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Chair

Mr. John Maloney

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• (1915)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): I'd like to call to order the 28th meeting of the Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Our guest this evening, from the Swedish government, is Gunilla Ekberg, a special adviser on the issues regarding prostitution and trafficking in human beings.

Ms. Ekberg, you'll have roughly 15 minutes for a presentation. Then there will be questions and answers for the rest of the hour, in seven-minute rounds followed by three-minute rounds if we have time.

I would ask you to proceed, please.

Ms. Gunilla Ekberg (Special Advisor, Issues Regarding Prostitution and Trafficking in Human Beings, Government of Sweden): Good evening and bon soir. I'm quite delighted to be here.

[Translation]

I'll gladly answer questions in French, but I will be making my presentation in English.

[English]

As you know, prostitution is not a new phenomenon. Today's international community is not the first grappling with a solution to this serious violation of the rights and lives of mostly women and girls, but also young men and boys.

In order to successfully find solutions to the problem of prostitution, it is necessary to think about and discuss among ourselves what kind of society we wish to live in. We have to find our ideological base and then develop a political vision that ensures a just society for all. With our vision in mind, we can then develop and implement different measures that, over time, will fulfill this vision.

I propose that two visions are competing in the world right now. I will talk about them for a short interlude. We can, as some countries have, succumb to resignation and base our actions on the idea that prostitution is inevitable, inescapable, and necessary—something that always will exist and therefore should be accepted, because men need it, or women choose it, or because prostitution has always existed as the oldest profession in the world. If we agree with this model, we will implement measures after the fact—after women, children, and young men have been used in prostitution.

We could claim that the harm of prostitution reduces through such things as tolerance zones, safe-sex programs, and safer street measures, or we may even license women as sex workers and repeal legislation to allow procuring and legal and licensed brothels—or we can firmly reject the idea that some women and children, mainly girls, should be used as commodities that can be bought and sold.

Instead we can conclude, as we have in Sweden, that it is possible to eliminate prostitution and instead create a society based on gender equality, a society in which prostitution is seen as incompatible with the dignity and worth of the human person and the equal rights of men and women. In this model we focus on different measures that prevent women and children and young men and boys from becoming victims of prostitution, such as attitude-changing measures; measures to strengthen the social, political, and economic situation of potential victims; protection and assistance to those who become victims; and legislation that targets all the perpetrators—the buyers who use and sexually exploit women and girls, the procurers, and the traffickers.

Sweden has a longstanding commitment to gender equality and to combatting prostitution and the trafficking of human beings. We see prostitution as a gender-specific crime and a serious barrier to gender equality in all societies. Prostitution is considered a serious problem that is harmful in particular not only to the prostituted woman, child, man, or boy, but also to society at large.

In the Violence Against Women Act of 1998, the Swedish government and the parliament defined prostitution as a serious form of male violence against women and children, and refused the idea that prostitution is a choice, that prostitution is work, that prostitution is something women, children, young men, and boys would like to participate in. We did this because we also understand that those who are economically, racially, or ethnically marginalized and oppressed are the majority of the victims of this crime. The victims of prostitution in Sweden accordingly do not risk any criminal or other legal or administrative repercussions.

Pimps, traffickers, and buyers knowingly exploit the vulnerability of the victims, which is caused by high rates of poverty, unemployment, discriminatory labour practices, gender inequalities, and male violence against women and children.

• (1920)

On a structural level, Sweden recognizes that to succeed in the campaign against sexual exploitation the political, social, and economic conditions under which women and girls live must be ameliorated by introducing measures such as poverty reduction, sustainable development measures, measures that promote gender equality, and social programs focusing specifically on women and girls.

In Sweden, prostitution and trafficking in human beings for sexual purposes are seen as issues that cannot and should not be separated. Both are harmful, intrinsically linked practices. The purpose of trafficking in human beings and the intentions of the traffickers are in most cases to exploit women and children for sexual purposes in the prostitution industry, locally and internationally.

One of the cornerstones of Swedish policies against prostitution and trafficking in human beings is to focus on the root cause. We recognize that without men's demand for and use of women, girls, young men, and boys for sexual exploitation and prostitution purposes the global prostitution industry would not be able to flourish and expand.

One of the most important prerequisites for prostitution and the trafficking in human beings is the existence of local prostitution markets where men purchase women and girls for sexual exploitation. These markets are easily expandable and there is always room for the traffickers and procurers to create new demands. The demands of the buyers also constantly shift and change. Men who frequent the brothels, strip clubs, massage parlours, escort agencies, and street corners in all of our countries want unlimited access to a varied supply of women and girls from different countries, cultures, and backgrounds. This constant demand for new merchandise gives rise to international and domestic trade in women and girls.

In January 1999, the Swedish law prohibiting the purchase of sexual services came into force as part of a larger violence-against-women package. This law recognizes that it is the buyer of sex who should be criminalized and not the prostituted woman or child. The initiative to criminalize the buyers originally came from the women's movements. Feminists, including women with experience of prostitution, analyzed the position of women in society and how men, through violence, ensured that the subordinate position of women was maintained, including the use of some women and girls for prostitution.

The law, which is now included in the Swedish Penal Code, chapter 6, section 11, states, "A person who...obtains a casual sexual relation in exchange for payment shall be sentenced for the purchase of a sexual service to a fine or imprisonment for at most six months".

What is stated in the first paragraph also applies if the payment has been promised or made by someone else. The offence includes all forms of sexual services, whether they are purchased on the streets, in brothels, in massage parlours, from escort services, or in other similar circumstances. Attempts to buy a sexual service are

also punishable. If another person has promised to give or has given compensation for the purchase of a casual sexual service, he can be punished as an accomplice.

