



Canada

- Population: 35.5 million
- GDP per capita (in US dollars): 50,235
- Constitutional monarchy with a bicameral parliamentary regime
- Human development index (HDI): 0.913 (9th rank among 187 countries)
- Gender Inequality Index (GII): 0.129 (25th rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 83 on a scale from 0 (highly corrupt) to 100 (very clean)

- No official national statistics on prostitution.
- Country in transition to abolishment. Prostitution is not illegal in itself, but activities related to it are illegal. Soliciting is punishable by six months of imprisonment and/or a fine of up to 2,000 US\$ (1,846 €) (Article 213 of the Canadian Criminal Code). The purchase of sexual services is criminalized under the 2014 Bill C-36 with a maximum sentence of five years of imprisonment and fines, or 5 to 10 years if the prostituted person is a minor. The penalty for procuring is up to 14 years of imprisonment.
- Human trafficking is punishable by life in prison and a fine of 1 million € (1.08 million US\$). A law in December 2014 established a mandatory minimum sentence of four to five years of imprisonment.
- In 2014, 22 people were found guilty of trafficking for purposes of sexual exploitation and were punished with fines, community service, and 6.5 years in prison (compared to 25 convictions for trafficking in 2013, 15 of which were for the purpose of sexual exploitation).
- One of the principal countries of origin for sex tourists.
- Country of origin, transit, and destination for victims of trafficking for sexual exploitation.
- Origins of sexually exploited victims in Canada: Asia, Eastern Europe, indigenous peoples of Canada.

Article 279.01 of the Criminal Code prohibits all forms of trafficking and establishes prison sentences of up to 14 years or life in certain cases, such as abduction or sexual assault. According to the 2014 U.S. Department of State Report on Trafficking in Persons, the Canadian government condemned 25 trafficking offenders in 2013 compared to 30 in 2012. Of these 25 convictions, the government condemned 15 sex traffickers. In December 2013,

the Supreme Court of Canada upheld an earlier decision of the Ontario Court of Appeals which had ruled that certain federal laws on prostitution were unconstitutional. This decision favored a reform of the legislative system leading to a new approach to the issue of prostitution.

The Federal Law C-36: A Historic Legislative Change

Law C-36 went into effect on December 6th, 2014 (*La Presse*, December 3rd, 2014). It followed the findings made in the Bedford judgment, which created the basis for the government's legislative response (*Ministère de la Justice Canada*, 2014). In the Bedford matter, several women took their case to court on December 20th, 2013, to contest the constitutionality of the criminalization of activities surrounding prostitution. In doing so, the Supreme Court challenged the criminalization of keeping a common bawdy house (brothel), of living off of prostitution earnings, and of public communication for purposes of prostitution under Article 7 of the Canadian Charter of Rights and Freedoms, which guarantees everyone the right to life, liberty, and security of person. The Criminal Code now addresses the issue of prostitution ambiguously as the act is not considered a criminal offense, unlike its associated activities. Canadian law does not punish prostitution directly, resulting in a certain level of tolerance. The new law has led to a change in legislative approach in 2014. For the first time, Bill C-36 makes prostitution illegal by criminalizing the purchase of sexual services while offering amnesty to prostituted persons. In this way, only clients and procurers (the targets of this law) will be prosecuted. The law restores the ban on soliciting for both clients and prostituted persons, the ban on this exercise near schools, parks, and other public places of children, and the ban on advertisements for sexual services. Bill C-36 also provides a budget of 20 million US\$ over five years to help support people trying to get out of prostitution (*Le Devoir*, December 10th, 2014). This is viewed as insufficient for dealing with the problems created by the scourge of prostitution. In addition, the Conservative majority government has a rather 'moral' vision of prostitution and puts more emphasis on resources dedicated to enforcement at the expense of supporting those attempting to free themselves from prostitution.

On February 17th, 2014, the Ministry of Justice set up a month-long public online survey on prostitution-related offenses in Canada (*Ministère de la Justice Canada*, 2014). The goal of this survey was to discover which issues the general population thought were important to guide the government's legislative response. The results of the survey revealed a high level of interest in public opinion and indicated that a large majority believed that the purchase of sexual services should be treated as a criminal offense (56% vs. 46%).

