then we need to deal with the root causes here.

I don't necessarily think that in this committee we need to just say let's fix this law, let's change and amend it, and that will be the end of it. I think we need to talk about prevention, and we need to talk about the root causes in order to do that. Then we need to talk about harm reduction. If someone chooses, how do we ensure that their choice is carried out in a safe manner, that they have a real choice?

Those are the pieces I have been trying to pull together, and I must say you did it extraordinarily well. I want to thank you for that.

There are some things, though, that I think...and Libby talked about this. I think we were both on the same committee, the subcommittee on the non-medical use of drugs, and we saw over and over that prohibition leads in every instance to organized and underground criminal activity. When you prohibited alcohol in the United States, what happened? That was when all of the organized crime rings began to thrive and flourish. Similarly, once you prohibit, you drive everything underground, and then you put people at risk of exploitation by criminal groups.

The question I want to ask you...and you just answered my question with Libby, actually: if we decriminalize, what do we have, and how do we put some controls on that would ensure safety, ensure real choice? I would like you to talk a little bit more about that.

If we go into districts, there is the counter-argument that feminists make—and I consider myself a feminist, but I don't buy the argument—that this is all about exploitation. I think this is what Sweden actually built its law on, the fact that women are always victims, and in fact, in prostitution many women are victims. How do we remove it and give them the real choices to decide what they want to do with their lives? For me, that is consistent with good feminist theory. If you think a woman owns her body, then she should own her body forever, in whatever she chooses to do, as long as she's given the tools and the control so that she can make those safe choices.

You said that in the Netherlands it's decriminalized. I'd like to know what the results are of the Netherlands decriminalization. Have you good data on that?

Secondly, the idea that we do have this off-the-street prostitution... and you've actually confirmed what I have known as a physician, that 80% of this is off the street, and we don't even know what goes on. Especially with regard to children and youth who are commercially sexually exploited—for the majority, it's on the Internet and off the street—what can we do about that particular piece?

I'd also like to hear the results of the Netherlands experiment, or the Netherlands decriminalization. What are the outcomes of that?

● (1835)

Prof. John Lowman: Let's take the Netherlands first. I've been in touch with a variety of Dutch researchers over the years. I don't know what some of the latest statistics are, but one of the things that clearly will occur in a place like the Netherlands is a lot of movement of sex workers around Europe, because of the ability to move freely. What we do not have in the Netherlands is a huge count of murdered women. I don't know—I mean, it would be nice to get in touch with some of the researchers in the prostitution research institute there to talk to them about some of these issues—but I don't think they have the sorts of problems with children that we do.

One of the things that people never really think about is educating clients. We've got john schools, but it's a different kind of education that they're getting. Why not educate clients that it is only acceptable to buy sex from adults?

One of the most interesting things about our survey was that about 97% of clients, when asked whether children should be involved in

prostitution, were absolutely adamant that they should not. Of course, this again is a self-selected sample; I'm not saying there are not characters out there who are looking for children, because there are. But I do believe it's going to be easier to stop exploitation of children if we take control of the situation.

Let me add one more thing about the Netherlands. It was not actually formally decriminalized until 1999, I think, or 1998 in the Netherlands, although there had always been a regime of tolerance. In the early 1990s, I started getting, from some of my research colleagues in the Netherlands, reports about street prostitution spreading in Dutch cities. "What on earth is that?" I thought. Well, it was women coming from parts of eastern Europe and central America and setting up shop in the Netherlands.

One of the suggestions was to deport them. Rather interestingly, the Dutch said all that does is displace the problem; we've got to try to deal with it, and in the long term, we've got to figure out some kind of life for the people involved. It's low-end street prostitution, and we see the same kinds of situations. The women involved often had backgrounds of sexual abuse. It looked very much like the survival sex workers we see, whereas their research shows that women in the upper echelons of street prostitution don't come from those backgrounds at all.

So here they had this street prostitution problem, and what they did was create things called "stipple zones". Now, this sounds absurd to most people, but it's a parking lot with 40 stalls. It's controlled. The business goes on inside the stalls. That is low-end prostitution.

"How terrible", some people say, to which I say, "That's far better than me having to read the files of 50 women who have died".

