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Public Safety and Emergency Preparedness**

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**Chair**

**Mr. John Maloney**

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•(1740)

[English]

**The Chair (Mr. John Maloney (Welland, Lib.)):** I bring the meeting to order.

This is the Subcommittee on Solicitation Laws. This is our 21st meeting. Our witness today is Janice Raymond from Coalition Against Trafficking in Women, International.

Ms. Raymond, generally the routine is that if you have a presentation of up to ten minutes, we would like to receive that. Then it would be followed by questions from our members of Parliament. Roughly, we go to seven-minute rounds of questions and answers, and then we would go to a three-minute round. We are absent a couple of members at this point. They may be along shortly. We may stretch out the time for questioning a little bit longer for those who are here to give them the courtesy of that.

In any event, thank you for coming. We very much appreciate your appearance here this evening. I would ask you to proceed.

**Ms. Janice Raymond (Co-Executive Director, Coalition Against Trafficking in Women, International):** Thank you very much, Mr. Chairman, and thank you for this opportunity to appear before the subcommittee.

Anyone who works against violence against women, especially women in prostitution, is very much aware of the disappearances and the deaths of many women in prostitution, especially in the Vancouver area. In the wake of these kinds of atrocities and severe violations, people in general and often governmental authorities ask, what can be done? Just as often, the response is to allegedly protect women in prostitution by promoting what I regard as failed measures of legalizing or decriminalizing or regulating prostitution, whether that is in tolerance zones, where prostitution is restricted to certain parts of the city; mandatory health checks; registration of so-called sex workers; decriminalizing solicitation; decriminalizing pimps, who are then transformed into legitimate businessmen; or transforming brothels into houses of protection for women in prostitution. These are not new solutions to the problem of sexual exploitation. They are very old and they are very repressive measures.

My organization, the Coalition Against Trafficking in Women, has worked for over 17 years against any kind of state-sponsored prostitution regimes in any part of the globe. And while certainly forms of decriminalization or legalization of prostitution vary from city to city or from state to state or country to country, we call all of these forms of prostitution state-sponsored prostitution because, in

effect, the system of prostitution itself in some way becomes legitimated by the state.

We work with legislators to devise policies and programmatic remedies that do not involve decriminalizing the sex industry. Everybody talks about decriminalizing prostitution, but in essence what this means is decriminalizing the sex industry and abandoning women to what has to be one of the most demeaning jobs in the world. My organization supports the decriminalization of women in countries where women are criminalized for prostitution, but we do not support the decriminalization of the sex industry in any form.

I'd like to touch very briefly on what happens in terms of the consequences of regulation or decriminalization of prostitution in countries where we are very familiar with these legal regimes. Tolerance zones are often advocated as protected zones for women, but the problems with these zones are many. Nobody wants them in their backyard, so prostitution often gets zoned into the backwater or industrial areas of cities that are very dangerous for women to live in.

What usually happens when brothels and pimping and solicitation are decriminalized is that the matter of prostitution is taken out of the hands of the police because it is no longer a criminal activity, and it's put into the hands of local councils. Local councils are then charged with jurisdiction and regulation over prostitution. In Victoria, Australia, for example, in the 1990s when control was taken out of the hands of the police and given to the local councils, prostitution literally became out of control in Victoria.

•(1745)

The police have acknowledged that the local councils—and the local councils themselves have acknowledged this—cannot control the sex industry in Victoria because they are more planning boards than enforcement authorities. Most of the time when prostitution is decriminalized or regulated in countries or cities, enforcement is an issue that doesn't seem to have even been thought about in advance. When the jurisdiction of prostitution enforcement is taken out of the hands of the police and given to the local councils, many local councils complain of receiving tasks that they do not want. Some local councils in some municipalities, for example, where prostitution has been decriminalized at the federal level, don't want any prostitution. We saw this situation in the Netherlands, where 43 of the 348 municipalities did not want any brothels in their jurisdiction, but the Minister of Justice indicated to the municipalities that they could not completely ban any brothels because that conflicted with the federally guaranteed right of work.

One of the arguments for the decriminalization of prostitution has been that it will control and regulate organized crime, but the legal industries and the legal brothels often serve as magnets for the illegal trade. We see this happening again in Melbourne and Victoria, not only in the industrial areas now, but in the suburbs. There are three times as many illegal brothels in the state of Victoria as there are legal brothels, and they are often controlled by the same entrepreneurs who manage and own the legal brothels. At the same time, these legal brothel owners have been involved in setting up and profiting from illegal brothels.

Another consequence of decriminalization is what is happening now in Germany. Originally Germany's federal labour office rejected the job advertisements of a local brothel owner. He sued for discrimination. Recently reports have claimed that German women on welfare who are seeking jobs through these federal job centres have been told they must take references, that they must at least appear in brothels or in sex clubs, as a condition of their availability to access the welfare system in the future. They must at least prove that they have considered taking these jobs. These decisions open the floodgates to vulnerable women who, because the jobs are advertised under federal auspices, will think that they are going to work in safe and secure venues.

The capital of decriminalized and legalized prostitution is probably the Netherlands, but the Netherlands is having second thoughts about some of these aspects of decriminalized prostitution. Amsterdam's well-known tolerance zone, the tippelzone, was originally promoted as a place that would protect women, as a place that would be policed, and as a place that would control abuse. In the year 2003 the city council closed down the tippelzone after it had become a haven for traffickers, and after organized crime found out that it could operate much better there, in situations where the sex industry was legal, because police no longer really monitored the area very carefully. The tippelzone, in fact, was a disaster. It was unsafe for anyone, most of all for the women in prostitution.

