



it's about PEOPLE

*A Submission to the
Subcommittee on Solicitation Laws
of the
Standing Committee on Justice, Human Rights,
Public Safety and Emergency Preparedness*

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Summary of Recommendations

- ✓ Direct engagement in street level prostitution should be treated primarily as a social rather than a moral or criminal problem. That said, we do not support the decriminalization of prostitution-related activities. In our opinion, increased law enforcement efforts should be directed toward those who recruit people into prostitution, keep them there and benefit from the prostitution of others, rather than toward those who are prostituting themselves or being prostituted.
- ✓ Community, government and law enforcement attempts must deal with both supply and demand, addressing the role of both people engaged in prostitution and people who pay for sexual services in perpetuating prostitution.
- ✓ Creative partnerships between law enforcement agencies, community-based non-governmental organizations, and social service agencies have been developed and should be further developed to generate effective outreach, education, prevention and exit programs. Education programs should not, however, be restricted to people engaged in prostitution, but should include those who pay for sexual services.
- ✓ Social intervention strategies should be designed to assist and protect both youth and adults involved in prostitution. We share the view of the Department of Justice that “an interagency, multidisciplinary approach to the provision of support services to assist young people to leave the streets is necessary” and would add that the same is true for adults.
- ✓ Programs and services aimed at assisting people to make the transition out of prostitution must take into account the diverse and complex needs of those engaged in prostitution, and must be designed to assist in the transition toward long-term, rather than short-term change. Program designers and service providers must recognize that transitioning out of prostitution is a long-term project, and that people engaged in prostitution may relapse several times on the way to “recovery.”
- ✓ Increased resources, particularly in the form of core funding, should be allocated to reach out to and educate people engaged in prostitution, people at risk of prostitution and people seeking to exit prostitution.
- ✓ Cross-departmental cooperation between Public Safety and Emergency Preparedness Canada, Human Resources and Skills Development Canada, including the Minister of Labour and Housing, as well as F/P/T cooperation should be explored and encouraged in order to address the diverse needs of people engaged in prostitution.
- ✓ Mandatory participation in diversion programs, which provide information, education and referrals to support services, and require regular follow up, is one way of shifting from punishment to prevention and exit and should become a standard part of law enforcement practices.

Introduction

The Salvation Army is an international movement, forming part of the universal Christian Church, which is currently active in over 100 countries.

The Salvation Army has been working with people engaged in prostitution since the mid-1800's, when it established rescue homes for victims of the white slave trade in England, and joined forces with other concerned citizens and organizations in advocating for legislative reform to prevent the exploitation of young women in brothels.

Since then, we have worked around the world, reaching out to people affected by prostitution, offering public education and awareness, spiritual care, physical and mental health care, housing, job skills training and most importantly, hope for a better life.

The Salvation Army has recently made an international commitment to combat the intra- and international trafficking of human beings into prostitution through a commitment to:

- Actively engage in the holistic care of women, men and children who have been trafficked.

- Actively campaign for the eradication of the social and economic factors that lead to trafficking and the social and cultural attitudes that make it acceptable in certain parts of the world.
- Actively work with all those communities who suffer, in any way, as a consequence of trafficking.

We acknowledge that there are important distinctions between international human sexual trafficking and domestic prostitution. We believe, however, that there are important similarities between people affected by trafficking and those engaged in domestic prostitution, and that commercial sexual exploitation has similar effects on the physical, emotional and spiritual health of both people affected by international human trafficking and those engaged in domestic prostitution.

Recognizing the harmful effects of prostitution on people engaged in prostitution, those who purchase sexual services, and the surrounding communities, The Salvation Army in Canada currently operates five education programs for people working in prostitution, as well as people who purchase sexual services. In addition, we come into contact with people engaged in prostitution through our emergency shelter and transitional housing programs, our addictions treatment programs, our community and family services offices, and our church congregations.

A Note About Language

For the purposes of this brief, we have used the phrase “people engaged in prostitution” to refer to those who provide sexual services for consideration. We have chosen this term instead of “prostitute,” which the people themselves see as judgmental, derogatory and condemnatory and instead of “sex trade worker,” which is a term used by those who may seek to legitimize prostitution and may unwittingly further marginalize those who are already on the margins of the sex trade and of society. In addition, the gender neutral “people” was chosen over “women” to reflect the fact that although the vast majority of people engaged in prostitution are women, men and transgendered people also engage in prostitution. For reasons similar to those stated above, we have used the term “people who purchase sexual services,” rather than Johns or clients, to refer to those people who purchase sexual services from others.

Framing the Debate

The debate concerning prostitution is often framed according to one of two perspectives – that of law enforcement agencies and law abiding citizens seeking to control crime and nuisances within communities and ensure community safety or that of sex trade worker movements seeking to legitimize prostitution and protect the safety of people engaged in prostitution. Too many groups tend to understand prostitution as a choice – either a bad choice that must be addressed as criminal behaviour or as a legitimate choice women in particular are entitled to

make and that should be respected, even if we would not make the choice ourselves. With all due respect to any subcommittee members who may identify with one of these perspectives, we believe they are both inadequate.