What was the other part of the question?

Hon. Hedy Fry: The other part of the question had to do with what do we do about youth and child commercial sexual exploitation. This is so underground at the moment, because of course it's a criminal activity.

● (1840)

Prof. John Lowman: Yes.

I certainly don't think a form of tolerance or regulation or legalization or decriminalization, any of those, would make the situation with children worse. I tend to think they would make it much better, to the extent that it would be more easy for us to keep them out of certain kinds of sex trade. Now, that is not going to stop what goes on behind the scenes, with the Internet and so on and so forth.

One of the most interesting things in years of talking to sex workers is how most of them do not think that children and youth should be involved in prostitution. So one of the interesting ideas of tolerated prostitution is that they might be some of *the* most helpful people in stopping the trade in children.

The Chair: Mr. Mark.

Mr. Inky Mark: Thank you, Mr. Chairman. I have two short questions.

First, what is the prevalence of male prostitution in this country?

Prof. John Lowman: The estimates are about five female sex sellers for every male sex seller. Now, that would include boys who dress as boys; transvestites, i.e., males who cross-dress; and transgendered persons who have not finished a sex change. So somewhere between 20% and 25% is the estimate for street prostitution.

When you get into the off-street trade, I think it's a lot more difficult to make an estimate, although clearly you have males working in escort services and so on.

Mr. Inky Mark: Well, certainly you've told us today that it's predominantly an underground industry right now. So from your studies of other countries, assuming they were at the same place we're at today, with 80% really hidden underground, how many years did it take them to move the yardstick into a legal circumstance?

Prof. John Lowman: I can't actually answer that question for you, and it's a great question. I don't actually know; I've never looked at it from that point of view.

Mr. Inky Mark: And I agree with you, it takes all the stakeholders to meet, to get together. Has that ever been done in this country, like municipal, provincial, federal?

Prof. John Lowman: Not really. I mean, there have been various meetings. Libby's tried to put some of them together in Vancouver, where you try to get everybody at the table and you talk through things. A much more concerted effort of that sort needs to be made.

Mr. Inky Mark: So how has Europe dealt with this? Is it a federal top-down approach, where they control all the provinces and states and...?

Prof. John Lowman: It varies enormously, but I get the sense that in the Netherlands, it's much more integrated in terms of the way decision-making occurs. I also think that for a lot of the places in Canada right now, if one were to go into a system of legalization or decriminalization, for some of the places, the upscale body-rubs and massage parlours and so on and so forth, they wouldn't change very much. The truth of it is that there is already a system of legalization in place. That will become very clear when you look at the Vancouver bylaws, which I've reproduced for you in my submission.

Mr. Inky Mark: What one critical factor needs to take place before we start moving toward that direction, in your opinion?

Prof. John Lowman: The will to do it. The will to do it, and the will of the government to change the legislation to make it possible.

Mr. Inky Mark: Thank you.

The Chair: Madame Brunelle or Monsieur Ménard.

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): I am very happy to have heard your testimony. I'm a Montreal MP, and there are in my riding about one hundred sex workers known to the police.

In 2001, I tabled a bill that was not voted, but it proposed a public licensing scheme for brothels. A licence would have been delivered

—at the time, it would have been the Solicitor General—under certain conditions. I was convinced that street prostitution should ultimately be distinguished from escort work. In my opinion, these are two completely different realities: neither the working conditions, nor the motivations are the same.

Would you support this kind of formula? Can we initiate this discussion without automatically referring to a single model, namely Nevada? When I spoke on these issues, I had all the feminist groups on my back. I was told that the working conditions were horrible, that the girls were captive, etc. Do you think that, as legislators, we could consider recognizing sex workers, defining rules, and organizing this so that everybody would be satisfied?

I must say, however, that I disagreed on the part of your testimony where you spoke of freedom of choice. I have never met sex workers who told me they were professionally fulfilled. I know about the work of Ms. Shaver, from Montreal. She says these activities are not the prerogative of a single class. I've met escorts who made a lot of money and whose conditions were very different from those found among street prostitutes. In their cases, there is always an inevitable path that led them there.

Let's come back to a specific issue, namely a public brothel scheme with action by the Department of Justice. Do you think this could ultimately be recommended by our committee?