Another consequence of decriminalized or legalized prostitution is increased trafficking. Contrary to claims that decriminalization would control the expansion of the sex industry, as pimping was legalized and as brothels were decriminalized, the sex industry increased by 25% in the Netherlands. It is now reported by Europol, by the International Organization for Migration, and by others, that 80% of the women in brothels in the Netherlands are trafficked from other countries.

• (1750)

Faced with a dwindling number of Dutch women who engage in prostitution activities and with the expanding demand for more female bodies—because this is what happens—the demand increases, it does not decrease. Every market seeks to expand, and when prostitution becomes decriminalized, regulated, and/or legalized, the market thinks of new ways to expand. The Dutch national rapporteur on trafficking has stated that in the future, given the reluctance of many Dutch women to enter the sex industry, the solution may be to go outside the country to the non-European Union, non-European Economic Area countries to seek women who would be given legal and controlled access to the Dutch market. This will be called migration for sex work, but it in fact will be facilitated migration, because no woman who is economically disadvantaged is

going to facilitate her own migration to the Netherlands from outside the European Union area.

So what is the alternative? I am very happy to hear that you will be having a representative from the Swedish government testifying before this subcommittee, because we believe that one of the best ways of addressing what is called the prostitution problem but what is in reality the sex industry problem, is to address the demand. Rather than setting up tolerance zones, rather than setting up protected brothels or their surrogates, like sex clubs, lap dancing establishments, and the like, we feel governments and municipalities should be addressing the demand first of all. Secondly, they should be setting up centres where women can find a way out of prostitution, and these centres should be provided with some kind of support. But for some reason many cities that are searching for some solution to the prostitution problem think they have to decriminalize the sex industry in general, and that a zero tolerance approach is unrealistic.

There are cities like Glasgow, Scotland, for example, where the city council sees its responsibility as being to put in place policies that prevent women from entering prostitution and help women to exit it. They understand that the real problem is not the women, but the sex industry, and that the major lobbying group for legalizing or decriminalizing the sex industry is the sex industry itself. Glasgow has a city ordinance that also rejects applications for lap dancing clubs on the grounds that they violate gender equality. But governments have to get serious about addressing the demand. The demand has been the most invisible aspect of the prostitution problem.

When prostitution and the sex industry are decriminalized, many men who previously would not risk buying women in prostitution now see prostitution as acceptable. When legal barriers disappear, so too do the social and the moral and the ethical barriers. Legalization or decriminalization of the sex industry sends the message to a new generation of men and boys that women are sexual commodities and prostitution is just a bit of harmless fun.

Sweden has drafted legislation recognizing that without male demand, there would be no female supply. It has acknowledged prostitution as a form of violence against women, and the purchase of what it calls sexual services is criminalized. At the same time, however, the bill also provides a certain amount—a large amount, in fact—of resources to help women exit prostitution.

• (1755)

What have been the consequences of this in the years since the law was passed or came into force in 1999? The number of prostituted women has decreased by 50%, and 70% to 80% of the men who buy have left public places. A police report has indicated there is no indication that this prostitution has gone underground, or that prostitution in sex clubs, escort agencies, and brothels has increased. Police have also stated that the Swedish law prohibiting the purchase of sexual services has had a chilling effect on trafficking. Compared with neighbouring countries, the rates of trafficking in Sweden, as with the rates of women in prostitution, are enormously low.

I sincerely hope that just at the point where many governments are realizing the failure of decriminalizing prostitution, Canada will not resort to this failed system. We really need to develop new ways of defending the rights of women in prostitution, not just accepting the rhetoric that legalization or decriminalization will protect women. I think governments also need to gain the political will to confront the demand.

Thank you very much for your time.

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

In your presentation, you made reference to many fact situations. Do you have research to back up those fact situations? If you do, could we have copies of them?

**Ms. Janice Raymond:** Yes. I have written an article, "Ten Reasons Against Legalizing Prostitution", in which you will find many of the sources I quoted. I can leave it with the committee for the specific references.

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

Mr. Hanger, now, for seven minutes.

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

I want to thank you for your presentation this evening. To be quite frank about it, I agree with very many of your positions when it comes to the enforcement side. I think that's the only way to control so much of what is happening in this area, especially with the organized criminal activity centred around the sex industry. From the information I've been able to read, Sweden probably has the closest example of control that would be beneficial to a country, and certainly to women overall when it comes to those being pressed into the sex industry.

I'm wondering, since you're talking about the widespread issue of trafficking in women, how much of it is actually impacting Canada when it comes to outside trafficking? I know there's some internal activity going on, but how much of it is outside?

**Ms. Janice Raymond:** Is your question, how is Canada impacted by trafficking in women from abroad or from other countries?

**Mr. Art Hanger:** Yes. You reflected on Amsterdam, of course, having that problem. I think you said that 80% of the women pressed into prostitution there are from outside the country, or from outside of Europe even.

**Ms. Janice Raymond:** My familiarity with the trafficking of women from other countries or of persons from other countries into Canada is that trafficking is certainly a problem, as it is in the United States and many countries. There is virtually no country untouched by international trafficking.

