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

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**Chair**

**Mr. John Maloney**

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Wednesday, March 9, 2005

•(1815)

[English]

**The Chair (Mr. John Maloney (Welland, Lib.)):** I'd like to call to order the meeting of the Subcommittee of the Standing Committee on Justice and Human Rights, Public Safety and Emergency Preparedness. We are studying the solicitation laws, and this evening our witnesses are Colette Parent and Christine Bruckert from the Department of Criminology at the University of Ottawa.

The general routine is that we would have a ten-minute presentation, followed by questions from our panel of approximately seven minutes, and then we'll go to three-minute rounds. Are there any questions?

Please proceed.

[Translation]

**Prof. Colette Parent (Professor, Department of Criminology, University of Ottawa):** I'd like to thank committee members for giving us the opportunity to state our views on the issue of soliciting for the purposes of prostitution. My colleague, Christine Bruckert, and I have been working for several years on various problems related to the sex trade. We have recently conducted a number of empirical studies, two of which are still underway. We initially studied the sex trade in massage parlours and erotic establishments in the Montreal and Toronto areas, which led to a report for the Law Commission of Canada. That study enabled us to set some theoretical parameters for our approach to prostitution as a trade. Those developments can be found in an article in the March 2005 issue of *Déviante et Société*, which is due out any day now. Incidentally, I have provided a copy of that paper for your researchers and analysts. After doing that study and producing that article, we applied for and received a grant from the Social Sciences and Humanities Research Council of Canada for research on escort work, men, women and clients. We are currently collecting the data. Stella and Maggie's, two sex trade workers' organizations, are collaborating with us on these projects. We have also conducted action research on the needs and services of street prostitutes in the Ottawa-Carleton area. The report is 90 per cent complete, and a summary of the findings is available.

After the presentation, we can answer any questions committee members may have about that research.

Finally, we have also done two studies for the RCMP on trafficking in women for the purposes of prostitution, and that's what we'd like to discuss with the committee today.

To begin with, we'd like to highlight certain factors that feed the controversy around this issue. Then, we'll present some of the findings from our research on how Canadian courts deal with trafficking in women for the purposes of prostitution. We will also state the positions of representatives of both the criminal justice system and sex trade workers on this problem in Canada.

The issue of trafficking in women for the purposes of prostitution came to the forefront internationally in the 1990s. This is when the first literature documenting and exposing the problem appeared. But gradually, a controversy grew around the analysis and statistical magnitude of the phenomenon. Today, three prevailing positions on trafficking in women for the purposes of prostitution can be identified.

The first, the abolitionist position, borrows from the phenomenon of the white slave trade that emerged in the west in the late 19th century and links prostitution with slavery and violence. It is this approach that influenced the adoption in 1949 by the UN of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This approach also influenced the content of the protocols adopted in 2000, but to a lesser extent. According to this approach, prostitution is considered incompatible with human dignity. Today, when the migration of sex-trade workers to foreign countries is contemplated, the issue is defined from the outset as trafficking, as the globalization of sexual slavery. So trafficking remains closely associated with prostitution and represents a criminal phenomenon that must be fought with all available legal means.

A second approach refers to a broader definition of trafficking, one that includes other forms of forced labour and draws a distinction between voluntary and forced prostitution. It makes it possible to frame the question in its overall socio-economic context, to identify links between the migration of sex-trade workers and that of other categories of workers, and to consider together the vulnerability of these groups of people seeking to earn a living, but without the protection of citizenship rights, because they are illegal immigrants.

● (1820)

The third position is taken by sex trade worker organizations that directly challenge the usefulness of using trafficking to describe the situation of migrant sex trade workers. They feel that historically, when dealing with the issue of trafficking, people were more concerned about protecting pure and innocent young girls from prostitution than defending the rights of sex trade workers. For those who take the first position, prostitution, trafficking and sexual slavery are inextricably related. Whereas the other two groups distinguish among the sex trade, illegal migration and the vulnerability of migrant workers, be they sex trade workers or other workers, to exploitation.

The question before us today is basically that of the criminalization of certain activities associated with the sex trade in Canada, which deprives sex trade workers of the rights and protections afforded to all Canadians citizens and makes illegal sex trade workers even more vulnerable to exploitation.

In the controversy around trafficking, the figures put forward by abolitionists seek to establish the magnitude and gravity of the problem, but the way they arrived at those numbers, by the International Organization for Migration's own admission, is not very clear.

In its quarterly bulletin of April 2001, the IOM decided instead to present data from its own activities in 89 countries as indicators of trends in the phenomenon. Obviously, the data presented in that bulletin are much more modest, but they can be empirically verified.

Our research into how the courts deal with cases of trafficking in women for the purposes of prostitution and on the positions of representatives of both the criminal justice system and sex trade workers, among others, also inclines us to be cautious. We present some of our findings in the following section.

In 2002, we did a study that dealt in part with judicial commentary on human trafficking and organized crime. To identify relevant cases, we did searches in Quicklaw using a number of available data bases and an extensive number of search terms. Despite our efforts, we only identified four criminal hearings and two hearings on licence applications in connection with a project in the Toronto, area, in 1999-2000, under the code name Almonzo. We also identified eight cases of female refugee claimants that mainly had to do with human trafficking.

In the case of the police initiative known by the code name Almonzo, the targets were adult entertainment parlours that hired migrants from eastern Europe to work as erotic dancers. The media paid a lot of attention to the project and in 1999, headlines such as "Bar owner charged with sexual slavery —foreign women forced into prostitution" appeared in the daily newspapers.

Reports said that the investigation had revealed the essential role Canada played in the international trafficking in sex slaves. Although the media reported that 650 charges had been laid against 200 bar owners and 100 foreign dancers, we were unable to follow the development of all of those cases, in fact, very few of those cases. Some of the charges were surely dropped. In other cases, there was a stay of proceedings, because multiple delays in the trial, pending Crown disclosure of information on project Almonzo,

violated the accused's right to be tried within a reasonable time. After five years, the judge decided to close the cases.