Our Perspective

Our perspective on prostitution is rooted in our values as a Christian denomination and social service agency engaged in outreach and the provision of support and services to people engaged street level prostitution as well as those who purchase sexual services. Believing that no one is beyond redemption, we seek to reach out in love and compassion to people engaged in prostitution and to people who purchase sexual services. Rejecting the notion that street level prostitution is a victimless transaction, we provide education about the harmful effects of prostitution on men, women, children, families and communities to purchasers of sexual services, information about health care, housing, educational programs and other support services to people engaged in prostitution and, whenever possible, we seek to journey with those seeking to leave prostitution and to provide them with the information, support and referrals necessary to make that possible.

Most of the people who participate in our programs are involved in street level prostitution, and many of them are engaged in what is often referred to as “survival sex.” Academic literature on prostitution suggests, and our experience confirms, that these are among the most marginalized, disadvantaged and

broken people engaged in prostitution, and that they are more likely to be drug addicted, exposed to violence, and at risk of catching sexually transmitted diseases. Our perspective and recommendations are coloured by the particular people we come into contact with, and should not be interpreted as applicable to all people engaged in prostitution.

Research and writing on international human sexual trafficking treats this latter issue as one influenced by a variety of push and pull factors. Push factors include economic necessity, lack of opportunities for education and employment, lack of close family ties, dysfunctional family relationships, discrimination against women and the undervaluing of women's work. The pull factors include misperceptions about the economic success of migrants, an idealized and mistaken understanding of the glamorous life of people engaged in prostitution and the hope of a better life elsewhere.

Although many speak of international human sexual trafficking as an affront to human dignity, a violation of human rights, and an inexcusable form of exploitation, we tend to treat domestic prostitution as a choice that people engaged in prostitution make freely and with full awareness of the consequences. In our view, the rhetoric of choice ignores the myriad factors that lead young people, women, men and transgendered people to engage in street level prostitution and permits us to overlook the fact that many people would leave street level prostitution if given the time and support necessary to do so.

In our view, prostitution in Canada should be understood in much the same way as international human sexual trafficking – that is, as an affront to human dignity, a violation of human rights, and as a form of exploitation and not as a choice that people make. It is our belief, based on our experience with people engaged in prostitution, that although people involved in street level prostitution in Canada may be perceived to be making a free choice, they often enter into prostitution because of a lack of alternatives, and are forced to remain in prostitution by the same lack of alternatives, or by a pimp, a boyfriend or a friend who benefits from their subjugation.

Although people engage in and are affected by prostitution in different ways, and some may exercise a greater degree of choice than others, there is almost always some element of exploitation – whether sexual, psychological/emotional, financial or otherwise – inherent in street level prostitution. Most of the people we have worked with have indicated that if given the choice and the support necessary to implement that choice, they would exit prostitution.

Our Observations About the Current Legal Framework

Although several provisions of the *Criminal Code* address prostitution-related activities, we will focus on the impact of section 213 (commonly referred to as the “communicating” offence) on people engaged in prostitution and those who purchase sexual services.

Our observations are as follows:

Existing law enforcement strategies disproportionately affect those who provide sexual services for money – usually women. Although some reports suggest this is changing, our experience is that law enforcement continues to be disproportionately directed toward women and disproportionately affects women who communicate for the purposes of engaging in prostitution. This is a potential infringement of the Charter of Rights and Freedoms in that the law is being applied unequally to men and women.

In addition to disproportionate effects on women, law enforcement strategies tend to be disproportionately directed toward those who are poor and/or drug and alcohol addicted. In some cases, this is because the prosecution of prostitution-related offences tends to be complaint driven, and a greater number of complaints are directed toward poor, drug or alcohol addicted people on the street. In other cases, this is because the police have no way to protect or assist those engaged in prostitution apart from arresting them and even incarcerating them. The result of such trends is that the conduct of people engaged in street level prostitution, who are often transient or have a prior criminal record and are not trusted by police to show up for their court, tends to be criminalized and recriminalized, further embedding them in the criminal justice system. A more holistic approach to addressing the needs of people engaged in prostitution is necessary to reduce prostitution and its harmful effects on people engaged in

prostitution, people who purchase sexual services, and the communities in which prostitution takes place.

Significant efforts have been made to reduce the harm suffered by people engaged in prostitution, however, we have noted that those involved in our programs are often unaware of the services that are available to them and therefore, they are not accessing them. Many people do not become aware of these services unless or until they are charged with a prostitution-related offence and required to participate in a diversion program. Increased collaboration between law enforcement agencies that come into contact with people engaged in prostitution, and the community-based agencies that provide support and referrals could serve to enhance awareness of the services available to people engaged in prostitution.