During the first year of the law's operation, in 1999, the police enforcement efforts were directed mainly at men buying women in street prostitution. Since then, however, prostitution buyers of women, young men, and children in apartment brothels, porn clubs, massage parlours, and escort agencies have also been successfully targeted. Every eighth man older than 18 years in Sweden, or approximately 13% of men aged 18 or older, have at least once bought a person for prostitution purposes in Sweden or in other countries. That's 12.8%, compared with the numbers in Italy, about 24%; Spain, 40%; and Thailand, 80%. We can clearly see that where there is a prostitution culture, where prostitution is normalized, more men will purchase.

• (1925)

I will circulate for you posters we had for the campaign against prostitution in Sweden.

These men are always between 30 and 55 years of age. They come from all income classes, and all ethnic backgrounds are represented. Importantly, they have been or are married or cohabiting, and they often have children.

This is also reflected in the statistics for the implementation of the law. Men who have or have had many sexual partners are the most common buyers, effectively dispelling the myth that the buyer is a lonely, sexually unattractive man with no other sexual outlet option than to buy prostituted women. This is also reflected in the statistics and in the research on who is buying that has been done in at least ten other countries.

If we look at the statistics for our law, we see 914 male individuals were reported under the law from January 1999 to March 2005 and 234 male individuals were convicted of purchasing sexual services or pleaded guilty during the first five years. The conviction statistics for 2004 are not available right now, but we expect the rate of conviction will increase, as it has done the last two years. The oldest man arrested under the law was 70 years old and the youngest 16. The average age of the buyer was 44 years, which fits perfectly with the statistics.

How do we implement these kinds of measures successfully? Well, we have to initiate a comprehensive public debate about prostitution and about why these measures are being proposed and implemented. We ask, who are the ones who exploited in prostitution, who are the ones who are the cause for these women being exploited, and who benefits from the exploitation of people in prostitution?

We have to educate the law enforcement agencies, the judicial authorities, and those employed in the social service fields about what prostitution is, who the victims are, why these measures and legislation have been put into place, and how to implement these measures effectively, with the victims' well-being in focus.

We must ensure not only that those who are in prostitution have access to comprehensive social programs focusing specifically on assisting these individuals to exit prostitution but also that they get adequate protection, support, and access to public employment programs, education, etc. in order for them to continue their lives outside of the prostitution industry.

We must adequately fund the police, social service organizations, and non-governmental organizations to implement these measures.

We must, finally, put into place attitude-changing programs and sex education programs in schools, in local communities, for military personnel, and in sports clubs. In order to create permanent change, we must create networks of men who oppose prostitution.

The effective enforcement of the law is ultimately determined by the attitude of the leadership within the local police forces and of the individual police officer, as well as of the prosecutors and judicial authorities. Initially, when the law came into force, these groups were very critical of the legislation, saying it was impossible to find evidence, asking how they should prosecute, and so forth. But today, after six years of implementation, these groups support the legislation.

Since the act came into force in 1999, there has been a dramatic drop in the number of individuals in street prostitution, according to information provided by the police, NGOs, and social services. Criminalization has also meant the number of men who buy sexual services has fallen along with the recruitment of women and girls into prostitution. Today we have approximately 1,500 individuals in prostitution in all of Sweden and no more than between 350 and 400 individuals in street prostitution in total.

There is no evidence the law has caused an increase in prostitution-related contacts on the Internet. The number of women who are prostituted via the Internet in Sweden remains stable at around 80 to 100 women, with the same women advertised on many different websites. The prostitution and pornography industries have always taken advantage of technological inventions that benefit their activities. The use of the Internet for prostitution purposes is a result of this development, not a consequence of the Swedish legislation.

• (1930)

The Swedish national rapporteur on trafficking in human beings, who is in the national criminal police, estimates that between four and 600 women are trafficked into Sweden every year, mainly from eastern European countries such as Estonia, Lithuania, and Russia. This should be compared to figures from our neighbouring countries where they do not have this legislation, where the numbers are everything from 5,000 up to 15,000 victims a year. Our number has remained fairly constant during the past several years since the law came into force. According to the national criminal police, there are clear indications the law has had direct and positive effects on the trafficking in human beings for sexual purposes into Sweden and that Sweden no longer is an attractive market for traffickers.

I should also add that the law applies to Swedish peacekeepers and is regularly enforced should a peacekeeper buy a local woman or a trafficked woman in the place he is stationed.

The prohibition against the purchase of a sexual service has strong support in Sweden. Several polls conducted in 1999, 2001, and 2002 show that approximately 80% of the Swedish population supports the law and the principles behind its development. The latest poll, which was conducted in November 2002, showed that eight out of ten persons interviewed continued to support the law.

The law is a concrete and tangible expression of the belief in Sweden that women and children are not for sale. It effectively dispels men's self-assumed right to buy women and children for prostitution purposes and questions the idea that men should be able to express their sexuality in any form and at any time for a price.

I urge the members of the Subcommittee on Solicitation Laws to contemplate putting into place comprehensive preventative, protective, and prosecution measures that aim to abolish prostitution, such as legislation that prohibits the purchase of a sexual service; effective procuring and anti-trafficking legislation that includes measures against the establishment and expansion of the prostitution industry in Canada; and social, economic, and political measures that strengthen women's rights and position. And finally, I urge that the legislation that criminalizes those who are exploited through prostitution be repealed.

According to the binding article 9, item 5, of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children,

States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures...to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

I therefore propose that you take a closer look at those countries where measures to discourage the root cause of prostitution—the demand—are in place or where measures to that effect are being discussed, such as, of course, Sweden, South Korea, Finland, Estonia, Lithuania, the Philippines, and the United States, as well as the cities of Glasgow and Madrid, and there are many more right now contemplating our model to work against prostitution.