But relative to European rates of trafficking, especially in the countries that have legalized prostitution, trafficking vis-à-vis the size of the population is not the same as it is in a country like Holland or Germany, where the rate is 80% of the women in prostitution. I do not know the percentage of female trafficking or trafficking from abroad; I do not know the rates of the total prostitution population. I don't know if anyone has studied this in Canada.

But relatively, I believe the figures for women trafficked into Canada are not large vis-à-vis those for countries in western Europe. It's also the same in the United States. We estimate that 20,000 to 30,000 women per year come into the States, but this is nothing compared with rates in Germany and Holland.

• (1800)

**Mr. Art Hanger:** You brought forward, to me, a very significant point in this whole debate that's going on. If the Dutch government is looking outside their country to provide opportunities for women outside of even Europe—in other words, they'll be brought into the country to fill this demand, so-called, and I assume you're indicating that, that somebody has to be debating this issue within their governments—then it will in fact be sanctioned by the state to have women brought in just for a very specific reason, namely prostitution. They don't call it a prostitute, they call it a sex worker. But really that's what it is. So whether or not the government wants to admit changing the law to facilitate this occurrence, the state is sanctioning it.

**Ms. Janice Raymond:** Exactly. The problem here, as we see it, is that prostitution, of course, is now being promoted as an option for the poor, and for poor women. It is not women like me; for the most part, it is not women who are in economically advantaged situations who are entering prostitution.

Another problem with the Dutch situation, in particular, and looking outside the EU and the European economic area countries, is that what we're seeing now is not an erosion of the status of prostitution and what that means...and here I mean transforming prostitution from a violation of women's rights into a right of women, so to speak, transforming it from violence into work, which is happening all over. But what we're also seeing now, with policies like the Dutch government's promotion of it outside the country and its willingness to grant visas, work permits, etc., to women coming into the country from other countries, is that trafficking now will be no longer recognized as a crime, because it will be literally called, and it is being called, migration for sex work.

As I mentioned in my talk, there are very few women who will come into the country without some form of facilitated migration, whether that's through recruitment agencies or whether that's through illegal agencies. For the most part, recruitment agencies that are ferrying trafficked women into other countries now are illegal in many parts of the world, but there are many legal ones as well.

We're going to see prostitution no longer being called sex work; we're going to see trafficking being called migration for sex work. And in fact, this is what is happening now, as a lot of groups are promoting these policies under the guise of not discriminating against women from other countries.

**Mr. Art Hanger:** What concerns me is this. I was in Russia in 1999, and a survey had been done. I don't know if this was a country-wide survey, but it was done in one region of Russia—I believe it was around St. Petersburg. It was about what some of the young gals in junior high would aspire to do. Now, they lived in poverty for the most part. A lot of the region was poverty stricken. But they looked at some who had gained some advantage through prostitution, and 70% said they would aspire to do that to get out of their circumstance.

Now, to me, that puts them in an extremely vulnerable position for exploitation. This is junior high. You're looking at grades 7, 8, and 9. So you're looking at girls who are 15 years old, and there's no question in my mind that there would be many around to take advantage of them and to ship them wherever they may want them to go to be exploited.

My concern is this, and I don't know if your research has proven this or indicates this. How many of those women who are coming into these foreign countries from, say, the eastern bloc are actually under the age of 18?

• (1805)

**Ms. Janice Raymond:** There are many, but it's very clandestine. For example, it was estimated that in 1996 in the Netherlands, prior to the full legalization of brothels in the year 2000, about 3,000 to 6,000 children were in prostitution. It was estimated that in the year 2002, 15,000 children were in prostitution, most of them from Nigeria. There is a lot of trafficking of Nigerians now into many European countries. It started with Italy, but now we're seeing it in Scandinavia. We're seeing it in countries where these women never had been trafficked.

A large percentage of these women are underage. My organization, the Coalition Against Trafficking in Women, funds a project in Italy on the trafficking of Nigerian women into Italy. It's a direct-service project. It provides help and legal advice, medical advice, residential facilities, etc., to women who have been trafficked into Italy. Over 60% of those Nigerian women are under 18. Some of them are even under 16. I would say that about 15% to 20% have been under 16.

You mentioned the appeal this has to young women and young girls. Of course, part of the problem is the media. Part of the problem is also that we don't need a legalized or a decriminalized prostitution system to see all around us the sexual objectification of women and girls in the media, but certainly it helps, when prostitution is decriminalized, that many of the legal and social barriers for people, for women and girls in particular, decline.

Among other projects, my organization supports prevention projects in Venezuela, the Philippines, and the Dominican Republic. These prevention projects are aimed at young girls primarily, but also young boys, in the schools and the community centres of large cities in those countries. Basically these are teacher-supported

programs that go through the kinds of recruitment techniques that traffickers and pimps use when they come right into the schoolyards.

We don't have to go to Venezuela to find that. I can go to Boston and find that. Pimps are coming now into the schoolyards and telling the young girls that they can make a lot of money if they strip in the sex clubs. It's often a segue into prostitution.

I taught in a university for 30 years. I would say that 10% to 15% of my students were in sex clubs, in the lap dancing clubs, making their money to support their college education. Most of them did not only stay in the sex clubs but also ended up in prostitution.

