PROSTITUTION IN CANADA: AN OVERVIEW

This paper provides a brief description of what is currently known about prostitution in Canada, and discusses how public policies have tried to mitigate the harmful aspects of prostitution.

PROFILE OF PERSONS INVOLVED IN PROSTITUTION

The image most Canadians associate with prostitution is that of the street prostitute. Street prostitution, however, is estimated to account for only about 20% of prostitution activity in Canada. The commercial sex industry in Canada also includes massage parlours, escort services, and strip clubs. Although there are many types of prostitution, much of Canadian prostitution-related law enforcement has been targeted to street prostitution rather than escort agencies. The Federal, Provincial and Territorial Deputy Ministers Responsible for Justice established a Working Group on Prostitution in 1992 to review legislation, policy and practices concerning prostitution-related activities. More expensive licensed off-street prostitutes operate with virtual impunity while poorer customers and prostitutes, who are mainly on the streets, are routinely arrested.

A. How Many People Are Involved?

The social stigma surrounding prostitution and the variety of settings where it takes place make it difficult to obtain an accurate picture of the number of people involved. Existing arrest statistics for prostitution-related charges are more reflective of enforcement trends than of the actual level of prostitution activities. In addition, most estimates of the number of people engaged in prostitution are collected at the local level and focus on street prostitution, making it difficult to assemble a national overview of the nature and extent of prostitution in Canada. The number of persons on the streets at any given time is dependent on a variety of factors, including the season and weather conditions.

B. Key Demographic Features

The majority (most studies suggest 75-80%) of persons who work as prostitutes are women, while almost all the clients are men. Although the prostitution of youth under the age of 18 is illegal in Canada, research suggests that the majority of women engaged in prostitution begin between the ages of 16 and 20. Youth involved in prostitution are often runaways who sell sexual services for survival. Prostitution gave them the money they needed when they ran away from home, and that their limited education and work options made prostitution one of the few viable choices. Certain groups of people who experience high levels of marginalization in Canadian society, such as Aboriginal women and women trafficked into Canada, are particularly vulnerable in the sex trade. The over-representation of Aboriginal women in street prostitution in the western provinces has been well documented. There are important differences in the working conditions of male and female sex trade workers. For example, while most male prostitution takes place on the street, these men
appear to have more control over their work environment than women prostitutes. Male prostitutes face less violence from their clients.

C. Prostitution, Drugs and Trafficking
Growing attention is being paid to the trafficking of women and children for the purposes of prostitution, both internationally and nationally. There are no accurate statistics on the number of women trafficked into Canada annually for the purposes of prostitution; a 2004 U.S. State Department report noted, however, that Canada is both a destination and a transit point for persons trafficked into prostitution from China, Thailand, Cambodia, the Philippines, Russia, Korea, and Eastern Europe. [7] Although Canada’s Immigration and Refugee Protection Act contains increased penalties for traffickers, there are no provisions to protect the rights of those who have been trafficked. Currently, it is impossible for women trafficked into Canada to access services without risk of deportation.

PROSTITUTION: THE POLICY CHALLENGE
Two widely agreed-upon policy goals in dealing with prostitution are the reduction of harm to communities and the prevention of violence against prostitutes. [11]

A. Harm to Communities
Discarded condoms and syringes on public and private property, traffic congestion on local streets, harassment of residents who are mistaken for prostitutes, and the presence of drug trafficking activities which often accompany street prostitution create environments that are detrimental to residents and businesses alike. Community policing efforts are trying to “clean up” neighbourhoods by increasing police presence where street prostitutes are located. It has been well documented that police enforcement generally results in a relocation of prostitution activity.