I do welcome a visit by the members of the subcommittee to Sweden and would be happy to assist you in doing that.

Thank you.

The Chair: Thank you, Ms. Ekberg.

I'd like to remind the committee members that we have a conference call at approximately eight o'clock, so if we could, let's keep our questions concise and to the point so we can all have a round.

Mr. Hanger, for seven minutes, please, sir.

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

Thank you so much, Ms. Ekberg, for your presentation.

I have to commend you and your government. I understand you're an adviser to the government on these issues, but I would really like to commend you and your government for the work you have been doing to combat prostitution in your country. I know the issue spills over well beyond any border of any country, the trafficking problem that exists worldwide.

I would like to ask you this. The law came into force in 1999, obviously a key year. What was the situation like in Sweden before that time?

• (1935)

Ms. Gunilla Ekberg: Since the mid-seventies we have been working to try to abolish prostitution. The discussion has been very active. We've had three parliamentary committees looking at the issue, and the latest one gave its proposal in 1993.

A single researcher, a committee member, proposed to criminalize both those who buy women, men, and children in prostitution and those who are victims of prostitution. This created an enormous outrage in Sweden, because the general public actually was very upset about the fact that those who are victims of prostitution were criminalized. So the government decided to propose legislation that just criminalizes those who have the power in this relationship, those who buy and sexually exploit the victims.

What is important to note, as I said in my presentation, is that in order to do this you need to have a public debate, and we did in fact have a very active public debate. It still goes on. There's not a week in Sweden when you don't see articles in papers or something on TV focusing on this issue, making the issue more profound, not critical of the legislation but actually trying to understand more and more.

Before the law came into place, we had between 2,500 and 3,000 individuals in prostitution as far as we could understand. As I said, this has gone down to about 1,500 individuals. We also had the trafficking of women before the law came into place, but as you know, the extent of trafficking has increased incredibly the last ten years.

Mr. Art Hanger: Yes.

Ms. Gunilla Ekberg: But we do know, as I also pointed out, that the trafficking in human beings in Sweden is very minimal compared to any other country in the world.

Mr. Art Hanger: Thank you.

You target those who support this whole prostitution activity, so the government goes after the pimps. It goes after the procurers, and if the situation calls for it, even the drug pushers are targeted. Are there penalties dealing with the procurers who are "living off the avails"? I would assume that charge is still on the books.

Ms. Gunilla Ekberg: Yes.

• (1940)

Mr. Art Hanger: Are the penalties more severe than they were in the past, or are the courts just enforcing the law that existed at that time?

Ms. Gunilla Ekberg: When it comes to the procuring offence, we have just upped the sentence.

Now, we should keep in mind that the Swedish corrections policy has always been about rehabilitation; we do not have the high

sentences that the Canadian correctional system has. The longest sentence you can get for one crime is ten years. We have upped the sentence for aggravated procuring to eight years.

Mr. Art Hanger: Explain aggravated procuring.

Ms. Gunilla Ekberg: We have the normal sentence, which gives up to six years. If the procurer has used means that are specifically despicable, or if they have made an enormous profit, or if they have been in the procuring for a long time, then they can be convicted of aggravated procuring. Trafficking-related crimes—up until we got our trafficking legislation—have also been tried under the procuring legislation. So the procuring legislation has been strengthened.

As a result of signing and ratifying the United Nations protocol on the trafficking in persons, we have implemented legislation that prohibits trafficking in human beings for all purposes. The longest punishment for that is up to ten years, but often the prosecutors also convict the traffickers and the procurers of other crimes, like rape, limiting a person's liberty, and things like that.

Mr. Art Hanger: What about the bawdy house laws? Are they still on your books? How is that managed?

Ms. Gunilla Ekberg: Our procuring legislation doesn't differ. It doesn't matter if you run a brothel or if you procure somebody on the streets.

It is a quite severe legislation that allows us to convict both procurers who are putting up brothels and those who use the Internet to sell women. We don't have, as you do in Canada, separate bawdy house legislation.

Mr. Art Hanger: Well, I'm really pleased to see that, first of all, your concentration is on prevention, obviously. You have an education program, it would appear, to discourage or maybe warn or inoculate the youngsters away from this kind of activity. Initially, it may be an exciting choice, or they may run away and get caught in the clutches of a procurer somewhere. So there's an education program.

Second, I understand that for those who do enter into this activity you have a substantial exit program to get girls and young fellows out of this activity.

Now, could you explain what you do on both of these initiatives?

Ms. Gunilla Ekberg: Yes.

I think when you work to combat prostitution and also trafficking in human beings, you need to be like a juggler. You need to have at least eight balls in the air at the same time. That's not always so easy. You need to do prevention activities. You need to support and protect the victims. You need to, of course, prosecute the perpetrators. We do all of that.

Let's look at our prevention programs, of which we have had a number. I have in fact also brought with me material that you are very welcome to look at. Unfortunately, most of them are only in English, but there are a few things in French.

I would like to specifically point to a program that we just recently carried out in the Swedish high schools. We showed the film *Lilja Forever*, which you may have heard of. It's a film about a young woman who is a victim of trafficking from Lithuania to Sweden. Her situation is very well described, but it's also very obvious in that film that she wouldn't be there if there wasn't a demand from those men who sexually exploit her in the film.

We used that film. We made a very nice manual in which we did not discuss just prostitution and trafficking, because in the lives of Swedish youth generally, that is not a big thing. What we did talk about was gender equality, rape, pornography, all kinds of sexual violence, attitudes towards young girls, the exploitation of girls on the Internet, young boys and how their attitude can be changed, and how they are affected by the expanding prostitution and pornography industry on the Internet, for example.