I think there's a snowball effect here. Once you let a little bit of decriminalization in the door, the rest follows. The challenges—from the pimps, from the brothels, from the industry—to expand also follow. In no country that I know of has prostitution decreased where prostitution has been regulated, decriminalized, or legalized.

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

Madame Brunelle.

[*Translation*]

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Hello, Ms. Raymond. Thank you for attending our meeting. I hope you did not come all the way from Massachusetts. Your proposal is very interesting. We recently did a tour of Canada and discovered that prostitution is mostly a social problem, a problem of poverty. It is also a problem of violence against women.

We notice that your coalition is in favour of decriminalizing female prostitution and increasing criminalization of acts committed by clients, the pimps and those who profit from this exploitation. You were telling us about the Swedish model and you said that without male demand there would be no female supply.

I wonder if this is not somewhat utopian, when we look at—and you mentioned this earlier—how sexual our society has become and how films and magazines—Young girls want to be women when they are 10 years old. This is where it all begins. How do we make sure there is no demand? I think this is difficult to reconcile.

I would like you to explain something. How far can we go in decriminalizing female prostitution? What are your solutions? You talked about criminalizing certain acts. Would there be stronger prison sentences for pimps? Would clients be punished? There are many possible scenarios. Can you clarify this for us?

•(1810)

[English]

**Ms. Janice Raymond:** In response to the first part of your question, I did not mean to say there would be no prostitution if there were no demand. Obviously, for prostitution and the sex industry there are other causes aside from demand: poverty, the recruitment of women into prostitution industries, and restricted migration policies, when traffickers often seem to be the only people who can really promote migration into countries where policies of migration are very restricted. Military presence is another problem, where we often have large sex industries around military bases.

It's interesting that these kinds of factors have been talked about for a long time. We've been talking about poverty, recruitment techniques, trafficking, and so many of these other factors for... Well, I've been working on this issue myself for at least 15 years, and we've been talking about this forever.

It is only recently there has been serious attention given to the factor of demand. While demand is not the only thing that creates a prostitution industry, it certainly has been a large factor, and it certainly has been the factor that most governments don't seem to want to talk about.

What we're seeing in Sweden is the first serious attempt to address the demand, which leads into the second part of the question: what exactly are they doing there, and what does it mean when I say we should address the demand?

The Swedish model is basically that men are arrested if they are caught in the act of solicitation, or even if they are caught prior to the act of solicitation where there is some good reason on the part of the police to think this man will solicit. Now, if that happens, if there is an intent to solicit and the police think the man will solicit, what they will do is walk up to him and say this is a crime in Sweden. He's not arrested; he's not penalized, because the intent of the law is to prevent the transaction.

However, if he is caught, then he is arrested, he is charged, and depending upon the finding, he is either fined—I think the fine is what is called 50-day fines as the minimum amount he is fined—or at most he can be penalized with a three-month prison sentence, which is not usual on a first arrest. So it's a rather modest law.

The value of the law is that it breaks the anonymity of the buyer, and the buyer values anonymity more than anything.

The value of the law is that it is more of a preventive law. Men have certainly been arrested and charged under the statute, but many have been fined, and many acts of prostitution transaction, at least the ones the police intervene in, have been prevented.

The value of the law is also that it makes a statement, whether you call it a social or moral statement, about a country's attitude toward prostitution. It basically says it will not arrest women, it will not arrest those who are exploiting, but it will help provide alternatives for women and it will address the demand. So the law basically penalizes the buyers in some way, whether by fines or whether actually by jail sentences of relatively moderate amounts of time.

Gunilla Ekberg can certainly speak much more to how this operates on the ground when she appears before your committee, as I understand she may.

•(1815)

Yes, pimping is a crime. There is also a new anti-trafficking law in Sweden, which addresses the trafficking of women from abroad into the country. The police are now reporting and the national rapporteur on trafficking is reporting that Sweden's rate of trafficking has not increased since the law went into effect.

Again, you have to compare this with countries that border Sweden, such as Denmark and Norway, where the rates of trafficking have increased exponentially. In Denmark, for example, a country that has a relatively similar population to Sweden, we're talking about 7,000 women being trafficked into the country, whereas in Sweden we're talking about 500 to 700 women.

Why? What the police and NGOs are hearing is that it's not advantageous—the police more so than the NGOs, in this case, because they're tracking this. For example, they're tracking the telephone calls of suspected traffickers. They're hearing that it's not financially advantageous to bring trafficked women into Sweden because the buyers are very nervous about patronizing these women. The traffickers and pimps have to set up multiple venues, where they can move women and clients from one venue to another if they suspect the police may be on to the locations. This is enormously financially disadvantageous and they are basically moving them elsewhere. They're moving them into Denmark, Norway, and Finland.

Finland is now considering the Swedish law. The Minister of Justice is behind it, and our present information is that it will soon come up for a vote in the parliament. Korea and the Philippines have already passed a law that is very similar to the Swedish law. Last week the Czech Republic voted not to withdraw from the 1949 convention, which was the first step towards legalizing and decriminalizing prostitution in the Czech Republic. It appears that decriminalization is dead in the water in the Czech Republic. We're very happy about that, because the Czech Republic was seen to be the next country in Europe that would legalize prostitution. In fact, all of the media had already reported that the Czech Republic had already legalized prostitution.