B. Violence Against Prostitutes
The spectrum of violence faced by those engaged in prostitution ranges from catcalls and insults, to assault, rape and murder, and it may be inflicted by their clients, pimps, the general public, other prostitutes and/or police.
Homicide statistics indicate that prostitution is one of the most dangerous occupations in Canada. The Canadian Centre for Justice Statistics notes that, between 1991 and 2001, 73 prostitutes were killed while working. [12] These numbers under-represent the actual figure, as they include only those cases in which the police were able to determine that the death occurred in the course of engaging in prostitution-related activities. Between 1991 and 1995, 63 known prostitutes were murdered. [13] Almost all were female (60); seven of them were juveniles aged 15 to 17. Most deaths were related to the trade: 50 prostitutes were thought to have been killed by clients, and 8 by pimps or in a drug-related incident. Police forces across the country have long recognized that prostitutes are at a high risk for homicide.
PUBLIC POLICY APPROACHES TO PROSTITUTION

A. The Criminal Code Approach

Although prostitution in Canada is not illegal, most activities relating to prostitution are. There are Criminal Code offences for running bawdy houses (s. 210 and s. 211), procuring (s. 212) and communicating for the purposes of prostitution (s. 213). Under section 213 of the Criminal Code, either the buyer or the seller of sexual services can be charged for communicating for the purposes of prostitution. While 39% of women charged with communicating were sent to prison, this sentence applied to only 3% of men. Men were more likely to receive a fine (56%, compared to 32% of women) and four times more likely to receive a lighter penalty such as a suspended sentence, payment of legal costs, and suspension of a driver’s licence. While some countries have made public policy choices based on prostitution as a form of work (for example, the Netherlands and Germany), others have taken an abolitionist stance against all prostitution (for example, most states in the United States). In contrast to the approach that criminalizes the prostitute, there is increased attention at the international level to a neo-abolitionist approach to prostitution that advocates the criminalization of the activities of the clients of prostitution rather than those of the prostitutes. This approach is currently adopted by Sweden.

1. The Suitability of Criminal Sanctions for Dealing With Prostitution

Public consultations, parliamentary committees and intergovernmental working groups have also questioned the effectiveness of criminal sanctions against prostitutes. For example, the Special Committee on Pornography and Prostitution (the Fraser Committee), which was appointed by the Minister of Justice in 1983 to recommend alternatives to the soliciting laws, proposed partial decriminalization of prostitution. Mindful of the importance of finding the appropriate mix of legal and social instruments to deal with prostitution, the Fraser Committee recommended that the criminal law limit itself to conduct that is violent or that threatens force. In spite of these recommendations, the soliciting law provision was replaced by another on communicating for the purpose of prostitution (s. 213), which continued to view the work of the prostitute as criminal activity. A review of s. 213 by the Standing Committee on Justice and the Solicitor General in 1990 concluded that street prostitution in cities across the country either had not decreased or had been displaced to other neighbourhoods since the introduction of the legislation. The same conclusion was reached by the Federal/Provincial/Territorial Working Group on Prostitution, which noted in its 1998 report that:

The harm, evidenced by the noise, litter (including infected needles) and traffic, as well as by the associated substance abuse and violence, has persisted despite the availability of s. 213 [of the Criminal Code].

Much of the research on prostitution in the past decade warns that criminalizing women involved in prostitution leads to further alienation from protection, health and social services. According to John Lowman, the quasi-criminalization of prostitution in Canada contributes to
the marginalization of those engaged in prostitution, creates an illicit market that makes prostitutes open to exploitation, encourages the convergence of prostitution with other illicit markets such as the drug trade, and alienates prostitutes from the protection of services such as the police.\(^{(25)}\) Forced to operate illicitly, sex work is not covered by workplace health and safety norms. In addition, criminal records for prostitution-related offences create barriers to exiting the sex trade and make it difficult for those who have left the sex trade to escape the stigmatization of having participated in prostitution. Researchers and advocates for sex workers suggest there may be a link between the criminalization of prostitution and violence against prostitutes.\(^{(26)}\) As neighbourhoods mobilize to remove street prostitutes from their public spaces and as police enforce communicating laws, prostitution is pushed further out of public view into more secluded areas. With an eye to avoiding prosecution, street prostitutes are more likely to make hasty decisions without due attention to their safety. The ongoing distrust between prostitutes and police also makes prostitutes hesitant to report assaults to police, thus increasing their vulnerability to becoming targets of violence. Although these negative effects of the criminalization of prostitution activities are widely accepted, police forces have been generally reluctant to embrace efforts toward the decriminalization of prostitution without alternative tools to control its disruptive aspects.