We have shown the film. We had one-day seminars for 33,000 children in Sweden. They have all seen it. We have had really good comments on it because we have tried to put it on their level and tried to talk with kids where they're at, instead of just showing them things. So that's one thing we have done.

Then I coordinated the Nordic-Baltic campaign against trafficking in women, which is the first government campaign that focused on preventive measures to combat the demand, to discourage the demand. Eight countries, the five Nordic countries and the three Baltic countries, were involved in this. We did many different things, including.... Unfortunately the posters got caught in customs, so I couldn't bring them, but I will send them to you. I will send this around. See if you can see it.

We did a poster campaign. I wanted to do a campaign on prostitution that wasn't like the regular poster campaigns that you always see where you have—you know, you've seen them—a woman in high heels, short skirt with a décolletage standing in the twilight at night, leaning over a car. In that car, there's something. We never see the something. We wanted to take the guy out of the car and show, for once, that it is a fact: the root cause of prostitution is that men buy.

These posters were gigantic. We had them all over Sweden, in bus shelters, on subways, on trams, wherever you can think of. This one says "Time to flush the johns out of the Baltic", because this was part of the Nordic-Baltic campaign. We wanted to stop men from travelling to the Baltic countries, which a lot of men do, even from Canada, I want to point out, which I hear from my colleagues there.

It also says here, "It's a crime to buy sex". The other two posters that are now being circulated show also a number of faces of men. I had a little trouble finding actors to be on that poster, because nobody really wanted to hang around Sweden and be pointed out as a possible buyer. In the end, I managed to get the guys I work with and our political adviser and some state secretaries and such to be on this poster.

Then the third one shows that now men buy women for prostitution purposes over the Internet. It's the young men who are more likely to do that, rather than men who are older, specifically because they have the computer skills to do it.

Those are just one or two examples. We are doing many other things.

● (1945)

I will give another example. We're working right now on a big campaign up in the Barents region, which is northwestern Russia—Murmansk and Arkhangelsk—and in northern Finland, Sweden, and Norway. We are focusing completely now on the demand in the Nordic countries with all kinds of measures, and in the Barents region in the Russian parts we're putting into place different measures to make women and girls less vulnerable to the trafficking in women.

Sorry, that was long.

The Chair: Thank you, Mr. Hanger.

Mr. Ménard, please.

Mr. Réal Ménard (Hochelaga, BQ): Merci.

I'm going to speak in French, but you have translation.

[*Translation*]

I'm pleased that you were able to come here, because we've heard a great deal about the Swedish model. I have three questions for you, more or less. Moreover, I hope we have the opportunity to visit you in Sweden one day, but that's another story.

According to the briefing notes prepared for members, street prostitution in Stockholm has declined by 75 per cent. That is according to the reports of Swedish health and social services officials. To what do you attribute this decline? Is it simply the result of legislation?

Secondly, in this country we have agencies that advocate on behalf of sex trade workers. The most widely known of these agencies in Quebec is Stella. The latter is critical of your model and argues that solicitation is still possible.

Why didn't you go the full nine yards on this matter? Why did you not ban prostitution outright, or legalize it outright? Why did you focus solely on johns? Solicitation is still possible. Moreover, we heard as much last Monday from Stella representatives. In addition, a research professor at UQAM told us that sexual services could nevertheless still be purchased and that there were still a number of disadvantages to this model.

These are my first two questions. I'll have two more for you later.

[*English*]

Ms. Gunilla Ekberg: You first asked me why we think we managed to minimize the prostitution on the street in Stockholm. I would like to add it's not just in Stockholm; it's also in the other three big cities.

As I said in my presentation, first of all you need to have the legislation, obviously, that prohibits the purchase of sexual services. But to implement it you need to get the police to understand why it's important to implement this legislation, and also, while implementing it, to understand that it is the men who should be targeted, not the women or young men—whoever is in prostitution.

We did put into place special social services groups at the time the law came into place, and we expanded those that we already had that specifically had the task to work with women or young men in prostitution on the streets to help them leave prostitution. We don't do harm reduction in Sweden; we actually give the option of leaving.

So that's the reason.

I talked just before I came—and I think it's in my article also—to the group in Stockholm, and they tell me that 60% of those who were in prostitution are now out of prostitution and in other activities, whether it is employment, education, counselling, whatever it may be.

That's the first question.

Then you're telling me that Stella, which I know very well and have discussed this with several times, condemn this model and ask why we didn't totally prohibit both the purchasing and also being purchased. I think I already explained that when you analyze prostitution, you have to understand that there is a power difference between those who purchase and those who are used in prostitution. We know that, because those who are used in prostitution were, I would say, 100% from an already marginalized background before they ended up in prostitution. They are there because of poverty, unemployment, drug abuse, different gender inequalities. If we look at victims of trafficking, we also know they come from societies where the social structures are not in place.

● (1950)

[Translation]

Mr. Réal Ménard: Nevertheless, there are those who allege that there exists in Sweden a parallel world of prostitution. Despite the official figures that you've quoted, there exists a secret prostitution trade that has flourished since the passage of the legislation in 1999. Can you confirm, or deny, this allegation?

First and foremost, I want to know the reason for the drop in the numbers. You stated that young women have been turning away from prostitution since 1999. Why is that? Is the sole reason the legislation enacted, or is it because a range of services is now available to them?

[English]

Ms. Gunilla Ekberg: Let me take the last question first, about the *déclencheur* for people leaving prostitution.

Well, as I said before, you cannot put into place this legislation if you don't put into place measures to assist, because then you will leave individuals hanging, and that is not what we want it to do. We want it to assist individuals to get out of prostitution.