Because the Toronto Police Force was mentioned in one prosecution resulting from project Almonzo, we were unable to discuss that case with our research participants. In one decision, the judge referred to an internal Employment and Immigration Canada document that described project Almonzo as a police project designed to terminate the activities of adult entertainment parlours.

● (1825)

We know that at the time, there was the whole issue of lap dancing in Toronto bars. We got that information from an Employment and Immigration Canada memo.

With respect to the hearings of female refugee claimants, we only identified eight cases. Only three of the eight applications were successful. An analysis of the decisions shows that overall, the judges divide the applicants into two categories. The first category is that of young women who were tricked, who didn't know that they were coming to Canada for the sex trade and who, basically, were victims. The second is that of young women who knew they were coming to Canada for that purpose. They were simply illegal migrants, and there was no recognition of the fact that they might be victims of trafficking or might be persecuted if they returned to their country, even though we were able to identify a certain number of factors in those cases that might give rise to concern of the safety of some for those women.

In those cases, the classic representation of trafficking in pure and innocent young women for the purposes of prostitution emerged once again, and the judges generally did not recognize the vulnerability of migrant female sex trade workers.

In addition, the 10 interviews we conducted with police representatives, criminal justice workers and representatives of sex trade workers enabled us to paint a clearer picture. We interviewed a crown prosecutor, three RCMP officers and three Toronto police officers, all with extensive experience with these problems. We also interviewed three women who work with sex trade workers or illegal migrant sex trade workers.

Here are some of the factors we identified from the interviews that highlight the parameters of the problem as defined by those who work in this field. According to an RCMP corporal, organized crime gangs started bringing in foreign sex trade workers to work in Toronto massage parlours back in the early 1990s, but initially only five or six women per year. For these groups associated with organized crime, smuggling illegal migrants was merely an activity that they picked up along the way in response to demand and given the opportunity to turn a profit. As a matter of fact, there is no conclusive evidence that these groups form permanent structured networks traditionally associated with organized crime. The RCMP corporal stated that these groups

[...] don't necessarily form a structured organized crime gang or group [...] it's just four or five guys engaging in a criminal act, and while you and I and three other people are doing a deal together, another deal is being done among three or four other people.

According to the representatives of the criminal justice system, these initiatives in many ways resemble legitimate businesses. These organizations may in turn employ unaffiliated people, often on a fee-for-service basis. It is profit-based work that the participants, smugglers or migrants, do not consider problematic or criminal. In these cases, the women are supposedly consenting victims. However, if they don't pay off their debts, they may fall victim to violence, and some of them may not understand some of the terms of the contract or may even be fooled or tricked.

As the staff sergeant pointed out, it's the international distribution of wealth and the marginalization of potential migrants that facilitates the exploitation of human needs.

On the whole, criminal justice workers did not make the same association between the sex trade and illegal migration that the sex slave imagery conjures up. With few exceptions, they approached the question from a broader perspective of exploitation and labour migration. They could see that women come to Canada and choose the sex trade as a business opportunity, an opportunity to make money. They cannot be automatically classified as victims, as slaves, but it cannot be denied that their marginal social status leads them to leave their country, and that as illegal migrant sex trade workers, they are vulnerable.

• (1830)

In response to those who wish to maintain the criminalization of activities associated with the sex trade in Canada, to protect women from the globalization of the sex trade, I would say that the example of France, in our view, clearly shows the unintended consequences of criminalizing the sex trade for migrant sex trade workers.

Since the enactment of the Sarkozy Act, in 2003, in France, which criminalizes passive solicitation, 2,400 people have been prosecuted for solicitation, according to the daily newspaper *Libération*, dated January 23, 2005. Among the accused, 36 per cent were from eastern Europe or the Balkans, 31 per cent from Africa, 8 per cent from South America and the Caribbean, 5 per cent from the Maghreb, 3 per cent from Asia, and only 6 per cent were French. Far from preventing them from coming to France or chasing them out of France, the legislation just forces them to work under even more precarious circumstances and makes them more vulnerable, as do the Criminal Code provisions on communicating that were enacted in Canada for sex trade workers.

It is our position, based on our research, that decriminalization is the solution.

Thank you.

[English]

**The Chair:** Merci, Madame.

Perhaps we will start with Madame Brunelle, to give you a little bit of a break, Mr. Hanger.

[Translation]

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

I see that you have prepared a report entitled “Erotic Service / Erotic Dance Establishments: Two Types of Marginalized Labour”. The briefing notes we were provided indicate the following:

Among other things, the report looks at the health and safety concerns of workers in massage parlours, brothels and striptease establishments, as well as the way in which the regulation of sex services affects work in those industries.

I'd like to know what you mean by “affects”.

[English]

**Prof. Colette Parent:** Do you want to answer that question?

**Prof. Christine Bruckert (Professor, Department of Criminology, University of Ottawa):** Just for clarification, does she mean the implications of criminalization?

**A voice:** On health—

**Prof. Christine Bruckert:** Okay, do you want you want to take this now?

• (1835)

[Translation]

**Prof. Colette Parent:** We have interviewed several sex trade workers in massage parlours and erotic establishments. We have been able to identify health problems of various kinds.

One important factor is the management of those establishments. We have found that in some establishments, the owners didn't openly acknowledge that their massage parlour was an erotic massage parlour, they gave it the façade of an ordinary massage parlour. For sex trade workers who also did massage, the situation became very difficult, because they couldn't ask for condoms, they had to manage on their own to have some at their disposal and they could hardly complain about an aggressive client or a client who demanded services that they didn't want to provide, since the establishment denied all involvement in the sex trade. So the workers found themselves in vulnerable situations in terms of protection, public safety and even health protection. They always had to see to their own protection needs.