• (1845)

[English]

Prof. John Lowman: In many ways, the recommendation you have made is quite similar to the kind of legislation the Fraser committee was talking about. A sort of cottage industry was even the image they talked about, although I think that's not a good image in terms of the kinds of issues we're talking about.

The biggest problem is what one does with women who cannot afford to pay the kinds of fees that any kind of off-street prostitution is going to produce. The women on the downtown east side, charging sometimes as little as \$5, because that's the price of the next crack they're going to take—those are the people who are the most difficult to deal with. Those are the people who are being picked up by serial killers and murdered.

When it comes to the off-street scene, that is going to be expensive. Only certain kinds of women are going to be able to work in it. They are not going to be those who have intravenous drug use. One of the biggest problems of licensing is that many women will refuse to do it, because they will see it as stigmatizing them for the rest of their lives. So what you'll have is a huge scene besides the licensed prostitute.

[Translation]

Mr. Réal Ménard: Does your testimony not demonstrate that, as legislators, we should proceed in two stages? If you recognize there is a link between prostitution and drug addiction, do you not think we should first try to address drug use by the girls, and then enable them to return to certain rules? Nobody would be forced, of course.

In fact, at home, in my Montreal neighbourhood, people would not moralize about prostitution. They would tell me they were not shocked by the fact that two consenting adults would have sex but said they were disturbed by the conditions in which the girls were, for example when they were disorganized or in humanly shocking situations.

The bill I had tabled included an obligation to reserve an assistance fund for disintoxicating the girls. For your part, you reiterate that a public scheme cannot be implemented without first having provided the girls and boys—although it is well known that 95% of prostitution involves girls—with assistance measures.

So you agree that disintoxication should be addressed before introducing public measures for controlling prostitution.

[English]

Prof. John Lowman: *Oui.*

[Translation]

Mr. Réal Ménard: I could also go to your university and attend your classes.

[English]

Prof. John Lowman: Unfortunately, I need to go back to school to learn French. I'm embarrassed to say that I'm unable to understand it.

But I take your remarks; yes, we do have a highly stratified system of prostitution. And to deal with addiction on the downtown east side, it was estimated in around 1995 by Vancouver police that 450 different women had prostituted on the downtown east side at some point in that given year. Most of that is addiction-driven prostitution. If one were to be able to deal with that addiction, many of those women wouldn't be there. But of course they're mired in a vicious cycle of addiction and poverty. Many of them are aboriginal women. We're dealing with the effects of residential schools.

The one thing I am delighted to hear people talking about today—people who are responsible in the end for making some decisions and recommendations about this—is the realization that the law is just a tiny part of what we're talking about, and that if legal change is not supplemented by all of the other kinds of changes that people are talking about, we will lose the game.

● (1850)

The Chair: Thank you.

Ms. Davies.

Ms. Libby Davies: Sometimes I do despair that we'll be able to make the shift, and then what gives me a sense of hope is that with the drug issue, particularly in Vancouver, there was a transformative change. We are making some progress. And the issues are very much linked.

I know that Dr. Patricia Spittle has done a lot of work on the women in the sex trade who are particularly vulnerable because they're hooked on heroin. It makes them very vulnerable in the sex trade just because of the kind of drug it is. So when you talk about turning tricks for \$5....

But it seems to me that if we can engage at a local level...and there are two things here. First, on the drug issue, a big change took place.

Drug users themselves were heard. Instead of being demonized, they suddenly became real people, and their perspective began to count. I think that's one thing we have to do here as well, and we are trying to do that to some extent.

The second issue is trying to look at local situations. For example, when we had the Department of Justice here, I was questioning them about what we could do, what options we have. One of the possibilities they put forward is what we do with gaming. Gaming is still illegal, but under the Criminal Code there's a scenario whereby it can be regulated in some sense. In this case, it would be through a provincial jurisdiction.

Is there a way that we could also deal with this issue, and is part of the key to its success to allow some leeway at a local level, to actually say to municipalities that if we decriminalize, we actually give you the space and the scope to find out what those solutions would be? In your mind, is that part of what we have to try to move toward here? Or do you see it as really something that's got to be done on some big national scale in terms of ending a prohibitionist stance?