Positive effects of this legislation are noteworthy, because the law has changed the paradigm in which authorities understand prostitution. In this sense it represents a step forward. However, while Bill C-36 criminalizes clients and procurers, men and women continue to engage in prostitution. It is therefore crucial that the authorities are aware of the conditions of entry into prostitution for men, women, and children, who are often vulnerable to violence without limit from their traffickers, leading to their eventual death. The mortality rate of prostituted persons is 40 times the national average (*Ici Radio-Canada*, December 20th, 2013).

While new legislation has been adopted, Canadian authorities have continued to implement actions to fight against trafficking for prostitution in the four main provinces of Quebec, Ontario, British-Columbia, and Manitoba. For example, in Montreal, the second largest city in Canada and fertile ground for prostitution, the Director Plan of Action report for 2014-2016 focused on the fight against sexual exploitation for prevention, awareness, and training of civil servants (*SPVM, January 14th, 2014*). In addition, Canada is facing the emerging problem of street gangs taking advantage of the sex industry. To improve the efficiency of the fight against trafficking for sexual exploitation, the authorities need to intensify their efforts to investigate and prosecute traffickers. This requires better coordination and communication between federal, provincial, and territorial actors who sometimes display misunderstanding of the scourge of prostitution and find it hard to agree on their conception of the phenomenon (*U.S. Department of State, 2014*). This approach will strengthen the partnerships within civil society. It will also make care for victims of trafficking more effective.

Groups with Differing Positions and Challenges / a Strong Field of Contestation

The government introduced Bill C-36, inspired by the Swedish Model, arguing for the safety of prostituted persons (*La Presse, May 4th, 2014*). However, many testimonies on this subject rattled the whole country, more particularly those who viewed prostituted persons as victims and those who considered prostitution a lifestyle choice. While the government sees prostitution as a crime, it seems to be sensitive to this distinction. The decision mobilized more than 60 groups of people campaigning for the abolition of prostitution and for gender equality, as well as groups advocating for the complete decriminalization of prostitution (*La Presse, December 6th, 2014*). There are two main groups that clash on this issue. First are the abolitionists who have many differing points of focus and positions (Council on the Status of Women, LaCLES...). The second includes groupings of sex workers (Stella) and their allies (associations for the defense of civil liberties and other organizations defending the same interest). The difficulty of agreeing on the nature and causes of prostitution provokes a passionate, nationwide debate (*Déviance et Société, 2014*). The dispute is strong and is a source of political orientation. For example, in 2003, Libby Davies, MP of the New Democratic Party, created a parliamentary committee to review solicitation laws. In this way the security of prostituted persons was broadcast across Canada in a dark context. In 2001, the Pickton serial killer case occurred, in which 46 prostituted persons were found murdered on a pig farm¹. The sordid affair attracted national attention and helped pro-sex work representatives to assert their claims in a public fashion with their allies, creating equal footing with abolitionist groups which were supported by significant lobbying efforts. The consequences of this dark affair favored an alignment with regulationists, promoting a risk reduction strategy (reducing drug addiction, abuse, poverty,...) at the expense of support for helping people out of prostitution. Even though the criminalization of prostitution introduced in Bill C-36 weakens the security of victims, it is prostitution itself which is undeniably

¹ See chapter « Canada », in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation - Prostitution and Organized Crime*, Economica Ed., 2012 ; in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation – A growing menace*, Economica Ed., 2013.

responsible for the violence suffered by women subject to male domination as a result of their vulnerability.

The NGO La Concertation des Luttes Contre l'Exploitation Sexuelle (LaCLES) actually welcomed the law and is pleased with the recognition of prostitution as violence against individuals. This is the first step towards abolition, even if the work is lengthy. This association has strongly supported the government adopting this model and continues its actions of the past ten years, working against sexual exploitation and violence against women through various devices such as awareness and alternatives to prostitution. Its members participated in the Standing Committee on Justice and Human Rights, testifying on concrete cases of prostituted persons exposed to violence. They supported the Women's Coalition for the Abolition of Prostitution before the Ontario Court of Appeals and the Supreme Court of Canada for the Bedford decision².