Even if people engaged in prostitution are made aware of the resources available to exit prostitution, a noticeable shortage of housing and addictions treatment facilities for women engaged in prostitution is a particular challenge and obstacle for people seeking to exit prostitution.

Cooperation between law enforcement agencies, the criminal justice system and community based agencies that provide outreach, education, training and support to people engaged in prostitution and those who purchase sexual

services is an effective way to begin to address both the demand and the supply sides of prostitution, and the complex needs of people engaged in prostitution.

Diversion programs for people who purchase sexual services as well as those engaged in prostitution are an important part of addressing both the demand and supply sides of prostitution, as well as the needs of those engaged in prostitution. Regrettably, in many instances the conditions for participating in diversion programs are unduly strict, and thereby exclude from participation people who have a prior criminal record or previous prostitution-related charges, people who most need the information and resources diversion programs provide.

Many of the people who attend our programs would exit prostitution if they could. Exiting prostitution is a difficult decision and a difficult process, and some people attend our programs three or four times before they are ready and able to begin making the transition out of prostitution. If diversion programs are restricted to first-time offenders, it becomes difficult to provide the support people need to exit prostitution.

Limited resources hinder the development of effective outreach, education and exit programs. At present, most of our outreach programs to people engaged in prostitution are funded by fines paid by those who purchase sexual services. Unpredictable, unstable sources of funding do not allow for the development of sustainable outreach and exit programs.

Violence against people engaged in street level prostitution is common. The people we work with are some of the most broken members of our communities. Violence and rejection occur daily and the people we work with often believe themselves to be worthless and expendable. Several of the women we have worked with believe that by being out on the streets, accepting the abuse and violence that are directed at them, they may be saving other women who are not engaged in prostitution from being assaulted or killed.

Recommendations

Based on our observations, and our direct interaction with those involved in street level prostitution as well as those who purchase sexual services, it is our submission that direct engagement in street level prostitution should be treated primarily as a social, rather than a moral or criminal, problem. That said, we do not support the decriminalization of prostitution-related activities. Many of the people we work with would not qualify to work in licensed massage parlours, exotic dance clubs or other more “upscale” venues and would not benefit financially or otherwise from the opportunity to do so. In fact, we fear that they may be further marginalized and exposed to greater risk if prostitution were decriminalized. In addition, many of the people who have participated in our education and exit programs have indicated that although they benefited from our programs, they would not have followed through if they had not been legally required to do so. Existing law enforcement strategies are not perfect, but we do

not believe that decriminalizing and regulating prostitution will improve the lives of the people we work with or make it more likely that they will exit prostitution.

Given our belief that street level prostitution is inherently exploitative and that law enforcement efforts must address both the supply and demand sides of prostitution, we submit that increased law enforcement efforts should be directed toward those who recruit people into prostitution, keep them there and benefit from the prostitution of others, rather than toward those who are prostituting themselves or being prostituted.

For those who are charged with communicating offences, whether people engaged in prostitution or those who purchase sexual services, mandatory participation in diversion programs is one way of shifting from punishment to prevention and exit and should become a standard part of law enforcement practices.

Creative partnerships between law enforcement agencies, community-based non-governmental organizations, and social service agencies have been developed and should be further developed to generate effective outreach, education, prevention and exit programs. Education programs should not, however, be restricted to people engaged in prostitution, but should include those who pay for sexual services.

Given our belief that direct engagement in street level prostitution should be treated primarily as a social problem, we submit that social intervention strategies should be designed to assist and protect both youth and adults involved in street level prostitution. We share the view of the Department of Justice that “an interagency, multidisciplinary approach to the provision of support services to assist young people to leave the streets is necessary” and would add that the same is true for adults. Cross-departmental cooperation between Public Safety and Emergency Preparedness Canada, Human Resources and Skills Development Canada, including the Minister of Labour and Housing, as well as F/P/T cooperation should be explored and encouraged in order to address the diverse needs of people engaged in prostitution.

Those who provide programs and services aimed at assisting people to make the transition out of prostitution must take into account the diverse and complex needs of those engaged in prostitution, and must be designed to assist in the transition toward long-term, rather than short-term change. Policy makers and service providers must recognize that transitioning out of prostitution is a long-term project, and that people engaged in prostitution may relapse several times on the way to “recovery.”

As is often the case with community-based programs, obtaining stable sources of operational funding is a challenge. Increased resources, particularly in the form of core funding, should be allocated to reach out to and educate people engaged

in prostitution, people at risk of prostitution and people seeking to exit prostitution.

Concluding Remarks

The comments and recommendations contained in this brief are based upon our observations of and direct interaction with people engaged in prostitution, as well as those who purchase sexual services. Although we appreciate that people are affected by prostitution in different ways, it is our view that those who engage in street level prostitution are among the most vulnerable, marginalized and exploited people in our society. We encourage the Subcommittee to keep this group in mind when considering the impact of existing laws, as well as the impact of proposals for law reform.

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