**B. The Social Intervention Approach**

1. **Preventive Measures**

Although some people choose prostitution as a form of work, others turn to prostitution out of a perceived lack of choice. The goal of preventive measures, therefore, is to address the factors that lead people to a situation where prostitution becomes their only perceived or real option for survival. Most research indicates that the average age of entry into prostitution is between 16 and 20. This means that many young people turn to prostitution at an age at which both society and the law\(^{(30)}\) deem the act of prostitution to be commercial sexual exploitation. Most people agree that strategies are needed to prevent youth at risk from entering prostitution, and that these strategies should look at both the structural or societal realities that make youth more vulnerable to commercial sexual exploitation (such as poverty, the unequal relation between men and women, discrimination against gay and lesbian youth, and youth unemployment), and specific factors that predispose individuals to prostitution (such as living in an abusive home environment and running away from home).

There is also general agreement that early intervention and awareness-raising strategies could play an important part in addressing the involvement of youth in prostitution. Such prevention measures include educational programs aimed at families and schools as well as services for street-involved youth. Across the country, programs to educate young people about the realities and risks of life in prostitution have been developed and delivered by organizations of prostitutes as well as police forces.
2. Harm Reduction Measures
Throughout history, most health measures applied in relation to prostitution have aimed to protect clients rather than prostitutes.\(^\text{(31)}\) Despite studies that show Canadian female prostitutes are no more likely to be infected with HIV/AIDS or other sexually transmitted diseases than other women unless they are also injection drug users,\(^\text{(32)}\) funding to prostitution organizations in North America has largely focused on HIV/AIDS awareness. While this is important, it is also important to identify and address other needs of persons involved in prostitution.

Harm reduction measures recognize the complex circumstances that keep people in prostitution and the need to provide health and other services to those currently engaged in prostitution. These can include counselling, substance abuse programs, needle exchanges, bleach kits, street-wise workshops and condoms, as well as initiatives to reduce violence against prostitutes, such as “bad date” sheets.

Several jurisdictions have recognized the importance of collaboration among service organizations involved in the delivery of harm reduction measures. An effort towards greater collaboration was recently initiated in Montréal, where the city and the regional health board have provided funding to coordinate linkages between the police force and services that are available to support prostitutes in crisis, including lodging and emergency mental health and detoxification services.\(^\text{(33)}\) In its implementation, the Montréal initiative highlights the importance of maintaining a harm reduction orientation. Claiming that the primary goal of the initiative is to suppress street prostitution, however, organizations representing sex workers in Montréal have not embraced this initiative.

3. Support to Exit Prostitution
Significant difficulties face people who want to leave the sex trade. Low education levels, little experience in the “straight” work world and criminal records make it difficult for many to integrate into the labour force. Some women who work for pimps also express a fear of retaliation from their pimps should they leave the trade.

While there are many possible reasons for exiting prostitution, some research suggests that women decide to leave prostitution when they undergo a significant life event such as experiencing extreme abuse, learning of their HIV status, having their children apprehended by the child welfare system, or experiencing the death of a fellow prostitute. Other research suggests that leaving prostitution is usually not achieved in a single clean break but rather over a period of time.

People who leave prostitution may have a wide spectrum of needs such as access to housing, drug detoxification services, mental health services, education, and employment. Since people who are engaged in prostitution are reluctant to contact mainstream support systems, it is important to have outreach workers who are sensitive to their needs and able to meet them on their turf.