

4 PROSTITUTION OF WOMEN AND CHILDREN

Proposed by the University Women's Club of Vancouver

RESOLVED, That the Canadian Federation of University Women (CFUW) consider prostitution to be a form of violence against women and children that sexually exploits women and children and prevents the achievement of women's equality in Canada and around the world;

RESOLVED, That CFUW urges the Government of Canada

1. To enact legislation that prohibits the purchasing of sexual services wherever it occurs, including the internet, and which imposes criminal sanctions on the purchasers of sexual services.
2. To repeal those sections of the Criminal Code which impose sanctions on prostituted persons for soliciting or selling their sexual services.

Introduction

Prostitution is incompatible with women's equality. It requires a culture which accepts the buying and selling of women for the sexual use of men. This environment has a deleterious impact on all women. We cannot afford to view prostitution as merely an unpleasant activity that some choose. It is antithetical to human rights, human dignity and equality.

Equality of Women and Prostitution

There are three basic questions that Ekberg (2008) suggests should be answered when we consider whether prostitution is compatible with women's equality. These questions will help to understand prostitution's individual and structural effects on women.

- 1 Who are women prostitutes? In Canada, they tend to be women who are marginalized and vulnerable because of one or more factors of poverty, violence, substance addictions, or illegal immigration status. Typically they are lured into or escape to the world of prostitution. In essence, they could be any woman. According to a CRIAW study (2002) women working in the sex trade are at great risk of sexual and physical assault, persistent abuse and murder. They receive very little support given that the majority of young women who end up in the sex trade are fleeing abusive homes.
- 2 What happens to prostituted women? The physical and emotional abuse is unpleasant to contemplate. We "never talk about the actual prostitution act that the buyers do to the women: the penetration, the touching, the humiliation." (Ekberg, 2008). It is easy to talk about health and safety measures, but these should not obscure the facts of what men do to the women, in exchange for a little or even a lot of money.
- 3 What are the effects of prostitution on the prostituted women as well as on society at large? The impact on the individual woman is life altering. On society? Ekberg says that prostitution impacts all women in society. "If you have a country that thinks it is appropriate and acceptable that women are to be for sale then you normalize the idea that men have the right to buy and sexually exploit, not just a particular subclass of women, but all of us." (Ekberg 2008). This reality is incompatible with our goal of gender equality.

Prostitution and Safety and Violence

The debate as to whether prostitution should be criminalized or decriminalized arises periodically in different countries. In some cases, the debate is heightened when certain incidents such as a string of murders of prostitutes becomes publicized. In Canada, the 2007 conviction of William Pickton of the second degree murders of six women and the charges in the deaths of an additional 20 women, many of whom were prostitutes from Vancouver's Downtown East Side, as well as increase in missing women, particularly from Western provinces, have brought the debate to the forefront.

Those campaigning for the legalization of prostitution argue that prostitutes and their customers should be allowed to sell or buy sex for money. They argue further that prostitutes should be allowed to carry out their trade inside (example, brothels), since they see this as safer than being on the streets. This is a common assumption held by those who advocate for legalization of prostitution and brothels. They point out that brothels are equipped with hidden cameras in the rooms, as well as intercoms and panic buttons etc.

A 2003 University of London survey of prostitutes in the state of Victoria, Australia (which experienced brothels mired in organized crime, corruption and related crimes) found that "those working under these systems of legalization and regulation continue to feel coerced, forced and unsafe in the business" (De Santis 2004).

A similar sense of fear of violence among prostitutes was discussed in a University of Nevada 2005 Study of Violence and Legalized Brothel Prostitution – "fear of violence – which in and of itself constitutes a sense of danger and risk – is a critical component of legalized prostitution". (Brents, Hausbeck, 2005, pp.270-295) 79% of women in prostitution indicated that they were in prostitution due to some degree of coercion.(Hughes, D.M. 2003) Another study of adults working in prostitution reported the following – 82% experienced physical assault, 83% experienced threats with a weapon, 68% were raped while prostituting, 84% experienced current or past homelessness. (Goswami, Schervish, 2002)

Prostitution which occurs through escort and massage services is also perceived as safe because it occurs indoors. But prostitution indoors primarily protects the owners of the establishments/services as the girls and women are kept under control indoors where they cannot be seen by the public or by the police. (Farley, Bindel & Golding 2009). The violence that takes place in these environments is usually not publicized unless the victims are murdered. For example, in Edmonton in 2008, Matthew Barrett was convicted of killing escort Chantel Robertson. (Brunschof, 2009) In October 2009, Jill Stuchenko a 35 year old mother of five who worked as an escort for several Prince George agencies, was murdered and left in a gravel pit.(Jiwa 2009) In a recent Vancouver case, escort Nicole Parisien, was killed by a client in a safety equipped Kitsilano apartment in August 2007. Andrew Evans, 27, was sentenced to 10 years in prison for Parisien's murder. According to Lee Lakeman, of the Canadian Association of Sexual Assault Centres, "that case alone should cause all of us to think seriously about the foolishness of arguing the safety of the inside trade". (CBC News, 2009)

Prostitution is dangerous for women regardless of its legal status (legal, illegal or decriminalized) and physical location (strip club, massage parlours, street, escort/home/hotel or brothel). Pimps and clients use control and coercion methods such as physical violence, economic exploitation, social isolation, verbal abuse, threats and intimidation, sexual assault and capture. Pimps subject women to physical and verbal abuse to ensure they continue to bring in money by servicing as many clients as possible. This systematic violence results in the victims believing they are worthless except in their role as prostitutes. Farley asserts that the difference between prostitution and other types of gender violence is the payment of money for the abuse. (Farley, 2004)