In fact, just as a parenthesis, I now am leading—because we think we haven't done enough—a national action plan against prostitution, where we will deal with more measures.

So the *déclencheur* is a combination of the law, which...and I have a lot of contact with women in prostitution. I have worked with women in prostitution for almost 15 years, so I think I know what I'm talking about. Women tell me that the law was the first time somebody cared about them; that they actually saw that this was a form of violence against women and not something that they wanted

to be in; and that it made them contact social workers, NGOs, and so forth to leave. That was the first.

You asked as well about what some people care to call “underground” prostitution. I'm delighted you asked me that question, because there are a lot of myths going around about that.

First of all, the prostitution industry never operates completely underground, as you probably know. At the most, it is out of sight of the general population. So if you get rid of street prostitution, it's not that it's gone underground; it's just that regular people don't see it. It's not in their neighbourhood.

The most important factor for the prostitution industry, or for those who benefit from prostitution—pimps, procurers, traffickers, brothel owners, and so forth—is to get in contact with the buyers. If the buyers are not there, they're not going to make profits on the women they're trying to sell. So the prostitution industry cannot be underground.

The Stockholm police always get very irritated when people conclude that there is an underground prostitution industry. It is indoors, maybe, or it might be in brothels, but it's not invisible and it's not inaccessible. It is just a matter of what measures you use to try to get to that prostitution, which the police now must do, as I said before. We have given them an extra load of cash for them to specifically focus on that.

Second, what the police always say is that if the buyers can find these women, so can they. The buyers have to access the women either over the Internet, through contacts with pimps, or in other ways. We have 21 police districts in Sweden. They all have Internet investigators to specifically find the indoors prostitution.

I would like to say as well that the social service agencies and the NGOs must also change the way they work. Having been a social worker myself, I know that is a challenge. You have to learn how to access the women or young men in prostitution who are not standing on the street. But that has never, in our minds, stopped us from stopping prostitution.

● (1955)

[Translation]

Mr. Réal Ménard: Thank you.

[English]

The Chair: Thank you, Monsieur Ménard.

Ms. Davies.

Ms. Libby Davies (Vancouver East, NDP): Thank you very much for coming. We're glad you're here, because we've had a lot of discussion in our committee from a lot of witnesses about the Swedish model, both pro and con, so I'm glad you're here to contribute and answer our questions.

I think we have to be very careful not to make comparisons where there are different situations, and I would say first off that Sweden has a vastly superior social support network. Here we're dealing much more significantly with a survival sex trade where we have virtually no supports for women to exit the sex trade. So I agree with you that prevention and exiting have to be on the basis of providing real alternatives. We virtually do not have that here in this country, so that is a very large difference.

It would be easy to get into a philosophical debate with you about what is exploitation of women, but I'm going to stay away from that and focus on what the impact is on law enforcement and what its role is. I have to tell you, I have very serious questions, even with the Swedish model, that criminalizing the customer has really not dealt with the reality of what's going on. In fact, our research tells us that there are reports that have come out that have said that the problem, whether you call it underground, basically becomes more hidden.

I think the core here is that when you have a regime that includes repression—i.e., law enforcement—even if it's not aimed at the sex workers themselves, you're basically creating an environment where the whole business seeks to move away from visibility in order to escape that, so it does make it more difficult then to provide services and supports.

You've given some response to this question of whether or not it's gone underground or it's more invisible or hidden, but I still don't get the sense that the law enforcement approach has actually really changed the situation. I do agree with you that changing people's behaviour or attitudes in society generally is something huge. I'd really like you to expand more on whether it has actually decreased or it has just shifted and become less visible.

Secondly, on the basis of exploitation of women, I'm curious to know if Sweden bans movies, entertainment, posters, whatever, that in any way depict, in movies for example, scenes of prostitution. Are they banned as well? Because they are obviously the same element in terms of exploitation. How far does this go, in effect?

Ms. Gunilla Ekberg: I'd like to go back to the idea of prostitution being hidden. If you look at countries where you do not have our law, like Canada for example.... Let's look at Vancouver, where we have an enormous number of massage parlours and brothels that are indoors, that no one works with. None of the groups that are working on prostitution are reaching out to those women who are prostituting in these places.

• (2000)

Ms. Libby Davies: There are a couple.

Ms. Gunilla Ekberg: Yes, but not very many in most countries.

If you look at the countries that have legalized prostitution, there is a much bigger hidden, using your word, prostitution industry that the police do not interfere with at all. Let me give an example. For example, in Holland the hidden prostitution industry, or the illegal brothels, are probably triple, or at least double, the legal brothels. It is the same thing for Australia, where for example in Melbourne a couple of years ago there were 100 legal brothels and 400 illegals.

By not criminalizing and in fact keeping the police away from the industry, you will have much higher hidden prostitution than you will in Sweden.

The National Board of Health and Welfare was given the task to monitor prostitution in Sweden at the same time as this law was put into place, so they write annual reports to the government, interviewing every actor they can think of who is involved, working against prostitution, persons in prostitution, social services, police, etc. They have concluded in their latest report that came in 2004 that there is no evidence that there would be an increase in the hidden prostitution.

What I'm trying to say is you need legislation but you also need people to implement it, and you need to do it in a way that doesn't threaten the well-being of those who are in prostitution. So whatever you have heard in Sweden, I....

Ms. Libby Davies: Some of this is from reports from the National Council for Crime Prevention and the National Board of Health and Welfare—

Ms. Gunilla Ekberg: That was from 1999—one year.

Ms. Libby Davies: Are you saying they've changed their position?