These are very interesting developments. I can tell you that the tide is turning. There is a tide that we've been fighting for 15 years, and now that tide is turning. It's part of why I say that these policies are failing. Even in countries like the Netherlands, they are recognizing that at least part of their policy is failing.

I hope that answered your question.

•(1820)

**The Chair:** Thank you.

Madam Davies.

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

First of all, my apologies for being late and not hearing your presentation, Dr. Raymond. I was on a news panel. But I have heard some of your answers, and I quickly read through your brief, so I get a sense of where you're coming from.

I'll tell you about the dilemma that I find myself facing. We've heard from a number of groups who advocate your position, which seems to be a sort of abolitionist position, and reducing demand for prostitution, and almost mixing decriminalization with legalization, which I have a real problem with. They're being used interchangeably, and they are different things. I notice that you do that as well. In actual fact, the situation in Sweden is a partially decriminalized system, so let's just put that on the table.

The concern I have is this. I agree with you, we must work towards prevention, we must work on some of the underlying social and economic issues, particularly in terms of the survival sex trade, in terms of exit resources and all of that. I agree with you, that is a critical priority. The concern I have is what do we do in the meantime? If women are engaged in the sex trade, unless we're saying we're going to forcibly remove them—and maybe some people advocate that position—then my concern is that a further criminalizing regime, whether it's against the sex worker and even the customer, is actually driving this underground. I know that many of the sex workers we've heard from across the country, I would say the vast majority of them, have actually called for decriminalization. This is a voice that I don't think can be ignored. These are affected people speaking out themselves, from their own experience. So I think there's that issue to factor in. I don't think that can be ignored.

In terms of Sweden, where you say thus far it's been promising, I question that. There is a lot of conflicting information as to what is actually taking place there. There are websites where there are reports listed that are questioning, one, whether or not they have actually decreased demand, and two, whether or not things are actually going further underground. I personally think that's a huge problem.

The community I represent includes the downtown east side, where we've had all of the missing women. The sex workers I talk to think the communicating law is terrible. They think the bawdy house law is terrible. While they're there, if they're on the street, they actually have no safety whatsoever, because the last place they're going to go to report any violence is to the police.

I'm throwing out a lot of things here, but the bottom line is that I understand your position and I actually support elements of your position, but I have a huge concern about what that means realistically. All of that having been said, what do we do for those women who are out there tonight and who are in great danger partly because of the way the laws are being enforced? It is a matter of emphasis, but it is also dealing with the reality of what's going on out there.

Maybe you can provide some response to that.

You say the Swedish model is promising. I think there are very mixed reviews on that. Would you agree that there are very different opinions out there about whether or not the so-called Swedish model, as it's come to be known, is actually working?

**Ms. Janice Raymond:** I'll answer the latter part of your question first, and then I'll go back to groups of women in prostitution and what they're saying.

Would I agree or disagree about the working of the Swedish model? I think it depends on who your source is. I think if you look at the factual reports that have come out of Sweden—and that's the national rapporteur on trafficking, and the national criminal investigation unit of the Swedish federal police—you have the statistics there. You also have the statistics that this was passed by a parliament where 45% of the parliament were women. You have the reality of public opinion polls that have been done most recently, the last one about half a year ago, where 80% of the Swedish public supports the law. And you have the reality of NGOs who are working with women in prostitution who say that since the law, more women in prostitution have come seeking services because these services are now being financed. They're being resourced. The government is committing a certain amount of funding to these services.

• (1825)

**Ms. Libby Davies:** I think that is a very important point. In Sweden, there is a much better social safety net, which we don't have here in Canada, and certainly you don't have it in the United States. That is a huge factor in terms of decreasing at least the survival sex trade.

So I would agree with you on that point. The more you can do that, the more you actually are dealing with prevention and helping exiting.

**Ms. Janice Raymond:** But there is a similar law that has just been passed in Korea, and one passed a year ago in the Philippines as part of a larger package of trafficking and prostitution policies and legislation. Those are certainly developing countries where we're not talking about having the Swedish welfare system. I think we really have to begin to think outside the box. Decriminalization is not a new thought; it's not a new method.

I really want to address your question about paying serious attention to what women in prostitution themselves think. I think we have to understand here that women in prostitution, and groups of women in prostitution, don't speak in a monolithic voice. For example—and I'll use my own country as an example—everybody in the United States has heard about a group called COYOTE. COYOTE is a group that claims to represent women in prostitution. They say they are ex-prostitutes. Many groups have studied COYOTE; they've been in existence for about 18 years. The membership of their organization who were women in prostitution is probably three—and that comes from sources; it comes from a book by Valerie Jenness, who defends prostitution as work, who wants to see prostitution legalized.

COYOTE does not provide any kinds of services for women in prostitution. It is a public relations outreach group.

**Ms. Libby Davies:** Okay, but we're talking about our Canadian situation, and we have talked to many different groups, both as groups and as individuals, right? I didn't say "all"; I said "most". I would say most of those women are calling at least for some form of decriminalization, if not full decriminalization. I didn't get the sense that they were all being led around with a particular political line. You may not agree with that, but we've talked to a lot of different groups, even across the country here, and a message was coming through, based on people's experience, about what's going on now while they're in sex trade work.