Again, it's hard to know where to begin.

Prof. John Lowman: I think one of the consequences of removing the statutes from the criminal law is that it does precisely what you're talking about; in a way, the federal government is divesting itself of that jurisdiction. Once it takes it out of the criminal law, you then open up the space for provinces or municipalities, depending upon the division of powers and how it all plays out. Presumably it's at a municipal level that the greatest room for legislative manoeuvre will be. That happens automatically, I would have thought.

One of the things that worries me, and this is where I would not like to be in any of your shoes, is how you get three levels of government to all pull in the same direction. If you have some municipalities saying we don't want anything to do with it, for all of the reasons that people are talking about in terms of not wanting to have anything to do with prostitution, then you create all sorts of other problems. But one of the things about, for example, the British Columbia municipalities act is that they can't just turn down businesses because they don't like them, which is always the reason they've given for licensing escort services, even though that might be problematic for them on a moral basis or whatever.

So it would seem to me that this is the automatic space that is created if you get legalization or decriminalization, because it means the federal government divests that power.

● (1855)

Ms. Libby Davies: Do I have a little more time?

The Chair: For a short one only, Ms. Davies.

Ms. Libby Davies: Okay.

In all the other countries you spoke about, is there any place that you feel has come close to what is a workable decriminalized scheme that maybe does involve a local jurisdiction? Is there something we can learn from?

Prof. John Lowman: I think the legislation to take a really close look at is the New Zealand legislation and the Dutch legislation.

An hon. member: And Australia?

Mr. John Lowman: That I know little about.

Was that Italy...?

Ms. Libby Davies: No, Australia.

Prof. John Lowman: Oh, Australia, I beg your pardon. You see, I really do need to go back to school; my apologies.

The Australian system comes much closer to what we've been talking about as legalization than decriminalization. But still, given that they've had many years now of experience with it, it's eminently worth looking at. There are many pitfalls, and many mistakes we can make.

I mean, in whatever we do, the first thing is to build into it an immediate review of it, because it's going to be a process of false starts. We are not going to get it right the first time.

Again, that's where I go back to not just looking at these other legal regimes but at what the people who will be affected by all of this think about it all.

The Chair: Mr. Mark.

Mr. Inky Mark: Thank you, Mr. Chair.

I have just a couple of short questions on what you just said. Do you think it would require, to kickstart this process, either the municipalities or the provinces doing some studies into this whole business of prostitution?

I guess the other thing I wanted to ask you is, from your studies and from all the years you've been at it, your opinion on "will". You say that will and commitment are required to deal with the issues. Where do you think we are right now?

Prof. John Lowman: I think there is a very powerful prohibitionist lobby, but I think that actually represents a tiny component of Canadian opinion. There aren't actually too many public opinion surveys that deal with prostitution, and that might not be a bad idea. The Fraser committee did one in 1984, and roughly half the people interviewed thought that prostitution between consenting adults should be allowed in private places. That's an odd finding given that 80% of them thought prostitution was illegal. They didn't know it was actually legal, and of course that influences their opinion.

Do we need more studies? You know, at a certain level, no. No. It's just one way.... I mean, we need some kind of process with the people involved in the business, but do we need more academic studies? No.

I'm not supposed to say that, of course, but....

Mr. Inky Mark: In your studies of other countries, who in large part is responsible for the health requirements of a legal system?

Prof. John Lowman: That varies quite a bit. I think the prevailing opinion is that education for health is a much more successful way of keeping people healthy than any form of mandatory checking and so on. There are all sorts of problems with mandatory checking, to the extent that, for example, if you get checked today, and you contract something next week but aren't going to be checked for another month, what good is it?

The most important thing is to teach safe sex practices and make sure that everybody involved in any kind of commercial sex is involved in safe sex practices. As to whether you can do that by use of some kind of legal mechanism, I get the sense that most groups of doctors are very reluctant to go in that direction to the extent that it forces things underground, it forces people to avoid all of that stuff, it's back to issues of stigmatization, and so on and so forth. Then you've got the whole issue of why is it always the sex worker who gets the check; why not the client?