Even when the establishment was open about the kind of work done, we found that there was a problem. Given that the workers are engaged in informal work, unrecognized work, and that the standards and rules that apply to the services provided by these women are not officially and widely recognized in society, the services they provide fall into a grey area that may lead them to do certain things that are harmful to their health. Some clients insist on receiving services without a condom and think that they are in a position to do so, given the marginalization of the workers. So there is a potential danger to the health and safety of sex trade workers. Clients may expect certain types of services. Since the services are not advertised at the outset, they may well find that those services aren't available, get frustrated and unpleasant, and even violent.

Sex trade workers have limited protection options, given that some of their activities are criminalized and the fact that their work is marginal. Our research has identified the risks associated with those factors.

**Ms. Paule Brunelle:** Did you find similar problems in strip clubs?

**Prof. Colette Parent:** In strip clubs...

[English]

Could you answer that, please?

**Prof. Christine Bruckert:** In erotic dance bars or in strip clubs the situation is somewhat different, because on the one hand, the dancers are in fact engaged in a legal activity; they are legally sanctioned, they pay their taxes. On the other hand, the women continue to be in a very marginal situation, and because of the way the industry is structured, we see the same thing happening in clubs as we do in massage parlours: women are systematically denied access to general labour rights that other workers have access to. So there's no employment equity, there's no health and safety protection. They're absolutely operating outside the margin of even the minimal labour protection other workers can secure. So in fact they are much more vulnerable. They also have very little recourse in dealing with their employer, because again, they're operating in this grey space of the economy as sort of disguised employees. They have very little ability to negotiate with their employer on things like the expectations of the employer or wages or fees.

That answers your question, I think.

• (1840)

[Translation]

**Prof. Colette Parent:** In addition, in strip clubs, working conditions have worsened markedly. For a time, dancers got a small basic wage, but now there are no wages whatsoever. Some costs are covered by the bar owners. So the dancers have to earn their income from tips from clients. There are a lot of women working in the same bar, and that leads to a great deal of competition among them, in order to earn a decent living.

**The Chair:** Is that all?

Ms. Davies, you have the floor.

[English]

**Ms. Libby Davies (Vancouver East, NDP):** Thank you very much for coming this evening. Your research is very interesting.

As I understand it, the position you're putting forward is that whether or not we think this form of work, sex trade work, is good or bad, by basically taking an abolitionist or a prohibitionist approach, we're actually reducing the degree of control, dignity, or choice that people engaged in this work might have. We have had a number of witnesses who have presented this idea to us. We've also had witnesses who believe that because, as a society, we should be sanctioning this form of work in a negative way, we should be moving to a stronger form of prohibition.

I have a couple of observations. I've been more familiar with the whole scene of on-street prostitution. We often talk about that situation in relation to the massage parlours, the exotic dance clubs, or the escort services. We've actually had some testimony where the massage parlours have been pointed out as a preferable situation because they're possibly less violent. The ability of the women who are out on the street, being moved into industrial areas and very unsafe conditions, to control what's going on is virtually nil, whereas in massage parlours and escort services there may be some better form of control. But what I hear you saying is that the research you've done actually shows that those women too are very vulnerable, in that they really have no parameters or rules and

regulations. They're very much subject to the whim of the owner or the operator. So I just wanted to know if that was generally the position you're putting forward.

Second, in respect of what you're suggesting for decriminalization, it would be really helpful if you could spell it out. Sometimes people talk about legalization, they talk about decriminalization, and generally, I understand decriminalization to mean that we take these issues out of the Criminal Code and we basically just leave them be. If that's the case, how would we answer the concerns you put forward about some of these women who are still being exploited because there are no rules or regulations? When you say decriminalization, do you actually mean an environment where there would be licensing or regulation of some sort to assure working conditions and so on? I think there's still a grey area between what some people say is decriminalization and what others maybe see as legalization, which they see as the state sanctioning and getting involved in the business. So if you could clear up your position on that, I think it would be very helpful.

**Prof. Christine Bruckert:** I'm going to answer the first question first, about the massage parlours. The women we interviewed clearly spoke about making a choice and weighing issues of safety. Most of them highlighted the fact that in the massage parlour there were a number of features that did in fact increase their security: there would be other workers around, there were often neighbours, they often created a virtual bouncer. So there was a certain amount of security. They often spoke of that in comparison to out-call, women going into hotel rooms, where they didn't know what the situation was they were getting into. They were also able to screen them before they came into the establishment. That said, I think it's important to appreciate that it does, arguably, offer a more secure environment than the street. Escorts I'm not sure about. Still, the criminalization affects all women in the trade. The massage parlour is not an absolutely safe space, but is just a relatively better space.

As to decriminalization, Colette will jump in if I'm misrepresenting our position. Decriminalization means effectively removing all the laws concerning prostitution. That would be sections 210, 212, and 213, I think, including the massage parlour and the living off the avails laws. These laws need to be removed for a number of reasons, not least of which is the fact that it's reinforcement of these laws that often renders the woman vulnerable.

• (1845)

**Ms. Libby Davies:** If we did that, then, what do you think the impact would be? Would we actually be moving into a regime where there are still no standards or safety? I'm concerned about what even decriminalization means, say, for the massage parlours. Are you suggesting that it would be other, more generic laws on labour standards, health and safety, using condoms, or whatever it might be? Is that what you would rely on?

**Prof. Christine Bruckert:** I think we have to marry decriminalization with an effort to destigmatize and to ensure an acceptance of this as a form of work. Of course, all the other kinds of laws would then come into play, laws that protect workers, and should protect all workers, such as health and safety.

Would you like to pick on this, Colette?

[*Translation*]

**Prof. Colette Parent:** To us, decriminalization should make it possible for the sex trade to be recognized as a form of work and to be subject, as are other forms of work in the service industry, to rules. Those rules would require sex trade workers to perform responsibly, but would also allow them to be respected as service industry workers.

Frankly, we haven't delved into the nitty-gritty of what that might look like. I think that needs to be hammered out with representatives of sex trade workers, women who work in the field and know the various dimensions of the work, the risks and responsibilities. You also need to be familiar with labour law, for example, or even legislation on keeping the peace, which may be used when there are disturbances. We don't need to contemplate special legislation for sex trade workers.