Domestic Trafficking for Sexual Exploitation

Street prostitution represents 5-20% of prostitution in Canada, and the average age of entry is 14-15 years old (*Ici Radio-Canada*, December 20th, 2013). Article 213 of the Criminal Code prohibits soliciting and prescribes a maximum fine of 2,000 US\$ (1,846 €) and/or imprisonment for up to 6 months. This repressive approach to prostitution has prompted the organization of procuring networks in less visible public places (*GRC*, 2010). Thus, the main places of sexual exploitation are strip clubs, businesses for escort services, massage parlors, and brothels located in residential areas. To a certain extent, communities participate in the regulation of prostitution in these closed areas.

Montreal is a hub of sex tourism and generates revenues in millions of dollars. Americans from Los Angeles, New York, Boston, Maine, Chicago, and Texas travel to Montreal VIP, an entertainment agency, to sexually exploit 14 year old girls from Quebec or China. This agency has become a business specializing in bachelor parties. "It was a market demand. We thought it was a good niche to explore" said Jay Martin, director of the institution (*La Presse*, October 2nd, 2013). This city has a well recognized entertainment industry where prostitution activities thrive. LaCLES identified nearly 420 locations that offer sexual services. The sex industry seems to have changed its face with the proliferation of street gangs who are getting involved with trafficking for prostitution (*La Presse*, October 1st, 2013). Street gangs acquire and abandon narcotic drugs for the benefit of escort agencies. Dance clubs and bars, in turn, decline and give way to escort agencies and massage parlors that continue to multiply their activities related to sexual exploitation.

In addition to the traditional prostitution fronts, a concerning phenomenon seems to be gaining momentum. Increasingly, adolescents are involved in trafficking for prostitution. They are influenced by the culture of qualified procurers or the culture of "pimps". For example, a 15 years old girl was sentenced to three years in prison for procuring (*Metro News*

² See chapter « Canada », in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation - Prostitution and Organized Crime*, Economica Ed., 2012 ; in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation – A growing menace*, Economica Ed., 2013.

Canada, January 30th, 2014). She was arrested in Ottawa in 2012 for misleading two other teenagers through social networks in order to subject them to sexual exploitation. Deviant behavior is starting increasingly early and encouraging young people to engage in prostitution (*Les Cahiers Dynamiques*, 2011). This is a very significant trend.

The Link between Prostitution and Migration in the Context of Transnational Trafficking

In Canada, international human trafficking is recognized regardless of the immigration status of victims. Victims of trafficking are identified as such when they cross a national border (*GRC*, 2010). Section 118 of the Immigration and Refugee Protection Act (IRPA) prohibits transnational human trafficking and provides for a maximum penalty of life imprisonment and a fine of up to 1 million € (1.08 million US\$). Canada is a country which attracts many foreigners. They see it as a place to free themselves from their current social conditions and obtain a better standard of living. Common targets of trafficking for sexual exploitation are racialized migrant women coming most often from Eastern Europe, Asia, and Africa (*Nouvelles Questions Féministes*, 2014). In 2013, the government allocated temporary resident permits (TRP) to 14 victims of trafficking. Nevertheless, the challenge in obtaining these permits is reflected in disagreements between administrative services. Delays put foreigners in a difficult position on the equipment and health plan, sometimes leading them to engage in the sex trafficking. Although the number of strip clubs and bars is declining, they remain the territory of procurers who take advantage of the arrival of immigrants in irregular situations and who are often willing to submit to prostitution. Procurers may even threaten to report immigrants to the authorities if they do not accept prostitution. The number of massage parlors, which appear to be the “new brothels,” is increasing (*La Presse*, October 2nd, 2013). There are more than 260 in Montreal. They are not subject to any police surveillance and licensing facilities favor the development of this activity while maintaining complete impunity.

Sociologists have theorized that the violence brought about by the sex industry generates asymmetric relations between men and women (*Nouvelles Questions Féministes*, 2014). The globalization of trafficking and “pimp” culture has intensified female migration. Men are taking advantage of this trend to increase their income by sexually exploiting women and children. For example, a prostitution network of more than 500 Asian women was dismantled by the federal police (*Le Devoir/AFP*, April 1st, 2015). This network was described by the authorities as an international criminal organization with bases in Montreal, Halifax, Ottawa, Toronto, Winnipeg, Calgary, Edmonton, and Vancouver. These young women illegally crossed the Canadian border with the help of procurers. For now, the police have arrested six traffickers who will be held accountable for their acts before a court.