Ms. Gunilla Ekberg: It has changed a lot. In the first year when the legislation came into place, the police were very skeptical and didn't want to implement the legislation. It was the same for the prosecutors and the judges. After we educated them how to do this, there was an increase in disturbing the industry. That report was done seven months after the law was in force. So there is absolutely no evidence from that report to show that it could have any application to the six years we have done.

As I said, the National Board of Health and Welfare does reports, and the national criminal police do reports on trafficking in human beings, which includes prostitution, procuring, and the purchase of sexual services. They have issued six reports, and the seventh report will be coming out any day now.

In those reports they have concluded that the law works, and there is no—

Ms. Libby Davies: Are you saying there are no reports, either officially through the government agencies or through NGOs, that are critical of what's going on, or that suggest the problem has shifted, and prostitution hasn't actually gone down but has just moved in less visible ways?

Ms. Gunilla Ekberg: There are some individuals in Sweden who are academics who have positioned.... And I know of two other individuals who are connected with sex workers' organizations internationally, who claim that prostitution has increased.

As I said, right now I'm conducting hearings, just as you are, on our national action plan against prostitution and trafficking, and we have in fact interviewed every actor we can think of, including women in prostitution. None of them have come to the conclusion that there is an increased problem of hidden prostitution.

Ms. Libby Davies: So some of the research that is being done involves sex workers themselves in Sweden.

Ms. Gunilla Ekberg: Women in prostitution.

Ms. Libby Davies: Okay. What is their view about their situation? Do they support the law?

Ms. Gunilla Ekberg: As you can understand, I have a long history of working against male violence against women and with women in prostitution. I have a very different role from most people who work in government, because I'm trusted by those individuals who are in prostitution.

Ms. Libby Davies: But in the broader research that has actually contacted sex workers and asked them what they consider the impacts of the law to be....

Ms. Gunilla Ekberg: The National Board of Health and Welfare has looked at this, as well as different researchers like Sven-Axel Mansson, Ulla-Carin Hedin, and Hanna Olson. They are very well-respected and well-known researchers. As I said, I have the testimony of women who are either in prostitution or have exited prostitution. That is the evidence I have.

Ms. Libby Davies: Thank you.

● (2005)

The Chair: Thank you, Ms. Davies.

Madam Fry.

Hon. Hedy Fry (Vancouver Centre, Lib.): Thank you very much for your report. I want to congratulate you on having put forward some form of comprehensive strategy, which includes prevention, of course. Then you have enforcement legislation, of course, to help deal with exit strategies. I think that's a good way to look at this problem. If we only focus on legislation, and we don't deal with the other pieces, then we've not really solved what is in fact a very comprehensive and complex problem.

I wanted to ask you a couple of questions. I note that the Swedish penal code, chapter 6, section 11, says:

A person who obtains casual sexual relations in exchange for payment shall be sentenced...for the purchase of sexual services to a fine or imprisonment for a maximum period of six months.

Could elaborate on that for me? What do you mean by "casual sexual relations in exchange for payment"? If you happened to have a one-night stand, and you were given a gorgeous gift afterwards, does that constitute payment?

For me, the question is this. That is casual. It is not something that is an ongoing relationship. If you get something as a gift, when does a gift become a payment and when is it not a payment? I thought that made it a very nebulous kind of idea.

I also wanted to talk about some other things, because this sounds very wonderful and the results sound very good. I always have this kind of constant cynic in me, who says that if it sounds too good to be true, then it must be.

In response to Ms. Davies' questions, you said that many of the reports she talked about were written in 1999 or about a year after. I have the report from the police board that was written in 2001 and the report from the National Crime Prevention Council in 2000. They continue to say the same things. They say that it's common sense. It makes a lot of sense to me. If you criminalize the buyer, but the seller is not criminalized, then you create an almost hypocritical and illogical kind of system. The person who is buying is going to be found criminal, but the person who is selling is often forced to testify against that person. They have no standing. They're neither victims nor perpetrators, so they are in this no-person's land.

Apparently, a lot of women who have been questioned have said that they have a problem with the fact that they are engaging in criminal activity. At one point, if you pardon the bad pun, when there are two people involved in some sort of sexual act, where does the buyer end and the seller end? They're doing the same thing. The problem is that many of the women feel that they have been further stigmatized because they're engaging in a criminal activity. The act of buying sex is a criminal activity.

They are worried. Many of them fear they have become even more stigmatized. They've gone underground. Children are now living off the avails of prostitution, with the new law, as are their partners. They feel that they are at risk, and they are going underground. I know that you don't like the word, but I gather that the word "underground" has been used by the women themselves.

They don't go to health care workers because the risk of health problems are greater. They are afraid to go out and check out their buyers properly, so they are actually getting fewer buyers. They are having more sex acts. They're having to sell it cheaper. They're doing risky things. To get a client, they are having sex without condoms.

These are things that I am reading from a report. Sex workers are saying this.

I suppose one of the things Mr. Ménard made reference to was the fact that we had hoped to be able to visit. I think one of the things about visiting a place is that you get to talk with all persons, and you don't just get an official report from anyone. You get to actually talk to people who are in the system, and they can tell you things.

Unless we're going to suddenly fly a lot of sex workers from Sweden and Holland over here to present to this committee, I think we have done this committee a great disservice by not allowing it to go out and get to the truth.

These are things that I have heard. Could you comment on them?

● (2010)

The Chair: Thank you.

Ms. Gunilla Ekberg: Let me clarify about the reports from the National Council for Crime Prevention and the national police board. Both reports were done in 1999 and published in 2000. They only cover the first year of the legislation. I want to point that out.

The first one covers seven or eight months of 1999. So even if it's published in 2000, it only covers one year. It's been six years since the legislation came in, and we have much more information now than we had in the first year. Please note this.