**Ms. Janice Raymond:** Well, the latter part of what I was going to say is that many...and I have to go back to this example again. I'm familiar with some of the groups here, like Stella. I'm familiar with other groups that are promoting this, like Pivot and groups in Vancouver. I've been in Vancouver and—

**Ms. Libby Davies:** Have you met with them?

**Ms. Janice Raymond:** Yes, I have—some of them, not all of them.

But there are groups also in the United States, such as DIGNITY, Breaking Free, and SAGE in San Francisco, that do not support decriminalization. They do not support decriminalization of the customers; they support decriminalization of the women. So I think we have to look at the groups that are supporting this and we have to ask whether they are doing the direct service work. Are they really working with women who are in prostitution? What are they providing?

**Ms. Libby Davies:** Groups that we've talked to, such as PACE, WISH, Pivot, and PEERS in Vancouver, are all groups delivering services. What are you saying, that they're not credible?

**Ms. Janice Raymond:** I don't know. I don't know where their funding comes from. I don't know what they do in terms of providing services. You say they provide services.

• (1830)

**Ms. Libby Davies:** Very much, on the street.

**Ms. Janice Raymond:** I know many groups that provide services, both in Europe and in the United States, that would take the exact opposite point of view. In fact, my organization did a study interviewing women in prostitution, and we asked them if it would help if prostitution were legalized—and we explained what that meant. Contrary to what you said—and I beg to differ here—there are many similarities between outright legalization and decriminalization and regulation. But at any rate, let's not get into that debate. We explained what it meant, and 75% to 80% of them said no, it would be like legalizing our their exploitation. And 95% of them said they wouldn't want their daughters or their friends' daughters doing what they're doing.

**Ms. Libby Davies:** So you don't really see much of a difference between decriminalization and legalization?

**Ms. Janice Raymond:** I think when you decriminalize a brothel it's the same as legalizing a brothel, except for the fact that the state taxes the earnings of the brothel and the earnings of the women. But it has the same effect in terms of the consequences of prostitution. If you decriminalize brothels, they're no longer illegal.

**Ms. Libby Davies:** What about the escort agencies?

Oh, sorry.

**The Chair:** Go ahead, last question.

**Ms. Libby Davies:** I was just going to say that we don't really have brothels per se. What we have are these escort agencies that are legally licensed. People are supposedly on the payroll. They're employees and they pay taxes. We basically tolerate them and they're known to be fronts for prostitution. So they're sort of like brothels, but they're also used as places to make connections for out-call work. It's another thing that really bothers me.

So if we take your position, are you saying those places should be closed down, because they are—

**Ms. Janice Raymond:** Definitely, because they're fronts for prostitution.

**Ms. Libby Davies:** Okay, then what happens? I would be terribly worried that unless we have somehow dealt with this demand and put all of these services in place—and even then—we would be driving the sex trade into more and more dangerous situations because they're so invisible. That is a huge concern in the community that I'm with.

**The Chair:** I'll let Ms. Raymond respond, and then we'll have to move on. Go ahead, Ms. Raymond.

**Ms. Janice Raymond:** I can appreciate that and I share your concern, but I also know that when you institutionalize state policy around all of this, it doesn't make the situation better for those women; it makes it worse.

For example, if you take the history of race slavery, the whole debate in the United States over race slavery was whether to regulate it or whether to abolish it. Serious thinkers defended regulating it on the grounds that they could make it better. Change the number of slaves who could be brought over on slave ships, change the conditions in which slaves were held, and it would be upgraded, so to speak.

I think we're seeing a similar debate happening now with prostitution. When slavery was outlawed in the States, the first legislation against slavery was only to outlaw the international slave trade. That made the domestic slave trade worse! It broke up families. It separated fathers, mothers, and children, and it made women more into breeders because there were no slaves coming in from abroad. These conditions were made worse for a period of time until the domestic slave trade was outlawed.

That's not an argument for decriminalizing the trade. If I'm understanding what you're saying, it's not an argument for decriminalizing prostitution, in my opinion. It's an argument for really looking at it seriously and asking what we can do here. What can we do to address the demand, which has not been addressed? What can we do to enforce the laws? In many countries it's not the failure of laws, it's the failure of the police to enforce certain laws. It's also the fact that laws are discriminatorily enforced against the women. That's the problem.

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

Mr. Hanger, for three minutes. We'll have to hold you to three minutes for questions and answers because of the time flown by.

• (1835)

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

I actually want to pursue the topic that Ms. Davies has brought forward here.

We have had a number of groups appear before the committee. In part, the Minister of Justice of this country stated he would like the committee to talk to sex workers, so needless to say, we've had a number of them appear before the committee. Many of them...I think we can separate it. We really never talked to any who are out there on the stroll or on the street with serious problems like drugs and substantial issues with abuse. Many of these women said there's little or no organized crime involved, and if you get the sex industry indoors, then there'll be fewer problems as far as the danger to individual women is concerned.

Some of them went so far as to say that, for them, being able to sell their bodies for money is an empowerment issue. This was reflected in more than one of these sessions. Some will say there's no difference between having sex with a man and getting paid for it as a prostitute and going out for dinner with some guy and sleeping with him afterward. This is much of the information that this committee is dealing with.

The community, on the other hand, is angry when they see street prostitution hit their street or their community. They watch as the crystal meth houses move around and the prostitutes go from one location to another, and it has a substantial negative effect on their entire community. So in that context, some are saying we should legalize it and get it off the street, but ultimately, it doesn't leave the street. It's always on the street—it doesn't matter where you go—and we've heard that before this committee.