A Culture of Body Trivialization: An Instrument for Societal Violence

According to the Documentation Center for Adult Education and the Status of Women (CDEACF), the models of identity conveyed by mass media have consequences on juvenile behavior (child pornography, lack of self esteem, harassment, sexual violence...).

Hypersexuality does not have a single definition because, according to the scientific community, it is expressed in many ways. “It is a social phenomenon in which teenagers and adolescents are adopting attitudes and sexual behaviors too early.” Young audiences are considered to be highly vulnerable and receptive to messages referring to fashion, beauty, and violence. The culture of body trivialization is widespread in Canada, leading to risky behavior. It is the result of the vision of inequality between men and women. The phenomenon of hypersexualization remains a concern because it is not appropriate for the stage of cognitive development of young audiences. This is reflected in both their sexual behavior and deviant practices, recognizably affected by their environment. Therefore, forms of violence, including sexual exploitation, may originate from this culture. Criminal Organizations run by teenagers reflect this reality. They take advantage of the naivety of people their own age who are not always aware of the risks involved.

70-90% of all prostituted persons have been physically abused (*Ici Radio-Canada*, December 20th, 2013). Certain procurers do not hesitate to drug women in order to force them to submit to male domination. Young women who engage in prostitution have not all come from difficult social situations. This is even more worrying because many have ambitions and career plans. In August 2013, two prostituted persons were found dead in the same building in British Columbia (*La Presse*, August 27th, 2013). They had overdosed on alcohol and drugs under the control of their procurers. The Canadian Association of Sexual Assault Centres (ACCCACS) is working to eliminate poverty and violence against women to prevent atrocities like this from occurring.

Violence against Indigenous Women: A Societal Problem

According to the report on missing and murdered indigenous women by the Royal Canadian Mounted Police (RCMP), indigenous women represent 16% of homicide victims and 11.3% of missing women (*La Presse*, May 16th, 2014). The report also counted 1,181 cases of missing and murdered indigenous women since 1980. This category of the population represents the main victims of trafficking, and these women are greatly overrepresented in homicide cases (*Nouvelles Questions Féministes*, 2014). The indigenous community, mostly composed of Inuit, has been exposed to violence and has been subject to a rejection policy in recent years. The 2009 Canadian statistics report revealed that indigenous women are three times more vulnerable than non-indigenous women (*Blogs Mediapart*, August 27th, 2014). They are twice as likely to become single mothers. According to UNICEF, the infant mortality and disease rates are 90 times the national average. In addition, gender inequality has a strong correlation with discrimination. These women are subject to many forms of violence, ranging from sexual exploitation to abuse from police. There is no government policy for helping these women, reflecting their social exclusion. Indigenous women reported missing in connection to murders, rapes, and abductions are a societal problem that the authorities are not addressing because they do not comprehend the magnitude of the phenomenon. To a certain extent, this contributes to a climate of terror for victims and a sense of impunity for perpetrators. Although the majority of indigenous women are not sexually exploited, they are still more susceptible to difficult social conditions (poverty, drug abuse, loneliness, abandonment by public authorities...).

Indigenous people living in the districts are potential prey for traffickers. The Pickton case demonstrated this as several indigenous women were murdered. They were living in the Downtown Eastside neighborhood in Vancouver, an area with much poverty, unemployment, and prostitution. For a long time the Native Women's Association (NWAC) and other human rights activists have been calling for a national public inquiry into these murders and disappearances. The president of the NWAC, Michelle Audette, stressed the importance of recreating a link between the authorities and indigenous people who are highly marginalized. This request was rejected (*Huffington Post Quebec*, September 10th, 2014) by the Prime Minister Stephen Harper on the grounds that the study of this reality should not be conducted on a sociological angle. He added on August 21st, 2014: "I think that we should not see this as a sociological problem. We must consider it as a crime. It is a crime against innocent people and that is how we should address this issue". For now, the action plan published in September 2014 by the government is supposed to address the violence against indigenous women.

It is crucial that authorities make a serious effort to stop this problem at its root. The police approach alone is not enough to stop this scourge. More groups specializing in this issue should be integrated into solution plans.

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