Legalization initiatives too often put in place measures that keep stigmatizing sex trade workers, making them citizens different from the rest. As such, this kind of measure is unacceptable to us. It seems to us that this merely perpetuates the stigmatization and exclusion of these workers.

Of course, there are people who say that decriminalization will not solve all of the problems. No law solves all problems. However, that is going to give sex trade workers rights and enable them to stand up and be counted as full-fledged citizens and defend their rights. Sex trade workers who have personal problems and who are unhappy with their work activities are going to continue to have this kind of problem. It won't solve all of these problems overnight, but it is going to solve a whole lot of problems of stigmatization and vulnerability associated with criminalization and the exclusion of sex trade workers.

• (1850)

[*English*]

**The Chair:** Good ahead, please, Mr. Hanger.

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

I apologize, ladies, for arriving late and missing part of the presentation; however, I do have a good indication of where you're coming from.

So in your world, as far as this whole area of prostitution goes, you see decriminalization. So there would be no Criminal Code charges, including those for living off the avails, and the prostitutes would work under sort of a labour code. Is that correct? And they would pay unemployment insurance and all of this, much like what's going on in Germany right now, I assume. I assume in your research you have followed some of the events that have taken place in Germany.

**Prof. Christine Bruckert:** Well, Germany has moved much more to a legalization model, so you in fact have unique expectations put on sex trade workers. Other workers, waitresses for instance, do not have to have weekly checks to ensure that they are not carriers of any kind of sexually transmitted diseases, and that's problematic.

**Mr. Art Hanger:** Yes, but they pay unemployment insurance.

**Prof. Christine Bruckert:** Yes.

**Mr. Art Hanger:** So they can go on unemployment insurance, if something comes up. Or someone else—much like what happened over there.... If you're paying unemployment insurance and you have a job offer, you're pretty much expected to take it. Is that what your vision of prostitution under your model would look like?

**Prof. Christine Bruckert:** That you would have access to things like unemployment insurance, to maternity leave....

[*Translation*]

**Prof. Colette Parent:** It all depends on the work structure that some women would opt for. If some women decided to be self-employed, the issue of employment insurance would not come up in the same terms. It might depend on the work structure. The idea is to allow women to also choose the type of organization they would like to be associated with.

If you go by what some representatives of sex trade workers are telling us, since the advent of the Internet and e-mail, etc., some sex trade workers have gone into business on their own, or in groups of two or three. They are literally running a small business. Clearly, they are not currently operating entirely legally, but they could if that kind of measure were taken.

[*English*]

**Mr. Art Hanger:** They would be paying taxes?

So just going into your model again, you would like to see unemployment insurance paid, maternity benefits if there are maternity benefits offered.... And if there were a sudden need for more prostitutes, and there were unemployed women about, then if an organization felt that it would like to offer a woman who was unemployed a job, and she was on unemployment insurance and refused the job, her unemployment would be cut. That's a fair assessment of where you're at?

**Prof. Christine Bruckert:** Normally.... I think maybe we're extending the model a bit far here.

**Mr. Art Hanger:** Well, I don't know. I want you to—

**Prof. Christine Bruckert:** Normally you are not offered a job where you don't have any experience.

I think what the argument is mostly about is ensuring that women get the protection. And we see this even in dance clubs, that women don't have the protection. They get hurt on the job, and they have no protection. If a club owner uses discriminatory practices, the women have no recourse. I think it's imperative that whether or not women get maternity leave or unemployment options—and I would leave that up to sex workers to argue, I have no idea if this would be terribly important—the rights of citizens should be conferred on sex workers as they should be on every worker in Canada.

• (1855)

**Mr. Art Hanger:** I see. So workmen's compensation I guess would be one such benefit?

**Prof. Christine Bruckert:** Dancers certainly argue that this is something they should be entitled to, since they do in fact get hurt on the job.

**Mr. Art Hanger:** What has your research told you about those countries that have actually legalized, licensed, and controlled prostitutes, in the sense that they fit the labour code and perform within that framework? What has your research told you about prostitution, in general, in those jurisdictions? Does everybody comply?

**Prof. Christine Bruckert:** No. There will always be, of course, a black market in the sex industry. However, what they find in places like Holland, when you start to get... You're talking more about legalization, and it's New Zealand we can maybe turn to for a model of decriminalization. But even within the countries that have moved toward legalization, we see greater transparency. In fact, the women are able to complain when they are subjected to acts of violence. They have legal recourse. We see that police are more able to intervene when there are, for example, youths on the street, or when there is violence or exploitation.

Of course it doesn't solve everything. I mean, we have a black market in construction work in Canada, so why would we not continue to have a black market in sex work? I can hardly imagine it would disappear.

[Translation]

**Prof. Colette Parent:** I'd like to add something. Earlier, I referred to the Sarkozy Act in France and to the illegal sex trade workers it targeted. If you look at what's going on in some European countries, you can see that there's a whole set of problems around illegal migrant workers. Among those workers, there are sex trade workers, construction workers, agricultural workers, textile workers. It's a problem that affects sex trade workers, but it's an illegal migration and wealth distribution problem.

Decriminalization will not solve the problem of labour migration and hiring illegal workers because they are cheaper. There has to be another way and another place to deal with that problem. This is not what's going to solve it. However, criminalization won't solve it either, contrary to what some may claim. It just makes workers more vulnerable by driving them underground and taking away tools they need to protect themselves.

[English]

**Mr. Art Hanger:** I don't know. You have research to support that last comment, I suppose. We've heard comments and references to the contrary, that it does not drive away the vulnerability and the exploitation, even when this business is legalized. So you still have women operating outside the code, if you will, and they may have tremendous drug problems and a lot of other problems. Their numbers, we have been told here, exceed those of the so-called legal licensed prostitutes. Those are the comments from some of the witnesses who have come here.

I'd like to hear what comments you have to the contrary. I assume you've really gone into depth to formulate your opinion here.