It's all of these kinds of issues, which are all important arguments.

• (1900)

The Chair: Thank you, Mr. Mark.

Mr. Ménard.

[*Translation*]

Mr. Réal Ménard: One of your colleagues, Sociologist Richard Poulin, whom you may know, has published a great deal on a new aspect of the prostitution issue, i.e. sexual trafficking, particularly at the international level. In our neighbourhoods—I'm referring mostly to Montreal because that's the city I know best—, many people think that the rules of prostitution have evolved, and that there are no more actual pimps. A pimp who defends and protects girls is an increasingly obsolete model. Do you agree with that?

Another question is how do we deal with sexual trafficking? It seems that in Toronto, Montreal and Vancouver, some of the girls are from Asia. Considering this, how should we, as legislators, look at the situation. Legislative provisions enable us to prosecute those who engage in sexual trafficking. However, although the Immigration Act has been revised, law-enforcement organizations have unfortunately laid very few charges, if any at all. What do you think of procuring? How is it lived today? What information do you want to share with us about sexual trafficking?

[*English*]

Prof. John Lowman: The word "pimp" does not appear in the Criminal Code. The word comes from African-American subculture. To understand that subculture, we need to understand the history of slavery and the history of the African-American male's position in North American society, how that culture unfolds and so on and so forth.

There still is what is called a "high track" in Vancouver, which is a traditional pimp stroll, but it accounts for a very small percentage of street prostitution. It's declining. Of course, anybody else who's involved in the management of, or living off the avails of, prostitution can be called a pimp, and sometimes is, but I think the traditional pimp is still here. There's variation amongst cities, but I think your experience in Montreal is probably one that's reflective of the rest of the country as well.

When it comes to trafficking in women, one of the most important debates going on at that level is similar to the one that's talking about sex work within a country. Is it all sexual slavery? Do some women make a choice?

One of the things I've learned is that there is a difference between trafficking and migration. Some women are not being trafficked, they are being opportunistic, taking advantage of an opportunity. So the issue to control that is an issue that is generic, I think. How do we let people into Canada? Under what circumstances are they allowed in? What kind of work can they do when they get here?

All of those are relevant issues that we must deal with, but I don't think specific issues related to prostitution need to be dealt with by any particularly special kind of law. These are generic issues that affect us in a number of ways.

I'm not sure, though, I've quite answered your question.

[Translation]

Mr. Réal Ménard: Thank you.

[English]

The Chair: Madam Davies.

Ms. Libby Davies: Hedy Fry asked a question the other day, I forget of whom, about the fact that we talk about the survival sex trade, and then there's the high end. She was talking about *Sex and the City*, the TV program. She was saying, really, what's the difference? We got into an interesting discussion. I actually responded to her and said, well, one of the differences is that there are class issues involved. So maybe we could talk about that a little bit.

You've pointed out on many occasions, and today, that we pay very little attention to the off-street massage parlours, to the escort services. We literally turn a blind eye to them. Now, it's partly because they're invisible, so they're not driven by complaints, but also, as a society, we just don't seem to see it in the same way, whereas the on-street prostitution is driven by complaint and enforcement.

I've always found it very interesting how we treat the customers. We get into all these grand schemes of john schools. When it comes to street prostitution, we feel that these men have to be educated. I'm skeptical about whether or not those john schools work; I know there are various theories about it. But when it comes to other forms of the sex trade, we don't seem to care about "educating" these men, right?

I wonder, as well, how much of this is driven by our perspectives on class issues and how we see both the sex trade worker and the customers, because they are treated very differently.

• (1905)

Prof. John Lowman: They are indeed.

Ms. Libby Davies: Do you have any research on that, on the difference in customers? Is it the same men who are going to on-street prostitutes and to...?

Prof. John Lowman: No, it's not. Again, there is a clear class distinction.

It was fascinating when we first looked at all the men who had been prosecuted under the communicating law. We did this for all the men prosecuted in 1986-87, and then again from 1992-95, in Vancouver. The first statistic was absolutely mind-boggling: 93% of the men charged for the communicating law lived east of Cambie Street.

