

Resolution

Date Passed: May 24, 2008

Submitted by: Social Action and Executive Committees of the
Canadian Association of Elizabeth Fry Societies

Issue areas addressed by resolution:

Reduction in the Criminalization of Women;
Working to End Violence Against Women;
Gendering Criminal Justice Responses to Promote Women's Substantive Equality

Rationale for resolution:

Whereas CAEFS position on prostitution is more than 20 years old, at which stage we took a simple decriminalization approach. Our position then favoured an end to the criminalizing of women. We are still of this view of course, but the position now seems incomplete without also including a position against legalization and a position in favour of a right to adequate social assistance and/or a guaranteed adequate livable income as a basic human right; and

Whereas previous attempts to address the gendered nature of the criminalization of women who are prostituted have resulted in gender neutral language that continues to see women criminalized and imprisoned and men diverted to 'johns' schools. We propose to look at prostitution from women's points of view; and

Whereas a minority of women who are prostituted have spoken in support of legalization, this is not generally the position of the majority of women in areas and nation states where sex trade has been legalized. The majority of prostituted women express a desire to escape the 'industry' but remain silent. Prostitution is an institution that systematically discriminates against women, against the young, against the poor, and against ethnically subordinated groups. Prostitution cannot be made safer or a little bit better by legalizing or decriminalizing it (Raymond, 2003). As Farley (2004) has indicated, sex trade and trafficking is a particularly vicious institution of inequality of the sexes; and

Whereas the all party Standing Parliamentary Committee on the Status of Women in 2007 declared, "the wholesale trafficking of women and children into the worldwide sex trade" is a "human rights disaster of epic proportions.. that .. for the majority of nations on the planet — and that's from the top echelons of political power all the way down to the cop on the beat — ... has yet to register as a priority." (2007, p. 11); and

Whereas "reducing women and girls to the status of merchandise that can be bought, sold, rented out, appropriated, exchanged or acquired, prostitution and trafficking for purposes of prostitution...reinforce the connection between women and sex, established by a macho society, reducing women to a lesser form of humanity and therefore relegating them to inferior status ...

legalizing sex markets — boosts procuring activity and organized crime, but most importantly, it legitimizes gender inequality. (Poulin, 2006); and

Whereas CASAC Rape Crisis centers agreed that to prevent women being prostituted we urgently need a guaranteed livable income ...effective equality based policing of violence against women, better prosecution of abusers and access to the courts, and no pre-court diversion of men's violence against women cases, we need to recognize and end the racist and colonialist nature of most of the violence against women including prostitution and press for international peace processes, settle land claims, change immigration policy and our exploitation of the third world to deal with the fact that most trafficked women and kids are driven into it by poverty and environmental degradation in their homelands including reserves. (CASAC, 2007); and

Whereas Aboriginal women on occupied Coast Salish Territory are speaking out in the interest of women whose voices have not been heard in the discussion on prostitution and legalized brothels for the 2010 Olympics, the Aboriginal Women's Action Network opposes the legalization of brothels for the 2010 Olympics. They say that they:

“refuse to be commodities in the so-called "sex industry" or offer up our sisters and daughters to be used as disposable objects for sex tourists. The Aboriginal Women's Action Network opposes the legalization of prostitution, and any state regulation of prostitution that entrenches Aboriginal women and children in the so-called "sex trade." We hold that legalizing prostitution in Vancouver will not make it safer for those prostituted, but will merely increase their numbers. Contrary to current media coverage of the issue, the available evidence suggests that it would in fact be harmful, would expand prostitution and would promote trafficking, and would only serve to make prostitution safer and more profitable for the men who exploit and harm prostituted women and children. Although many well-meaning people think that decriminalization simply means protecting prostituted women from arrest, it also refers, dangerously, to the decriminalization of johns and pimps. In this way prostitution is normalized, johns multiply, and pimps and traffickers become legitimated entrepreneurs. Say "No" to this lack of concern for marginalized women and children, who in this industry are expected to serve simply as objects of consumption!”