[Translation]

**Prof. Colette Parent:** That's a difficult question. Whenever we talk about figures in this context, we are faced with the possibility of measuring, something that is not always easy. It becomes very difficult to establish whether the illegal ones outnumber the legal ones.

We do know that sex workers who have a drug addiction will continue their work, whether legal or not, because of their addiction. In our research on the needs and services relating to street sex work, we interviewed various women who literally admitted that they were involved in prostitution to pay for their drugs and that they saw the two activities as being closely linked. So it is a problem and it will not be solved by criminalization or decriminalization.

Although decriminalization by itself does not empower women, it does provide them with the conditions necessary to learn to recognize and exercise their rights. It provides them with tools, whereas criminalization means that they must work illegally. That is the aspect that we are considering. Criminalization does not convince women to give up their work but it does make them work in conditions that are far more precarious.

There are countries like Sweden that have adopted legislation that supposedly has been successful in decreasing prostitution. Certain reports maintain the contrary and say that the forms have simply changed. Five years after the adoption of the provisions on communicating in Canada, the Department of Justice asked for evaluations. It was observed that the incidence of prostitution remained the same, that its forms have changed and it was practised in different places, but there had been no success in bringing about a change in the overall situation, if such had been the intent. It was also noted that women sex workers had been made more vulnerable. We have seen the consequences in the examples of violence against such sex workers and the fact that many of them were murdered. We have tangible, national proof of the effect of repressive legislation whose brunt has traditionally and historically been felt first and foremost by sex workers. It is these women who are the main targets of the law.

• (1900)

[English]

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

We will now have three-minute rounds. We ask that your questions be direct and your responses be as brief as possible, within three minutes.

Madame Brunelle

[Translation]

**Ms. Paule Brunelle:** In the process of hearing the different witnesses, the matter is becoming increasingly difficult since we hear contradictory statements. The world that you are describing for women prostitutes would certainly be an ideal world. The idea of considering sex workers like any other worker is an interesting one.

First of all, based on your conclusions, is the choice to work in the sex trade really a voluntary one? Do you think that a woman makes a choice to engage in this kind of work?

Second, I am disturbed by what you told us about the globalization of the sex industry. You seem to be marginalizing the problem to a certain extent. Judging from what I have read, there would appear to be an increase in the globalization of the sex industry. Women from other countries seem to be pouring in to Canada to swell the ranks of this industry, which is underground and illegal. That does not appear to jibe with your perception, according to your surveys.



[English]

**Prof. Christine Bruckert:** On your first question, I think most certainly women choose to work in the sex industry, and like other women, particularly other young women, they make choices within certain constraints. So women choose to be waitresses, they choose to be sales clerks, and they choose to be sex workers. Obviously there are constraints imposed. They're not freely choosing from unlimited options. Nonetheless, I think it's both insulting to the women and a misrepresentation to suggest that they're not choosing. They're free agents, as are other women.

• (1905)

[Translation]

**Prof. Colette Parent:** According to our research on massage parlours and sex businesses, women do in fact make a choice. They told us that they prefer sex work to other types of employment that would require their presence from 9 to 5, along with following orders and a miserable wage compared to what they now earn. Several of them clearly said that they liked sex, that it was a part of their life they were very comfortable with and that they had no problem with providing sexual services. Several of them explicitly said that they had based their choice on such criteria.

Of course, as my colleague noted, this is a choice that is made within a certain number of options, just as all of us are here because of choices we made from the options that were available to us. They had a set of options and this was how they went about making their choice.

Perhaps Mr. Maloney will wish to interrupt me but in one case, one of the women we interviewed said that she did choose to work in a massage parlour. She said that sexually speaking, she was very open and that she thought she could be a sex worker. But in actual fact, it did not turn out to be the case. In our sample, she is the one who said that she did not like her work, that it was not enjoyable and that she did not like it. So this is also possible in the case of sex work. She was very clear about this in the interview. So the only conclusion was that she should not have been doing it.

[English]

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

Madam Davies.

**Ms. Libby Davies:** First of all, I'd like to come back to the question that I think you raised on trafficking and migration. We've had a little bit of discussion about it at the committee, but I'm not sure if I actually understood what you are advocating.

There is international trafficking that takes place. Some of it is clearly exploitative and coercive. Some of it may not be. It may be that people try to get around the rules and they make choices. I wanted to be clear in terms of what you think Canada should be doing. When people are here and they're engaged in the business, that's a different question. In terms of the circumstances that arise or the laws that are there in terms of preventing or prohibiting trafficking, I want to understand more clearly what it is you are advocating, if you could explain.

**Prof. Christine Bruckert:** One of the things we're advocating for is that these are two separate issues. One of them is the issue of irregular migration and the other one is the sex trade. There tends to

be this conflation of the two in the discourse, so you get the image that only irregular migrants are in fact sex workers, when we have nannies, construction workers, and agricultural workers. There are all sorts of exploited workers who are in a very vulnerable situation.

The other thing is that even for this population, in many ways, it is the criminalization that renders them particularly vulnerable. If a woman is an irregular migrant and working in the sex industry, she is particularly vulnerable. Not only does she not have papers, but she is also vulnerable because of criminalization. This becomes a further tool that can be used to control her. She is also very fearful of going to the police.

[Translation]

**Prof. Colette Parent:** We have not considered anti-trafficking measures. As my colleague pointed out, we wanted to make a distinction between illegal migration and the matter of the sex trade because people, both advocates and abolitionists tend to confuse the two. As they see it, there's trafficking, prostitution and slavery and it all forms a whole. As we see it, there is sex work that may be engaged in by women in Canada who choose this type of work and in my opinion, it should be decriminalized and these women should be entitled to workers' rights. There is the whole issue of the illegal migration of workers, including sex workers, that brings up very difficult and complex issues.