Now, for people who are not familiar with Vancouver, Vancouver has a very clear class geography. The west side of the city is middle-to upper-class—I have some trouble with these distinctions, but this is just for descriptive purposes—and east Vancouver is very much working-class. When we ran a thing called the Blisshen index on those men, they came very low on the socio-economic scale.

The men from Kerrisdale and west Vancouver and so on and so forth are either going to indoor locations or they're going to high track. High track is a pimped stroll, which charges much higher prices than other areas. The reason they may be going to high track, and the reason that none of them get prosecuted, is that it's pimp-controlled. The police can't put a decoy in that area; she'll get kicked off the corner. None of those men get prosecuted.

So we have one of the clearest class distinctions in prosecution of both clients and prostitutes that you can possibly imagine. It is more distinct than almost any other kind of law enforcement effect of that kind that I've ever seen.

Another thing we want to be careful of with the off-street scene is to not look at it as all of a piece. There are some high-end places where really women do have a lot of control over their circumstances. But there are some places where women are being brought in and you have systems of debt bondage, which to me is no different from slavery. You're working off a debt that you can never pay off.

So all of that stuff is going on. On top of all that, you do have a lot of movement around all of these places.

One place I am studying over a 10-year period...and I won't name the city, but I will say it's not Vancouver. If you can imagine this, the particular person running this organization has had at least 7,000 different women walk through her door and want to work in that brothel. One of the reasons is that it's incredibly lucrative. It's run in such a way that it is safe, and it is not particularly exploitative. I mean, that's one of the issues: what cut should the manager get? What is reasonable?

So there are many different things going on, and there's a lot of flux around all of these different venues.

The Chair: Thank you, Ms. Davies.

Mr. Mark.

Mr. Inky Mark: Thank you, Mr. Chair.

I have just one brief question around an idea that came into my head. How do you classify the use of the Internet as a sex market? As you know, many varieties of sexual propositions take place on the Internet. Is this part of the realm of prostitution?

• (1910)

Prof. John Lowman: Yes, it is. One of the reasons that a lot of prostitution has moved off the street is the Internet. I mean, once you start cruising the Internet, you can find sites that talk about every off-street location in Vancouver. There is one site that talks about every street prostitution stroll, not just in Vancouver but in all the outlying municipalities—Surrey, Burnaby, Richmond. It describes everything that's going on in Seattle, everything that's going on in Bellingham.

The guy who puts this site together needs to get a life, as far as I'm concerned; what else does he do?

Once you start looking at the advertising on the Internet and the ability to advertise on the Internet.... One organization I know spends \$50,000 a month on advertising. Of course, once you go into the Internet, you take a lot of that fee away. When you start looking at some of the high-end organizations and the money that is involved in advertising and all those kinds of things, one gets some kind of sense of what a large business we're talking about here.

Mr. Inky Mark: Do you classify people who telephone these agencies for telephone sex, and who charge it to a telephone bill? Is that commercial sex?

Prof. John Lowman: It is. We were doing the study of clients, and I had a woman who ran a telephone sex company ring me up and say, "Do you want to talk to me?" I said to her that we were sort of focusing on something else. Then she said she'd give me a sample, and I replied that, no, that would be unethical for a researcher. But I did start to talk to her. Quite frankly, I had never really understood what phone sex was, when I first heard it, but she said that the average phone sex conversation was just three minutes—which tells you something very important about the different physiology of men and women. But you also have this new phenomenon now of a form of anonymous dating, using cameras, where people are engaged in various kinds of activity, watching each other, with no direct contact and no fee.

The Internet is changing our world.

Mr. Inky Mark: Thank you.

The Chair: Madame Brunelle.

[Translation]

Ms. Paule Brunelle: We have had here Mr. Fraser, of the Fraser committee. You told us you sat with him. Concerning the recommendations, what he considered failures of the committee seemed more like problems relating to mentalities. We felt that the Canadian population was not willing to accept his report.

Mentalities may have changed, but we need to look at how we can address the prejudice sustained by communities facing prostitution. We were told that single-family mothers living in cheap apartments ended up in places where there was prostitution. Then they had to move because the children found syringes and condoms on the way to school.

In terms of mentality, are we ready?

How can we, for our part, try to minimize the inconveniences to the population caused by this coexistence with prostitution?