There seems to be this argument in one position here that prostitution is free of exploitation if it's brought under the watchful eye of the government—

**The Chair:** Mr. Hanger, could you ask a question, please?

**Mr. Art Hanger:** —and I wonder if you could comment on that. Is prostitution free of exploitation?

**Ms. Janice Raymond:** Well, I hope everything I have said in my talk and so far in the back and forth between us has indicated that I do not share this view. I think there are always women who will say this, of course. I think for a lot of women to say differently would be to deny who they are and what they have done.

What we have found in working with women in exit programs—as you get to know women and as you understand what has led them into prostitution and what the realities of their life experience have been—is that a majority of them were sexually abused as children outside of prostitution. A large majority of them come from situations in which there is severe financial disadvantage, and this doesn't necessarily have to be poverty. There are all sort of reasons. And as you talk with women, as you go the distance with them, so to speak, they don't say that any more. They say they want to get out. But if they're appearing before a committee or the media, in many instances they're not going to say this is exploitation or this was a terrible experience for me, unless they have been out of prostitution

for some time—again, because they don't want to deny the reality of their own lives.

I'd also like to say in this respect that I do feel that many of the women who are speaking on behalf of women in prostitution are not the women who are the street; they're not the women who abuse drugs; they're not the women who have a lot of multiple problems in addition to the prostitution. Those women can't speak for themselves. They don't speak for themselves. What our experience has been is that many times groups speaking for women in prostitution are doing prostitution casually; they are not in systems of prostitution.

I think no one is speaking for them except the survivors of prostitution and groups who care about these issues, because these women can't speak for themselves—and that's a problem.

• (1840)

**The Chair:** Thank you.

Madam Brunelle is next, for three minutes, please, question and answer.

[*Translation*]

**Ms. Paule Brunelle:** You are right, prostitutes are not a unified group. That is what makes this issue so challenging. I do not share my colleague's opinion. I know of women working as escorts who are happy to do so. They say they do it for the money.

Some prostitutes were abandoned as children, became victims of drugs, caught in this hell and are trying to get out. It is very important that you talk about social measures, support measures. Some prostitutes tell us not to attack their clients or they will die of hunger and end up in extreme poverty.

They are not all high-class escorts. Any law or any change must be accompanied by social measures and support measures. That is what is drastically missing in Canada. There are no social measures.

How can we reconcile everyone's needs? The lawmaker is faced with a truly difficult task. Some say we must help prostitutes continue to earn a living and that they have the right to use their bodies. Others say we must help them get out of prostitution. Some stakeholders have told us that it takes a sex-trade worker 5 to 10 years to get out of the hell of drugs and prostitution.

I do not know what you think about that, but those are my thoughts. I assure you, the more I get involved in this issue, the more complex I find it.

[*English*]

**Ms. Janice Raymond:** I certainly agree with that. I think it is a very complex issue, and you're right that there is a drastic need for more social support. This has not been a priority of governments, among all the other kinds of things we need resources for. But in terms of social policy and legislation, with every contentious issue that legislators have to face as they address social policy, there are differing opinions on the same kinds of laws. The question then becomes whether we want to institutionalize sexual exploitation, which is definitely the issue in countries that have decriminalized or legalized prostitution, or in some way promote real alternatives for women—an increase in resources, addressing the demand.

There will always be this debate. Even if you take the debate on drugs, some people who take dangerous drugs—and here I'm talking about something like methamphetamines—will say it's their choice and they should have that choice. Do we want to institutionalize that in social policy? That becomes the question. What are we institutionalizing? Once we institutionalize something, it's very difficult to take it back.

So we have to promote more social resources, more financial resources. It makes much more sense if we really look at the statistics of what the Swedish model has done in Sweden. If we look at the rates of women who are now trafficked into Sweden, if we look at the rates of women who are in street prostitution, and if we look at the rates of those who are buying, there is no indication that this has gone underground—at least the police are saying this—so this is a way that needs to be tried. It's at least much more serviceable, we're finding statistically, than what's happening in the Netherlands, Germany, Austria, Victoria, and now New Zealand.

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

Ms. Davies.

**Ms. Libby Davies:** Very briefly, I gather your premise is that decriminalization and/or legalization, which you see fairly together, equal institutionalization. I think there are many points of view on whether or not that is the case. In fact, many of the sex workers we spoke with were against institutionalization, which I think they saw as legalization. So there are some distinctions there.

You just made a very brief reference to New Zealand, but in your paper you don't really cover it. A lot of people have talked about Sweden, but also about New Zealand. What they're doing is different from what was done in the Netherlands, for example. It's a more recent initiative, so maybe there are some lessons learned there from what they saw going on in the Netherlands.

Do you have any comments about New Zealand?

• (1845)

**Ms. Janice Raymond:** The law is one year old.

**Ms. Libby Davies:** Yes, so it's very new.

**Ms. Janice Raymond:** So it's very new. I am familiar with NGOs in New Zealand who did oppose the law. As you know, the law passed by only one vote in their parliament.

**Ms. Libby Davies:** Yes, but have you talked to groups who are in favour? Are you yourself canvassing only one side of this because of your strongly held views?

**Ms. Janice Raymond:** I participate in forums like this all the time, where I'm participating with people who have other views.