According to the research I've read about this phenomenon in Europe, where there was a great deal of migration from the eastern countries, particularly during one long period, the situations have become extremely complex. During the 1990s, Chris De Stoop, a Belgian journalist, sounded the alarm about sexual slavery and the sexual trafficking in women from eastern Europe. He was one of those people responsible for the campaign against trafficking in women for prostitution in Belgium. In 2004, he published a book in which he said that he had been mistaken. It is not that the problem of migrant workers does not exist, but a simplistic and one-sided description of women being reduced to slavery by unscrupulous men did not adequately account for the complexity of the situation. He returned to Albania with some women sex workers and discovered a completely disorganized society, one that had been destroyed and where people lived in abject poverty. In the circumstances, migration to the west seemed to be the solution for certain women. Obviously, as they attempt to leave their country, they are very vulnerable. Some of them end up being exploited and may become victims of trafficking. If they are identified and sent back to their country, several of them will return to the west where they see themselves as having a better life. That may not necessarily be so but these women and their situation are so desperate that they are looking for solutions. To claim that they are simply victims, being exploited and abused by wrongdoers, does not reflect the complexity of the situation.

There are centres for former prostitutes that are very surprised to discover that they come back to the west and they may do so several times. They have the feeling that in their own country, they have nothing and they may get something better in the west. This is a problem of migration, of poverty in certain countries and illegal migration. That is why we wish to emphasize today that these two issues are distinct, in our view, and raise important and complex issues that some people tend to confuse and simplify to the extreme. The situation is far more complex than that.

• (1910)

[English]

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

Mr. Hanger, please, for three minutes.

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

I listened to your comments in reference to the trafficking of young women. I do agree. In fact, a few years ago I was in Russia. They had conducted a survey among the junior high and high school girls, and somewhere in the neighbourhood of 70% said they would engage in prostitution, thinking that it was a way to a better life.

**Prof. Colette Parent:** Thinking, but they might not get it—just thinking.

**Mr. Art Hanger:** Well, they won't get it. They'll be exploited, they will be abused, they will be used—and probably far worse, from my understanding of what happens when you allow yourself to be in the hands of someone else. They don't have laws over there that govern prostitution per se. Whoever is the strongest... It's the organized criminal who entices them to become involved, and away they go.

Anyway, that's Russia. I know that some of them find their way over here.

If the question of decriminalization of prostitution were to be put before the people of the country, what does your research tell you their response would be?

**Prof. Christine Bruckert:** We have done no research on public opinion.

**Mr. Art Hanger:** You have done no research?

**Prof. Christine Bruckert:** We have colleagues who work on public opinion, but it's not really an area that we pursue.

**Mr. Art Hanger:** You don't know what the response of the public would be.

**Prof. Christine Bruckert:** No. I know what they said in the Fraser report.

**Mr. Art Hanger:** What did they say?

**Prof. Colette Parent:** Yes, a long time ago. They were favourable to decriminalization, if I remember well.

**Mr. Art Hanger:** The public was favourable.

**Prof. Christine Bruckert:** The general public was in favour, as long as it didn't occur in their neighbourhood.

**Mr. Art Hanger:** Sure, they don't want it in their neighbourhood.

What does your model tell you? Should they be able to live in any community and practise their prostitution in any community?

• (1915)

[Translation]

**Prof. Colette Parent:** If this work is considered to be part of the service sector, then it is a service and should be subject to the city zoning regulations. You won't necessarily find a hairdressing salon in a suburban residential neighbourhood. But cities do deliver operating permits for certain areas. I don't see why we couldn't proceed in the same way.

[English]

**The Chair:** This is your last question.

**Mr. Art Hanger:** There are three parliamentarians sitting here, sometimes four, and our job is to represent the communities we come from and to participate, of course, in issues that come before the House and before the committees and make decisions on them.

I have always had a good healthy respect for the common sense of the common person. I would like to poll my people on this issue very directly. I'd like to know where they come from. You're offering an opinion. You're offering what research you have done, but you have not looked into the communities and said this is how the community is going to respond to this proposal of ours, and formulated a plan. So you fall short when it comes to your research, I think.

We are going to have to make up our minds not only on the basis of what you say, but also on what the community reflection is and a number of other factors.

**Prof. Christine Bruckert:** Can I just say something, though?

While I'm not sure how the Canadian public would respond in terms of a decriminalization model, I'm quite sure that the Canadian public is disturbed by the violence against sex workers and the 60-odd women who have disappeared, who have been murdered out in Vancouver, the Green Valley murders south of the border, the ten sex workers missing in Calgary, and the three murdered in Toronto and elsewhere across the country. And while it is up to parliamentarians to devise a model—I'll quite accept that—I do have faith that the Canadian people are not willing to accept violence against women. I do feel our laws against prostitution are clearly implicated in that violence. I think that's quite clear, certainly in the ones in Vancouver.

**The Chair:** We're well over three minutes.

Madame Brunelle.

[Translation]

**Ms. Paule Brunelle:** When we talk about women prostitutes, we imagine someone who cannot keep working at the job for a long period of time. Is that the case? I suppose they wouldn't be earning very much either.

Let's take the example of a prostitute with a drug problem. Once we start considering this to be a job like any other, don't you think that we should be giving some thought to measures aimed at the social rehabilitation of such women so that they can do something else?

Am I wrong in thinking that this is a short-lived and poorly paid activity? We should therefore be giving thought to alternatives to avoid having women facing numerous problems.

**Prof. Colette Parent:** The idea that it doesn't pay well is debatable. It varies a lot from one woman to another and also according to sectors. In the escort services, payment is excellent. If the women manage their revenue well, then they can save money, although it is an activity that in some respects is illegal. In such a case, what are people to do with the money they earn? This is a problem at the present time. In other sectors, income is not as high but if we compare it with the other types of jobs available in the service sector, it is still quite good.

• (1920)

**Ms. Paule Brunelle:** Can we assume that most women would engage in this for about ten years?

**Prof. Colette Parent:** According to what we've heard, this would be the maximum for many of them. Of course, there are some who work for longer but many work for only a few years, one to three.

