

Prostitution laws in Canada have changed considerably within the past five years. Are our current laws the best way to respond to prostitution? If not, how should we respond? Consider issues such as violence against women and the commercial exploitation of children as they frame their argument.

Often referred to as the world's oldest profession, prostitution has been practiced all over the world for thousands of years (Merriam-Webster, n.d.). When both parties are consensual, the exchange of money and goods for sex sounds fine on paper. However, in Canada the government does not see prostitution that way. Canada believes that the sale of the human body is demeaning and degrading to human dignity as well as adding to the growing demand for the trafficking and exploitation of women and children (Government of Canada, 2018). These beliefs were showcased after the *AG v. Bedford* case which brought to light how the Canadian prostitution laws were unconstitutional. Bill C-36 was created in order to enforce the new prostitution laws – a criminal summary offence to purchase sexual services but not criminalized to sell. This was the government's way of trying to both protect the rights of sex workers while also trying to phase out sex work as much as possible. Despite how promising these new laws sounded, many sex workers have faced new and more challenging problems since the implementation. In particular, the COVID-19 pandemic has shined a light on how the government views prostitution as a nuisance and has made it difficult for sex workers to get support. Many sex workers, willingly or not, enter the field due to the prospective financial aspects and are unable to leave for the same reason. Lack of regulated police training has also left them feeling isolated and scared of law enforcement (Canadian Alliance for Sex Work Law Reform, 2017), while lack of resources has left them with nowhere to turn. A general lack of education has also escalated the growing problem of prostitution and sexual exploitation of children. Using different methods such as universal basic income, alternative law enforcement, and better allocated resources and education can all be proactive ways to approach prostitution without fearing an increase in violence against women and sexual exploitation of children.

Most people believe that the majority of child prostitutes are trafficked into their position, but a 2008 New York study shows otherwise. In the study, only 8% of youth were recruited by a pimp while 47% of youth were introduced by a friend (Curtis, Terry, Dank, Dombrowski, & Khan, 2008). Most of these adolescents began either as a way of survival to get food, money, shelter or drugs, or they were intrigued by their friend's lifestyle and income. Nonetheless, "[87%] of the youth involved in prostitution are interested in leaving 'the life'" but are unable to do so without "alternative means of supporting themselves" (Curtis, et al., 2008). Similarly, a study done in 1998 across 5 countries (South Africa, Thailand, Turkey, USA, Zambia) stated that 92% of the participants wanted to leave prostitution but were unable due to the lack of money or food (Farley, Baral, Kiremire, & Sezgin, 1998). In Canada, an interview with 60 Maritime City sex workers showcased that the prevailing answer to the question "what is the best part of this work" was the money (Jeffrey & Macdonald, 2006). These workers chose the financial opportunities of sex work over the options of working a minimum-wage job or welfare. Not only did the fast cash benefit these workers who often did not have substantial savings or credit, the flexibility of the work also allowed them to take control of their schedules. Regardless of the reason, money is a key reason why prostitution is so prevalent and why it is so difficult for people to leave. A potential response that could greatly benefit those who are unable to leave is the implementation of a universal basic income.

Popularized once again in recent years by US democratic candidate Andrew Yang, universal basic income (UBI) is a concept where the government will give every person "a set amount of money on a regular basis" (Investopedia, 2020). Usually UBI is talked about in the context where automation increasingly replaces manufacturing workers, but having access to a regular, dependable income benefits everyone. During the COVID-19 pandemic, many sex workers as well as undocumented and migrant workers have not qualified for CERB (Donato, 2020). This leads them to having to work during the pandemic and risk their lives to make ends meet. A sex worker who did qualify for CERB said that she was fortunate enough not to work

during the pandemic and the extra two grand allowed her not to turn to survival sex work (Peterson, 2020). Unfortunately, not everyone has been as lucky. Studies have also shown that being given money reduces the need for people to make hard choices (The World Bank, 2014). When all you have left is your body, it can seem like there is no other choice. The World Bank also found that conditional and unconditional income lowered the need for children to participate in child labour (Hoop & Rosati, 2014). As child labour and human trafficking have a big connection (International Labour Organization, 2019), UBI could reduce the amount of households that use child labour to bring in additional income and also reduce the amount of children being trafficked. For youth who leave or are kicked out of their homes, UBI could also benefit them to not end up prostituting to survive. Using a system similar to South Korea (Wall Street Journal, 2020), youth and families would be able to provide food for themselves while also contributing to their local economies which would be a win-win situation to boost the economy and keep people off the streets.

Violence against women was a big concern when re-evaluating the old prostitution laws. The London Abused Women's Centre (LAWC) supports Canada's current bill believing that "prostitution [is] male violence against women" and it is "gendered and racist with women and girls as the overwhelming majority of those who are prostituted and trafficked" (London Abused Women's Centre, 2020). However, clients of sex workers are not the "deviants or perverts" that many anti-prostitution advocates and policy makers make them out to be (Sterling & Meulen, 2018). Many of those who pursue sex workers do so for companionship and conversation and do not see themselves as criminals. Instead, a significant source of violence that sex workers are subjected to comes from the "constant police presence, social and racial profiling, harassment, surveillance, arrest and detention" (Canadian Alliance for Sex Work Law Reform, 2017). Even sex workers who have experienced client violence have barely reported them to law enforcement (Church, Henderson, Barnard, & Hart, 2001). In fact, many Canadian

sex workers have experienced being physically and sexually assaulted by the law enforcement that is supposed to protect them (Chu, Clamen, Santini, & Elliott, 2020). The race, class, and gender biases that law enforcement hold (Chu, et al., 2020) cause these sex workers to be more vulnerable to violence from the police than anyone else, making the argument that the law protects sex workers from violence obsolete. A sex worker described how police would charge her for just walking down the street without her even working (Chu, et al., 2020). Even though Bill C-36 is called the *Protection of Communities and Exploited Persons Act*, law enforcement has only added to the harm that these communities face. From not declaring sex workers as trafficking victims in order to deport them to telling sex workers who faced violence that they deserved the attacks (Chu, et al., 2020), the law and law enforcement have worsened the lives for many sex workers.