What appears to be missing from the argument for decriminalization of buyers, pimps and brothel owners are the social attitudes that men can do anything they like towards prostitutes. According to Barry (1979, p.124) "the prevailing belief that because of the nature of their work prostitutes cannot be raped makes them easy targets for men who assume they can act out their misogyny with impunity. Beating, rape and even murder are generally considered inevitable occupational hazards". (See also Farley, Bindal & Golding, 2009)

The Amsterdam and Swedish Models

Many have looked at the legalization of prostitution in Amsterdam since 2000 as a possible model. Yet officials there are now re-thinking the law because legalization does not appear to be working. Initially, it was felt that through legislation, trafficking, child prostitution and organized crime could be controlled (Unanima International, 2006).

Over the years, more and more Dutch women have left the sex trade and the gap is being filled by women who are trafficked from Asia, Eastern Europe and Africa. According to Unanima International in 1960, 95% of prostituted people in Holland were Dutch; currently 80% are immigrants, most from poor countries. At least 70% of prostituted people in the Netherlands are undocumented and buyers continue to be major perpetrators of violence against prostituted women and girls. In one study 85% of prostituted women surveyed, reported having been raped in prostitution. (Unanima International, 2006). Prostitution in general has its own inherent problems of violence. According to Farley (2006, pp.109-144). After prostitution was decriminalized in New Zealand in 2003, violence in prostitution continued as well as the stigma and shame. Street prostitution in the cities also increased. She further states that the Trafficking in Persons Report of the US State Department has noted that trafficking of women and children has become a reality since the decriminalization of prostitution. Indigenous Maori children are at highest risk for prostitution.

Although various studies can be cited to bolster one argument or another, it is difficult to continue to support the Amsterdam model which over time has proven not to be as safe for women as claimed due to organized trafficking, a larger parallel illegal prostitution trade and Amsterdam being a major destination city. The Swedish paradigm focuses on lessening demand, and research does suggest that "the arrest of the client is the single biggest specific deterrent". (Wilcox, Christmann, Rogerson and Birch, 2009, p4) The Swedish model also incorporated social programs and police training. (Ekberg, 2004).

In 1999 Sweden criminalized the buying of sex and decriminalized the selling of sex. The rationale underpinning Sweden's legislation was that prostitution is violence against women and children by men who exploit them thus creating barriers toward gender equality. The passage of this law accomplished what Sweden wanted. It protected the most vulnerable populations, including women, girls, boys, ethnic and racial groups and the poor. It reduced the number of women in street prostitution in Stockholm by 66 percent in the first five years, and drastically reduced the number of women and girls annually trafficked into Sweden (Ekberg, 2004; de Santis, 2004). As a result of their two-pronged legal strategy, the Swedish Government estimates that in the last few years only 200 to 400 women and girls have been annually sex trafficked into Sweden compared to the 15,000-17,000 females annually trafficked into neighbouring Finland which has not adopted this strategy. In addition to the two-pronged legal strategy, a third and essential element of Sweden's prostitution legislation provides for ample and comprehensive social service funds aimed at helping any prostitute who wants to get out, and additional funds to educate the public to counteract the historical male bias that sees prostitution from a male point of view. (De Santis, M. 2004). Seeing the issue from a male point of view means that we will continue to be steeped in patriarchy which does not promote the equality of women. The Swedish model advocates a fundamental shift in paradigm that views prostitutes as victims of male coercion and violence.

Criminalizing the buying of sexual services

Implementing laws criminalizing the buying of sexual services would align Canada with existing international agreements it has already endorsed including UN protocols. The 2000 UN “Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime” is the first international instrument to identify the demand that leads to both exploitation and trafficking. When Canada ratified the protocol, it accepted Article 9.5 which states, “States parties shall adopt or strengthen legislative or other measures ... to discourage the demand that fosters all forms of exploitation of persons, especially women and children ...”(UN, 2000 as cited in Ekberg, 2004, p. 1202). The question now is, will Canada’s policies align with the United Nations agreement it has signed on to? It would further align the country with other NGOs and international organizations such as the European Women’s Lobby, the Coalition Against Trafficking in Women, and the Nordic Council. In practice, criminalizing the purchase of sexual services would have multiple positive outcomes including deterring the buyers, reducing street prostitution and reducing trafficking in women as in the Swedish example.

Decriminalizing the buying of sexual services

Not implementing laws criminalizing the buying of sexual services results in an increase in sex trafficking. In the German example, when brothels were legalized, the increased demand for women used in sex tourism could not be met which led to foreign women being trafficked into the country. “The brothels of the US, Canada, the Netherlands, Germany, Austria, and Australia are filled with women trafficked from Asia, Latin America and Eastern Europe. No less than 50% of German prostitutes are illegal immigrants and a staggering 80% of Dutch prostitutes are not Dutch-born”. (Leidholdt, 2006, para.6).

Conclusion

Towards achieving equality we are urging CFUW to adopt a policy which builds upon our existing policy (Trafficking in Human Beings) and which is consistent with Canada’s obligations under international protocols (UN Optional Protocol to the Convention on the Rights of the Child; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons). The exploitation and trafficking of children and women exists largely because of the demand of men for the sexual services of prostitution. Canada is required to and it is logical to take steps to reduce the demand for prostitution and thereby reduce the exploitation, trafficking and sexual enslavement of so many women and children. This in turn would enhance the possibilities for achieving gender equality.

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