**Ms. Paule Brunelle:** Do you know what they do then? Do they find more traditional work?

**Prof. Colette Parent:** Among those in our sample working in massage parlours, they had already occupied different types of traditional employment. If the person has been a sex worker for a longer period of time, then reorientation may be a problem because there is a gap in their work record as well as the stigmatization that goes with sex work. If they want to start a new life, that means that they show up with five years of their life that they cannot account for.

In other professions changing one's orientation does not pose the same problems although any type of reorientation does raise a certain number of difficulties. Depending on the case, they manage as best they can to take up different activities. The most vulnerable—and there are several of them in our sample for our research on the needs and services of street sex workers—have very little education, they haven't finished high school and have far fewer job opportunities as a result.

[English]

**The Chair:** Madam Davies, please, for three minutes.

**Ms. Libby Davies:** First, I want to thank both of you for being so frank and honest in your opinions in your work.

I think part of the problem is that for so many decades we've been led to believe that the laws pertaining to the sex trade are stopping violence against women, that these laws are preventing exploitation of women. We have this very moral view of that, right? Whereas what I've come to learn, because I have talked to sex trade workers in Vancouver on the street many times, is that the reality is—at least I think—the laws themselves are now contributing to violence against women, to the exploitation of these women.

I think it's a very difficult thing to kind of wrap your head around, because we've learned for so long that the law is intended for this, and in actual fact there's now a body of evidence that shows us the exact opposite is taking place. So we struggle with it.

I think one of the questions before us is what kind of Canadian-made model we should move toward if we are interested in some sort of law reform where there is more choice, more support for these women, more respect, more rights—including the ability to leave without stigmatization, right? That's a very important part of it. Can

you maybe articulate what you see as some of the first steps we would need to take in that direction?

• (1925)

**Prof. Christine Bruckert:** Obviously the first thing would be to decriminalize it, and the second thing, in my opinion, is the stigma, as you mentioned. Just removing the laws doesn't necessarily change public opinion, so I think there has to be a broader recognition of this as work. To me, that's the first step, and then I would think that other things, such as rights, would follow in terms of that.

In terms of the ideal model, I would like to see Canada at the forefront, rather than following in the footsteps of someone else. But certainly New Zealand has in fact brought in decriminalization, so that may be a bit of a blueprint.

[Translation]

**Prof. Colette Parent:** The committee will be travelling. That means you will be going across the country. The sex workers associations have given thought to the matter and are certainly better informed than we are, unless we were to undertake research on the different aspects of decriminalization and the recognition of prostitution as work. These associations have some understanding of the difficulties experienced by women, their requirements as well as the rules that may have the effect of transforming women into victims or not allowing them to exercise a professional activity.

All of this requires a great deal of thought. I can understand that you may have difficulty in visualizing the next steps. It will require a gradual approach and the study of what has been done elsewhere, with an understanding of the limits of certain measures. You will have to listen to and work with the representatives of the women sex workers to determine what elements will be of help to them so that this project can progress.

Of course, at the same time respect must be shown to communities. Clearly one must avoid clashing with communities, otherwise it cannot work. That means that people must be made aware of the problem. When the people of Canada are properly informed, then they are willing to listen and to show respect for individual rights. Provided this kind of work is done, then it will be possible to obtain agreement on the decriminalization of prostitution.

In my job as a teacher, I am surprised by the reaction of women students, currently. They do not understand the intolerance shown by certain people towards prostitution. As far as they are concerned, this is the attitude of another era. They do not understand why there is such intransigence towards practices of prostitution, nor why prostitution is necessarily associated with sexual slavery. They are 20 years old and they don't understand this kind of thinking.

They have a certain respect for the freedom of others that prevents them from making an automatic association between prostitution and sexual slavery. There is also a certain openness towards sexuality that prevents them from making this kind of automatic association. If they are representative of a part of the population, this means that there is already a certain openness towards the decriminalization of these activities.

[English]

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

We have time for another quick round, if people are short and succinct with their questions and similarly short and succinct with responses. So I will try. If we go a little longer, then someone won't get their fair turn.

Mr. Hanger, a very short question and perhaps an equally brief response.

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

Just as a bit of a comment, I'm certainly all for preventing violence against women, especially in this whole area of prostitution, and I know where the violence comes from, being a former police officer myself.

Yes, the johns do in fact play a role here, but the pimps are just absolutely uncontrollable, and nobody complains. Even if it were decriminalized, they wouldn't complain, because of other circumstances. They have a life to live, too, and they don't want to be living a life of constantly being beat up, but the punishment is far worse when they do in fact complain.

My question is to Ms. Bruckert. You claim that in the Picton murders, the Green River killer, and other missing women who it is expected had met violence somewhere along the way, all relate to the fact that prostitution or an element of prostitution is under the Criminal Code. Would you explain to me how, by decriminalizing that, you would prevent the murders that took place at the Picton farm and the murders that took place in Seattle, at Green River?

• (1930)

**Prof. Christine Bruckert:** Well, we know that in fact—his name escapes me—in the Green River murder...

**Mr. Art Hanger:** Yes, he was picked up here recently.

**Prof. Christine Bruckert:** He specifically said he picked up sex workers and he murdered sex workers because he thought he could get away with it, and he was pretty close to being right about that.

I think there are a number of things that come into play. Sex workers often make a distinction between the john who is someone who pays them and is respectful, and an aggressor who poses as a client. I think because sex workers operate outside the law they cannot turn to the police. They're fearful of turning to the police. When they are assaulted, often the assaults and the violence against them might not always be taken seriously, so they don't turn to the police. So in fact the clients, these aggressors, are aware that they have a de facto right to be violent.

Beyond that, we also see that what happens with policing is the displacement of the industry, especially the street industry, the sex industry, further and further from the populated areas so that women are working in very dark areas, they're working in very isolated situations, and so that when they are picked up by an aggressor there's no one there to see it. There's no one there to hear them scream.

So I think there's a clear link, and I just would like to bring your attention to the fact that in the Swedish model we see exactly that. With increased criminalization, we get increased violence against sex workers. There's a very clear link.