[English]

Prof. John Lowman: First of all, by the way, I wasn't a member of the Fraser committee. I did background research for them. I wasn't actually part of it. It's confusing, too, because one of my research partners is Laura Fraser, and people often think she's Paul Fraser. So no, I was just doing background research for them.

To answer your question, I do think there has been a sea change, and I think the reason for it has been the terrible circumstances in Vancouver. No matter how you look at what's happened there, it's a calamity, but if there is one ray of hope that comes out of this, it's

that people say that, in this particular situation, harm reduction makes much more sense than what we're doing now.

I'm not one of those people, by the way, who argues that you can never get rid of prostitution. It seems to me to make as much sense as saying you can never get rid of theft, so let's legalize that. However, I think what we know as prostitution in this society is not indelible. It can change, and we can be part of changing the social relations of prostitution. But I think because of the terrible situation in Vancouver there is a change in attitude.

• (1915)

The Chair: Thank you, Madame Brunelle.

Ms. Davies.

Ms. Libby Davies: I would really agree with that. I've been on several radio programs talking about this issue, phone-in shows, and I've actually always been quite shocked at the response from just people out there, who basically.... Actually, the most common response is to legalize prostitution. And I don't know that people necessarily know what the distinction is between legalization and decriminalization. So I found that a very common response. I think it's us who are somewhat behind now.

Earlier on you'd put out a challenge to us, that overall we have to know what our goal is. I think the absence of that historically has produced these terrible contradictions. Perhaps I could throw it back at you and ask if you would care to articulate what you think that overall goal should be, in a broad sense. I feel that many of us have come to the conclusion that the status quo is an utter failure. I'm there, for sure. But I think it is difficult to know how to navigate where we go from now, in terms of what the overall goal should be.

If you feel like taking a stab at that, go for it.

Prof. John Lowman: I certainly believe that neither the buying nor selling of sex should be made a criminal offence as such. That means we have to decide where and under what circumstances prostitution can occur.

The hardest part of all of this, and I guess I've kind of said this already, is that a lot of this will take care of itself, because people have the wherewithal and the resources to be able to set up shop regardless of what kind of regulation we put in place. Take zoning, for example; you can only have small-scale institutions in commercial areas and things like that. All of that will take care of itself.

We already have models out there that work. Escort services work in the sense that they don't cause nuisances. Now, I can tell you about some pretty nasty escort service situations, too, where owners exploit women, where owners exploit them for sex, demand sex from them, and where they have systems of fines that are totally unreasonable. So all sorts of bad stuff is going on, but as a way of decentralizing the service, escort services work very well.

I think all of these things would just fall into place. It is those women at the lower end, who probably shouldn't be involved in prostitution at all, especially given some of their backgrounds, who are going to be the most difficult to deal with. Do we go with something like a stipple zone? Do we have some kind of rooming house? What do we do? Do we have the style of grandma's house, as one particular sex work advocate in British Columbia was trying to do? Essentially it's a non-profit: we'll take enough profit to pay for the rooms, pay for the towels, pay for this, pay for that, but we're not going to make a profit out of it.

All of these issues are the kinds of things that come up. It is those women at the lower end, the ones who are being picked up by Ridgway.... If you've ever seen Ridgway's testimony from when he got sentenced, then you've seen, just from the way he talked about why he picked prostitutes, everything you need to see in order to know what's happening to those women and why. It's because of their vulnerability. Quite how you deal with those women and get them off the street.... Street prostitution is in nobody's interest except perhaps the client who likes to window shop, if that's the correct term to use. It's in nobody else's interest.

Why does it still happen? Because some women just don't have the wherewithal to drag themselves out of bed to anything but the nearest corner after the nearest pipe or fix or whatever it is. They're homeless already. They live in rooming houses if they're lucky. It's those women who are the most difficult to think about how to deal with.

And do I have an answer? I wish.

• (1920)

The Chair: Anyone else?

Mr. Mark.

Mr. Inky Mark: I'll take one more stab at it.

What's your opinion of the situation in states like Nevada?