I didn't really understand this business of women being forced to testify, that children were living off the avails, and that women were criminalized. The whole point of this legislation is that those in prostitution are not criminalized. The children of the women would not be living off the avails. That would be ridiculous. The whole point here is that women in prostitution are not criminalized, are not forced to testify, are not forced to do any of the things women in Canada have to do because they are criminalized. So I don't really understand it. I do, however, understand where you got the information, and we can talk about that later.

I speak with women in prostitution. I have worked with women in prostitution for many years in Sweden. I am respected in that sense.

There are a few individuals connected to international sex-worker organizations that I believe are connected to the prostitution industry. Of course, they have no interest in providing you with the correct information. I encourage you to go to Sweden and talk to individuals in prostitution. You would hear the same thing I am telling you.

As for the question about casual sexual relations, one night stands and gifts are not included in this. It has to be in the context of the prostitution industry, so we don't have to worry about that.

The penal code uses the term "casual sexual relations" because we didn't want women in long-term relationships, married and all that, to be covered by the legislation. The legislation does, however, cover a man who buys the same woman several times. We had a judge in the south of Sweden who purchased a woman about ten times. He was convicted under the legislation and asked to leave his position.

Does that cover it?

Hon. Hedy Fry: Not really, but that's all right.

The Chair: We have used up our time, but we haven't gone to another round. We have someone waiting for us in Vancouver for a teleconference.

Do you wish to go for a strictly three-minute round, or do you wish to move on? Mr. Hanger wants three minutes.

Ms. Ekberg, could you give as quick a response as possible?

Ms. Gunilla Ekberg: It's hard to give quick responses concerning complex situations.

Mr. Art Hanger: I'm impressed with your presentation. With my former background as a police officer, I am familiar with the horrible web of prostitution and the seedy group of people who profit from it.

I would like to see something different here in Canada. We need a way of cracking down on the pimps, the procurers, and those who profit from all of this. Much of this is an organized criminal activity.

I am interested in this question; it goes to the heart of why this committee was brought forward. A lot of emphasis was placed on why Ms. Davies and Ms. Fry wanted this committee struck. I would have to suggest it's related to the deaths of those women in the Vancouver area. There were dozens of them, and that's not the only scenario of its kind in the country.

Has violence against women, apart from the act of prostitution, decreased in Sweden? Have deaths of prostitutes and violence against them decreased overall? Are massage parlours and escort

services targeted by the police to deal with acts of prostitution in Sweden?

• (2015)

Ms. Gunilla Ekberg: To answer very quickly, when it comes to violence and the terrible deaths or the killings of women in Vancouver and Edmonton, for example, we don't have any of that in Sweden. The last known murder of a woman in prostitution was in 1989. After that we have had no murders at all of women in prostitution, which I think is a result not only of course of the law—because it came much later—but also of a concerted effort on many levels to try to stop this crime against women.

Violence against women generally—do you mean in the general population, or women in prostitution?

Mr. Art Hanger: Women in prostitution.

Ms. Gunilla Ekberg: Prostitution. I was just—

Mr. Art Hanger: I was referring to violence, like acts of murder, acts of serious assaults, rapes, that type of thing.

Ms. Gunilla Ekberg: Okay, I understand.

To be in prostitution is to be in the most violent area you can be in the world. Even the Fraser committee in 1985, the Canadian committee, concluded that women in prostitution suffer forty times more risk of being murdered. So we know that it is the most violent place to be. Added to this, the prostitution act itself, being penetrated five to ten times a day by men you don't know, is the ultimate violence. That's why we consider prostitution male violence.

If you look at whether women have been targeted by buyers and pimps with more violence since this legislation, there is no evidence. There have been some discussions by social workers who've been thinking back and forth about whether that has been the case, but there is no actual evidence. But we are very aware of it, and in this national action plan we are going to look more closely at this. I want to underline again that buyers, pimps, procurers, and traffickers are violent men, and they are violent in any situation. And I think it's very clear here in Canada that because women cannot easily access police and social services, they are also at higher risk of being killed and violated.

The Chair: Thank you, Ms. Ekberg.

Mr. Ménard, you have three minutes for questions and answers.

[*Translation*]

Mr. Réal Ménard: I'd like you to give me a list of the social programs that Sweden has available for women who retire from the prostitution trade. How much do you estimate your government has spent to implement these programs? We would appreciate your conveying that information to our pleasant research assistant.

[*English*]

Ms. Gunilla Ekberg: All right. I will give it to her.

The Chair: You're finished? Okay.

Go ahead, Libby.

Ms. Libby Davies: I have a lot of questions about the Swedish model, and they can't all be answered today. I take it from your point of view and the point of view of this law that it can never be contemplated that there are two adults—because we're not talking about juveniles here—who are consenting in terms of a sexual relationship in which money changes hands. I find that difficult to accept. You can certainly have that viewpoint, but lots of other people don't. And we met some of those individuals. You talked about Stella, and I can tell you, many of the women we met weren't victims. They were very much in control of their own lives and they believed they were making choices they wanted to make.

I suppose you can say no, that's not correct. But when you say they don't give us correct information, surely one has to recognize that there are other points of view out here and that there are people who come from a premise about what consenting is.

I certainly agree with you on exploitation, but from your point of view, it's all exploitation. I have some difficulty with that fundamentally. It's so categorical.

• (2020)

Ms. Gunilla Ekberg: No, it isn't; it's based on long experience—not just my own but that of a lot of individuals working in this area, and also specifically on the experience of women in prostitution.

I'll give you three questions you can think about yourself.

Number one, who are the women in prostitution and where did they come from? Who is it that is used in prostitution? The quick answer is those who have the fewest alternatives. We know that from research undertaken even here in Canada and in many countries.