**The Chair:** Madame Brunelle.

[*Translation*]

**Ms. Paule Brunelle:** I don't have a question to ask. I simply wish to congratulate you for your work in bringing about a change in attitudes. It is important to have a new vision of things and in my opinion, this approach aimed at protecting women is an interesting one.

[*English*]

**The Chair:** Thank you.

Madam Davies.

**Ms. Libby Davies:** I would certainly echo those comments. With the research that's being done by yourselves, and we've heard from other academics, probably some of whom you know...

We've heard from John Lowman. He did a wonderful job of giving us sort of a history of what has gone on and has been very helpful to the committee. But I must say, some of the witnesses have really stressed the importance to us of needing to do further research to hear from sex trade workers themselves.

I agree that public opinion is very important. I know when I've gone on radio shows, and so on, I've been amazed at how so many people understand that the status quo is terrible and it's harmful. I've been amazed at the public feedback.

I wonder if you have any suggestions. You're doing your own work, obviously, but in terms of what we might be recommending for further research that would involve women involved in the sex trade—and there are men, as well, and youth—do you have any suggestions about how we, through the government, should be actually pursuing that? Their voices are so important. It actually changes the debate, I think, when they are heard.

• (1935)

**Prof. Christine Bruckert:** I would say, first of all, the fact that you are having hearings across the country is a great first step.

Part of me seems to think that we've done a lot of research. I know you've heard from Fran. There's Leslie Jeffrey out east, and there's Cecilia Benoit out west. Lots of research has been done, and over and over it says the same thing. So perhaps we don't need to do more research on violence and decriminalization, which is probably fairly well established.

But I would certainly urge that any research you do should be done in collaboration with sex worker groups. There are some excellent groups who in fact do undertake research and who have wide expertise. They would certainly be the ones who can and should lead the way.

[*Translation*]

**Prof. Colette Parent:** It is very difficult for us to answer your question. It is of course our job to do research and we are attempting to do the best we can and to improve knowledge in this area. At the same time, we very much realize that the status quo, with respect to the Canadian legislation governing activities related to prostitution, is very harmful for women sex workers and this has been demonstrated. Of course, we can do even more research in order to better understand the work of sex workers in various sectors, we can also do research to question the myth about pimps, as was noted in the Fraser report. From a sociological point of view, this may be the character whom we know the least. He is the one who symbolizes the exploiter. In our work on the needs of sex workers and services for them, out of the 19 sex workers we interviewed, only one had a pimp. We may not be able to generalize from this but it does tell us that a pimp is not always necessarily in the picture. Then there is the whole legal dimension related to this.

There certainly could be further research on this. But I think, and perhaps the sex workers' association may be helpful in this respect, that something must be done to deal with the present legislation relating to prostitution activities, particularly the provisions of the Criminal Code on communication, which make sex workers very vulnerable.

[*English*]

**The Chair:** Madame Parent, further to your last comment that only one of your 19 prostitutes had a pimp, what role does organized crime play in prostitution, in your opinion? As well, what role does organized crime play in the trafficking of women?

[*Translation*]

**Prof. Colette Parent:** That's a good question, but a very difficult question. I recall having met a judge who told me that sex work and organized crime go hand in hand. I looked at him and said "No". He replied: "Yes". I answered: "No". We broke out in laughter because the exchange was quite limited. I told him that in our interviews with sex workers, they told us that they did not have a pimp. Therefore, there are many women who work in small groups without being directly linked to organized crime. Our research proves this.

Nonetheless, when cases involving drugs, prostitution or organized crime go before the courts, women are present. Some sex workers work for organized crime, but we could not find them. The judge in question made an automatic link between sex work and organized crime because that's what he had seen in the cases he had to preside over. However, it is an over-estimation of the presence of organized crime in sex work.

There are a certain number of women who work in erotic establishments. We carried out research. For example, there were perhaps three women who worked in one of these establishments. It was a tiny massage parlour, where organized crime was not involved. Organized crime is not present everywhere. The link made between organized crime and prostitution, in my opinion, is

overblown. I'm not saying that there isn't any relation between the two, but in the research we conducted, we did not note any marked presence of organized crime. I cannot say that we did.

• (1940)

[*English*]

**The Chair:** Do your comments apply to trafficking in women as well?

[*Translation*]

**Prof. Colette Parent:** We did not meet any woman who said that she was a victim of trafficking. That can be difficult, however, but no. We have contacts with representatives of sex workers. We know people who are really involved in the business and who have contacts with a lot of people, and they did not talk to us about women who were victims of trafficking.

[*English*]

**Prof. Christine Bruckert:** Can I just add one thing around the pimping? It's not just our research that has found this, but study after study, including the Department of Justice research in the mid-1980s, came to the same conclusion. So it's not just a sample of 19 women that proved this; it's many studies by Fran Shaver, Cecilia Benoit, and the justice department.

**The Chair:** I will ask our researcher if she has any questions that she might like to pursue as well.

[*Translation*]

**Ms. Laura Barnett (Committee Researcher):** Do you believe that the opening of very large scale sex establishments, such as the ones found in Nevada, Australia and in other places, poses a problem? If so, do you believe that it would be possible to liberalize prostitution laws, without opening the door to an over-commercialization of the sex industry?

[*English*]

**Prof. Christine Bruckert:** Certainly I think it's possible to avoid the Nevada model, which we know creates the situation where the women are extremely exploited. They're given very few options. In fact their lives, not only inside the brothel but outside the brothel, are controlled.

Again, I think if we move to a model where sex workers are workers, those kinds of laws... If I waitress, that kind of control is not exerted on me, so why should it be exerted on a sex worker? To me, it's a simple matter of understanding it as labour and moving away from all these extra layers of control that often appear to emerge as soon as one engages in the sex industry.

**The Chair:** Merci.

I appreciate your attendance this evening and your comments to the members of our committee. We appreciate your contribution to our study. Thank you very much.

The meeting is adjourned.





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