Prof. John Lowman: It's much too much like the state pimp model, to the extent that it's highly regulated, highly controlled. I've seen some women talk about it in glowing terms, I've seen other women describe it as being more like sexual slavery. I have not seen it firsthand, so to the extent that I haven't seen it firsthand and I see these conflicting opinions, I'd probably not say too much about that.

I did see one very interesting investigative report, a show called *Red-Light Districts*, which showed one particular location in a southeast Asian country that had 100 women sitting in it with numbers. Some had an "S", which meant "Superstar".

Quite frankly, looking at it, I felt sick. That's not what I want to see.

Mr. Inky Mark: Thank you.

The Chair: Anyone else? If not, perhaps I'll ask a couple of questions.

In terms of the social costs of prostitution, not only to the street worker, to his or her family, or to the state, have you ever quantified that in your studies, or have you studied this in any respect?

Prof. John Lowman: When I was doing the background research for the Fraser committee back in 1984, I had an MBA student try to

look at the costs of the whole policing of prostitution, social services, all of those kinds of things, on the one side, and also how much money women were earning and the costs they were incurring in the process of doing business. Of course, those are 21 years old now, so they're not a great deal of help to us. But one way or another, what we're looking at is vast amounts of money in terms of policing and the social service industry that has developed around services for sex workers, even if they're only ancillary services, as there aren't many services directly for them. Once you start adding up all the costs, we're talking about vast amounts of money at all levels.

Again, I don't know whether that quite answers your question.

The Chair: Do your average street workers, male or female, generally speaking have many social problems themselves with alcoholism or abuse or mental health?

Prof. John Lowman: Again, there's tremendous variation. There's this common belief that all street workers are addicted. That just is not true. There is a common belief that pimps use drugs to control prostitutes. In the African-American pimp scene, that just is not true. They don't want to put money in the woman's arm, they want to put it in their own pocket.

It's a psychological game, and sometimes a very violent one, of course, but the control is achieved by psychological means. Some women on the downtown east side are going to be suffering multiple problems—addiction problems, various kinds of mental problems—just like many of the people funneled into that area over the last 50 years by a process of urban triage. We've put all of our problems together in that area, so you are going to find all of those things.

At the other end of the spectrum, you find many women who do not use drugs at all. Some of them may use soft drugs. You find women who have mortgages. You have women who sit on school boards. And I'm saying that because I know some of them.

So you have a huge amount of variation.

The Chair: In conclusion or summary, the mandate of our committee is harm reduction, not only to the street workers, the prostitutes themselves, but also to the communities. Could you encapsulate, perhaps in point form, your recommendations to our committee to address that mandate?

• (1925)

Prof. John Lowman: I think the huge mistake made in the response to the Fraser committee back in 1985 was to just take the street prostitution law and reform it. What that said was that we were more concerned about public propriety and property values than we were about prostitutes.

The greatest irony of that, to me, was that the best way to solve the problems on both sides of the fence was to address the problems on both sides of the fence. If we address the problems of sex workers, we're going to address the problems of nuisance by the same token, if we do it right.

One of the things that has always amazed me in Vancouver, looking at street prostitution and patterns of street prostitution, is that the police can move prostitution overnight if they want to. And here's how they do it. They go around to the women in a particular area and say, "We don't want you to work here. There's a school over there, and that resident over there has been complaining. We would like you to work in this area over here, and if you do, we're not going to prosecute you." They move overnight. You don't need police wagons and paddy wagons and all of that stuff. All you need to do is say, "You can't work here, but you can work there", and you can achieve that movement.

To me, that gives the direction that we need to go in: to be able to resolve the problems on all sides. And that should be the mandate of the committee. We have to deal with all of these problems. I just really wish we had done it 20 years ago, at the time of the Fraser

committee. I honestly believe that those women would not be missing on the downtown east side, that I would not have been, by 1994, studying 50 homicides of women in British Columbia. I honestly believe that.

The Chair: Mr. Lowman, thank you very much for your refreshing and frank testimony. I think the highest compliment paid to you is that one of our panellists wishes to go back to university and take your courses. I think we probably all feel that way.

Again, thank you very much.

Prof. John Lowman: I want to thank all of you, too, for the direction of the questions and the obvious concern you all show about this. Thank you.

The Chair: The meeting is adjourned.

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