All over the world, the BLM movement has advocated for a much needed police reform (Black Lives Matter - Canada, 2020) and additionally for situations like human trafficking and sex work, it is clearly needed. For non-violent crimes, firefighters, paramedics, and social workers should be the ones who respond to calls, with the police only called if the situation escalates. Investigations that the police conduct into human trafficking and sexual exploitation of children should be accompanied by social workers and lawyers in order to help the victims rather than just trying to get them out of sight. Allowing non-police workers to respond to nuisance and other similar calls can create an environment where sex workers actually feel protected. Similarly, without the constant fear of deportation or detainment, victims of human trafficking or child exploitation could reach out to for help escaping their position. Reform is also needed into Bill C-36 to specify what third-parties are and how they actually affect sex workers. For many sex workers, the laws have actually deprived them of practicing safe sex work due to the inability to use third-parties (Chu, et al., 2020). When there is less clientele, sex workers will feel more inclined to perform in unsafe conditions in order to make money. In order to actually protect women, men, transgenders, and children sex workers alike from falling into these

situations, the law should target pimps or recruiters rather than restricting sex workers from opening bank accounts or posting their advertisements.

The current laws also miss a big pain point for sex workers and exploited people; proper resources allocated to their situations and needs. A majority of services for youth are geared toward girls, even though the New York study showcased that the majority of youth solo prostitutes were males in the LGBTQ+ community (Curtis, et al., 2008). For many of these youth, they were often kicked out of their homes or left due to their sexuality and ended up homeless. Girls and transgender youth are much more likely to be recruited by adults while boys are more likely to live in the streets (Curtis, et al., 2008). Addressing the root causes for youth poverty will allow those who need homes to find the proper social support they need rather than just going through the juvenile criminal justice system and becoming trapped in a cycle. Supervised drug-use sites can also allow sex workers to not be prostituted in drug houses but create safe spaces for drug users while allowing them to have access to rehab resources. Likewise, the government should allocate their resources to supporting and funding sex workers without the motivation being dependant on them leaving the industry. Ensuring that sex workers have the same access to programs and benefits offered to non-sex workers will also allow them to work and live without discrimination and reduces the likelihood of survival sex work. Many sex workers do not file their tax returns out of fear and during COVID-19 pandemic, were not eligible for any type of government benefit (Peterson, 2020). Providing resources to allow sex workers to learn how to properly file their taxes will strongly benefit them and help prevent them from further criminalizing themselves. For sex workers who have dependants, learning and having proper access to resources allows them to work with dignity and “reset and go after the things [they] want” (Peterson, 2020).

In a similar vein to resources, proper education should be given to sex workers and also to the public about sex workers. For youth who practice solo prostitution, investing in proper education can give them the marketable skills for formal employment that they may not be

eligible for otherwise. Teaching youth the signs of romeo pimps as well as other trafficking methods such as internet recruitment can also be a proactive way to address child prostitution. In a day and age where the internet runs the lives of many youth, knowing the signs of what trafficking recruitment postings or messages look like can prevent trafficking. Many companies on platforms such as Instagram will look for models or influencers to recruit. While influencers are supposed to help market the company as relatable to the everyday person, other companies use models as a recruitment method to traffic people (Sykiotou, 2007). Similarly, knowing the signs of how someone becomes pimped or physical signs of someone who is currently being pimped can allow youth to protect one another and help them get out of the situation.

Based on the current laws on prostitution, people have highly stigmatized views of sex workers as being victims of sex work. However, many sex workers identify as “victims of systemic gender inequality” (Canadian Alliance for Sex Work Law Reform, 2017) and not of sex work itself. The Canadian government claims that abolishing prostitution will protect Indigenous women from being sexually exploited and yet they face disproportionate amounts of harassment and abuse at the hands of the law. The current laws, which are meant to help sex workers who are being trafficked, have missed the mark on execution and this has lead to independant sex workers being oppressed while actual victims of trafficking are no better off than before. By focusing on the root cause of sex trafficking – consumer-level demand for commercial sex (Shively, Kliorys, Wheeler, & Hunt, 2012) – legislation can protect sex workers rights while diminishing the risk for trafficking. Assuming that clients are not specifically looking for trafficked labour but instead cheap and available services, education on the matter can help them boycott forced labour and instead seek out independant sex workers. With that being said, Bill C-36 would need to be adjusted in order to focus on reducing trafficking rather than the assumed unethical practices of prostitution.

The prostitution laws that Canada has put in place comes from good intentions to reduce violence against women, human trafficking, and the sexual exploitation of children. Be that as it

may, simple demand-supply solutions do not solve complex problems like trafficking and exploitation. Solving root problems such as income deficiency, the source of violence against sex workers, and lack of education and resources are better ways to combat the multifaceted problem of prostitution. Allowing independent sex workers to have agency of their own bodies and contribute to society allows for the practice of sex work to be regulated and safe for those who choose to participate. Changing how law enforcement responds to sex work will also decrease the amount of stigma and violence they face in the job. Additionally, providing resources, education, and money allows for those who are stuck in the trade to leave without fear for survival. Sex work is not the problem that many individuals and the Canadian government believe it to be but through reworking relevant legislature, it is possible to minimize the prevalence of trafficking, exploitation, and violence associated with prostitution.

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