A harm-reduction model that claims to help prostituted women by moving them indoors to legal brothels, not only would not reduce the harm to them, but would disguise the real issues. There is no evidence that indoor prostitution is safer for the women involved. Rather, it is just as violent and traumatic. Prostitution is inherently violent, merely an extension of the violence that most prostituted women experience as children. We should aim not merely to reduce this harm, as if it is a necessary evil and/or inescapable, but strive to eliminate it altogether. Those promoting prostitution rarely address class, race, or ethnicity as factors that make women even more vulnerable. A treatise can be written about Aboriginal women as vulnerability based on race, socio-economic status and gender but suffice it to say that we are very over-represented in street-level prostitution. There may even be a class bias behind the belief that street prostitution is far worse than indoor forms. It is not the street per se or the laws for that matter,

which are the source of the problem, but prostitution itself which depends on a sub-class of women or a degraded caste to be exploited. A major factor contributing to the absence of attention given to the women who have gone missing in Vancouver is the lack of police response, and the insidious societal belief that these women were not worthy of protection, a message that is explicitly conveyed to the johns, giving them the go-ahead to act toward these women with impunity. If we want to protect the most vulnerable women, we could start by decriminalizing prostituted women, not the men who harm them. Although it is not mentioned in the local news, the Swedish model of dealing with prostitution provides an example we should seriously consider. It criminalizes only the buying of sex, not the selling, targeting the customer, pimp, procurer, and trafficker, rather than the prostituted woman, and provides an array of social services to aid women to leave prostitution. Given that the vast majority of prostituted women wish to leave prostitution, we should focus on finding ways to help them to do that rather than entrenching them further into prostitution by legalizing and institutionalizing it. Here in Vancouver, if we are to help those most in need, young Aboriginal women, it would help to think more long-term, to focus on healing and prevention. Let's not get tricked into a supposed fix which is not even a band-aid, but only deepens the wounds' (AWAN, 2007); and

Whereas business interests in cities like Vancouver, Toronto and Montreal are joining their counterparts who are pushing for red light districts in cities all over the world and entire countries, like Thailand, have been transformed into mammoth red light districts, there is enormous pressure on our government to create similar conditions in Canada; and

Whereas the evidence from the state of Victoria, Australia, which decriminalized and legalized prostitution, reveals that legalizing has failed to achieve any of its aims; however, since the main Melbourne brothel was one of the fastest growing stocks on the publicly traded market, the government continues to support the regulation of prostitution and persists in its characterization as an industry that can be regulated like any other. Victoria's legitimization of prostitution created a prostitution culture throughout the State and made it acceptable for Victorian men to purchase women for sexual gratification. Legalization has offered nothing for women caught up in this system of exploitation. Legitimizing prostitution as work has simply worked to normalize the violence and sexual abuse that they experience on a daily basis. (Farley, 2004); and

Whereas the Canadian government recognizes that the vast majority of people who are trafficked are women and children, and 92% of victims are trafficked for the purpose of sexual exploitation. most women and children trafficked into and around Canada are often enslaved, terrorized and abused and estimate that the impact of migrant trafficking on Canada is estimated at between \$120 million to \$400 million per year and accounts for approximately 8,000 to 16,000 people arriving in Canada per year illegally ("Organized Crime Impact Study," Solicitor General of Canada); and

Whereas research in the downtown east side in Vancouver shows that most of the men who buy women prostituting in the poorest area of Canada – many of whom are Aboriginal and most of whom state that they would stop selling their bodies immediately if they had an alternate means

of supporting themselves -- can actually afford to buy sex women through escort agencies or in massage parlours. The men have enough money to buy sex in a safe, clean setting, yet they choose otherwise. The research shows that the men are actually buying the ability to degrade and abuse women, not sex. Robert William Pickton had money. He had the ability to purchase sex from escort agencies, but contrary to the assertions of business operators and civil libertarians, he was seeking the ability to degrade, torture and kill women pushed into prostitution as children and characterized as having made career choices once they reach the age of majority (Culhane, 2003); and

Whereas the *Canadian Charter of Rights and Freedoms* guarantees freedom and security of the person, these guarantees are hollow rights if we do nothing to ensure that we end the current exploitation that leaves any woman to face the reality that she “ must be penetrated in order for her to have access to food or shelter” (Kler, 2007).

Resolution:

Therefore be it resolved that CAEFS join other women’s groups and equality-seeking groups of women with lived experience in calling for the decriminalization of women who are prostituted, trafficked or otherwise exploited or objectified in and by the sex trade; and

Be it further resolved that all women are entitled to basic human rights to freedom from want, including adequate standards of living (either through social assistance or a guaranteed liveable income), and the provision of social services, health services and educational options; and

Be it further resolved that CAEFS continue to denounce as criminal the actions of those who promote and profit from the trafficking and sexual exploitation of women and children.