Secondly, you have to look at what women in prostitution experience—not the glamorized version, but the reality of what it means to be in prostitution, whether you're in street prostitution or a massage parlour or the fancy brothels downtown in Vancouver. What does it mean?

Well, we talked about the extrinsic violence—and that is everywhere. The actual act of prostitution, if it is not an equal sexual relationship...and it cannot be if you are a man who uses somebody who is there not because she had equal alternatives but because she ended up in a situation where there was no other choice.

The third question you have to look at is what are the consequences of having been in prostitution? What does it do to you? You have to look at the physical and emotional damage; the possibilities of not getting a job because you've been in prostitution; the fact that the pictures of you circulate on the Internet forever, and if somebody who is sitting next to you at work finds one, you're going to be out of a job. I can give you a long list.

I don't think there is equality when you have power differences; that's not possible. Women, when they're in prostitution, can very well seem to be in control of their situation, but I don't think either you or I—

Ms. Libby Davies: Isn't that is so judgmental, though?

Ms. Gunilla Ekberg: Why is it judgmental? I don't understand why it's judgmental.

Ms. Libby Davies: We've met women who have—

Ms. Gunilla Ekberg: The situation of being in prostitution is the same as being a battered woman. The violence that you experience is normalized. To live in that situation and to find dignity in being abused, many women will of course say that they have chosen this and that it's work. I have met many women in many countries who have claimed that, but when they were given the option of leaving prostitution and had a chance to look back, they could then see what other life they had a right to.

It's not that we are looking down on women in prostitution. On the contrary, I think the best thing we can do for our sisters—because I think they are—is to support them to get out of it, not to reduce the harm and try to pretend that one of the worst forms of sexual violence in the world is something that is benign and something a woman chooses. That is resignation, I really do believe that.

Thank you.

The Chair: Thank you, Ms. Davies.

Dr. Fry.

Hon. Hedy Fry: I have to follow up on what Ms. Davies said. I find that a very paternalistic attitude to women. Women are human beings who have the right to make choices, provided they're not into exploitation, provided they're not doing it because they're poor, are drug addicts, or are being trafficked.

As a physician, I can tell you right now that I have had many patients who've come to me—and physician-patient trust is high, so they'll tell you things they won't tell anybody else—women who were well-to-do, very educated women, who chose to do this because they wanted to do it for a time, save some money, and do some other things, many of whom said that they felt they were in the position of power because they were able to extract from those men exactly what they wanted, when they wanted it, and how they wanted it. They would make decisions about what they would and would not do, and they set the criteria for how they went into this relationship.

I have a problem with anything that is so ideologically based. Surely the basis of feminism is to allow women to have control over their bodies; and where a woman says she has control, and where you've removed the exploitative, the violent, and the poverty issues—all of those other issues that exploit women when they have no choice—I still think women can have the choice to do this.

That is what bothers me very much about this model. It is a very paternalistic model that treats women as if they do not have the brains to be able to make choices—and I have to say this—once you remove the exploitative elements.

I have a real problem with this. I really would've liked to have been able to speak to some sex workers in Sweden to hear how they actually feel about this legislation and whether it really does work for them, as opposed to just hearing one person—with due respect, Ms. Ekberg—who's set up the policy, saying that it's the greatest thing since sliced bread. I have some problems with that, that's all.

Thank you.

• (2025)

The Chair: Ms. Ekberg.

Ms. Gunilla Ekberg: Of course, we can disagree. That is perfectly all right. But I do believe that in order to be able to make a choice you have to have equal alternatives, and if you don't have an equal alternative, there is no choice. That is the centre of feminism.

Another centre of feminism is that we combat the violence that women are exposed to, whether it is in prostitution, rape, or other forms of male violence. I also think that it's a sad state of affairs that women have to go into prostitution to be able to save money to live their lives. Then we should fight to ensure that women don't have to live in a situation where they don't get state subsidies or other ways to live without having to be in prostitution.

I do not think that the system is paternalistic, and I do believe that we are seeing the women's best interest. What is troubling is to hear that we are trying to legitimize the prostitution industry and those who profit off these women by saying that it is a choice. That, I think, is troubling—not that we are saying that women should be outside of prostitution.

Thank you.

Hon. Hedy Fry: They're not saying that.

The Chair: Thank you, Ms. Ekberg.

One of our researchers has a question.

Laura.

Ms. Laura Barnett (Committee Researcher): I'm just going to push a little bit further a question that Mr. Hanger was asking a few minutes ago.

One of the goals of the Swedish law is to reduce violence against women. Is there any evidence or do you have any research that shows that violence against women on a more general level, beyond prostitution, was reduced after the implementation of this law?

Ms. Gunilla Ekberg: This law wasn't put into place to minimize other forms of male violence, so don't make that connection.

But I would like to make a comment on that. I often get the question whether by doing this the number of rapes increased in Sweden. What I would like to point out is that in those countries where prostitution has been normalized—that is, when it's perfectly all right for men to purchase and sexually use women or children or young men or whoever it is—then you ensure that women are objectified and sexualized, and that's when violence increases.

If you look at the countries like the Netherlands, Germany, and think about other countries, you can see that the number of sex tourists per capita in those countries is much higher than in our country and in other countries where you have some kind of legislation to try to limit the industry. The more you normalize the sexual objectification of females, the more the level of violence will increase, which is quite logical.

The Chair: Ms. Ekberg, thank you very much for appearing before us this evening. We very much appreciate your input and your viewpoint. We'll certainly take this into consideration when drafting a report.

I would ask the committee to adjourn for two minutes so that we can arrange to go in camera, and we'll recommence after we get set up.

[Proceedings continue in camera]

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