**Ms. Libby Davies:** But what do you do in terms of your research with NGOs?

**Ms. Janice Raymond:** Of course we research that. I think it's too early to tell what's happening in New Zealand. I can tell you that there are many groups who are saying that so far it has done nothing to eradicate the trafficking of international women into the country; that child prostitution is increasing; that many of the local councils are quite frustrated with the kinds of positions they have been put into, and the decisions they are asked to make, which they feel are in

no way really representative of some of the decisions they should be making.

What I'm talking about here is that local councils are pushed into making decisions about things like whether brothels should be located within 500 metres of a church or a school, when in fact many of the local councils and many of the municipalities don't want any of that in their cities. But they can't object to it, and they can't take that route because of the federal decriminalization law.

So I think, yes, we can certainly say that there are certain differences between legalization and decriminalization. I think the one thing we agree on—both the pro sex work people, and the feminist abolitionists, which I call myself—is that we don't want to see women criminalized. I think another thing that we agree on is that we don't want to see women registered. We don't want to see women health-checked. That's what they're referring to as a legalized system, because that's what's happening also in the Netherlands and in Germany. In fact, the women are being monitored when it makes absolutely no public health sense whatsoever to just check the women—if you're about protecting women, that is—because the transmission of sexual disease could be from a male to a female, and then she gets checked, and she's diagnosed, etc. You understand that point. Those are all things we agree on.

Where we don't agree is that we can't criminalize the customers because then that will affect the women. When we were arguing against disinvestment in South Africa in the 1980s, many people said, well, if industries and if companies divest because of apartheid in South Africa, that will really most disadvantageously affect the blacks who are working in the industry.

**Ms. Libby Davies:** Yes, but with all due respect, the ANC wanted those sanctions, right?

**Ms. Janice Raymond:** Well, many groups of women in prostitution want those sanctions.

**Ms. Libby Davies:** Here we have many women who are saying they don't want that. That's why you have to listen to their voices too.

**Ms. Janice Raymond:** No, they do. I'm saying that is not a monolithic opinion, and you're representing it as if it's monolithic.

**Ms. Libby Davies:** I agree that it's not monolithic, but there are voices there that you have to acknowledge that are genuine and authentic.

**Ms. Janice Raymond:** Definitely. And I do acknowledge them, but I disagree with them.

**The Chair:** Ms. Raymond, we've come to the end of our questioning. I have just a couple of questions.

You have a wide knowledge of various jurisdictions and their legislation. One common theme that has come forward is that having youth or children in the sex trade should not occur. Are there any jurisdictions that you feel have a better approach than others to keeping youth out of the system?

• (1850)

**Ms. Janice Raymond:** I think that's a very complicated question. You mean are there any programs I would recommend, or a policy?

**The Chair:** Is any one approach, policy, or piece of legislation better than any other?

**Ms. Janice Raymond:** One of the things we're very concerned about, as we watch the legalization/decriminalization policies take shape, is that the age of consent is now being lowered in certain jurisdictions. This is happening in the Netherlands, where the age of consent to sexual intercourse has been lowered to 14. This is a problem because now clients and pimps can claim, basically, that this was consensual, that it was not forced.

As we see a lot of these laws that are more permissive toward decriminalization, legalization, and regulation take effect, we're very worried about what's going to happen to age of consent laws. We're also very worried in terms of even just the social perception. And this is a social perception; I'm not talking about a legal perception here. Distinctions are now being made in some countries between adults, adolescents, and children. So the new middle category becomes adolescents. What some legislators are in fact arguing for, if age of consent laws exist, is that the penalties not be as high if, for example, a client is charged and arrested and the age of the child in prostitution is 15 or 16 rather than 17 or 18. This is being discussed seriously as another way of chipping away at legislation on prostitution. This has been seriously discussed in the Netherlands.

So I point this out as a major concern. I point out both the age of consent laws, which in our opinion are being eroded and have been eroded in some instances, and the social perception of children, which is when are you a child. Sure, we have a UN convention that says a child is a child until 18 years of age, but national legislation can pre-empt that. This is very worrying, particularly when pornography is involved where children are being sexualized as adults and adults are being sexualized as children. The boundaries are being blurred in many cases. In many cases these promote social values, but social values are the next step toward legislation.

So we're very concerned about the children issue.

We're also very concerned that many NGOs and countries want to separate the prostitution problem in terms of adults and children. For example, they will say we can all agree that the prostitution and trafficking of children is a problem and that should be legislated against, but what happens when the woman who is 19 has entered prostitution at age 14? That's the average age for prostitution entry around the world, which means that half of those women entered earlier and half of them entered later. On the day she becomes 18, does it become a magical choice, so that we can say with adults it's a choice and with children it's not? It's not so easy. It's very complex.

There are serious problems with the child/adult divide with regard to this debate, and there are serious problems socially as well as legislatively. I think we're going to see some countries begin to change their age of consent laws. One already has.

• (1855)

**The Chair:** We appreciate your attendance here this evening, and we appreciate the wealth of knowledge you bring to us. Thank you very much.

Tonight we have one witness, the Canadian Association of Chiefs of Police. We might take some time after that to discuss future business, especially in relation to where we might be going in our discussions and what other areas we might want to explore. Is that agreed?

**Some hon. members:** Agreed.

**The Chair:** Merci. Bonsoir.

The meeting is adjourned.

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