

# Canada's New Sex Trade Law

By Janice Raymond 3/22/2015 at 08:53:44

Over the past several years, a farrago of articles has made claims to debunking the "myths" of sex trafficking and prostitution. These articles concentrate on several themes: rhetorically deriding accounts of sexually exploited women as sensational that create "moral panics;" discrediting the words, lives and efforts of those who identify as survivors of prostitution and sex trafficking; damning the rescue of prostituted and trafficked women and children by over-zealous NGOs; and disputing the numbers of women and girls sexually exploited during sports events such as the World Cup, Olympics and Super Bowl.

A coterie of writers has been moved especially to critique laws that penalize the demand for prostitution, making it illegal to purchase sexual activities. One recent piece illustrates how "evidence" is always mediated by interpretation and by selecting certain examples at the expense of others.

In *The New York Times* (1/20/15), Canadian op-ed contributor Julie Kaye attacks Canada's new prostitution law blaming Canada for following a "flawed" Nordic Model penalizing the prostitution users, which has been passed in Sweden, Norway, Iceland, and to a modified extent, in Finland. Kaye bases her "evidence" on one country -- New Zealand -- to tout the benefits of decriminalizing and regulating prostitution. Had she represented the range of countries that have done so, the picture would have looked much different.

In the year 2000, the Netherlands struck pimping and brothels from the criminal code and set up "safe tolerance zones" in major cities where men could buy women in prostitution legally. From 2003-2009, Amsterdam, Rotterdam and other municipalities shuttered these zones because they quickly became unsafe and sordid places for prostituted women where organized crime operated with impunity. During 2007-08, Amsterdam also closed down 1/3 of its legal window brothels because a National Police investigation concluded that the Dutch prostitution system was out of control.

Germany decriminalized aspects of its prostitution system in 2002. Two years after the law was passed, the number of persons in prostitution rose from about 200,000 to over 400,000 -- mostly women who come from foreign countries. In its evaluation of the 2002 German Prostitution Act, an official federal ministry report acknowledged the law has not made "actual, measureable improvements to prostitutes' social protection."

In the state of Victoria, Australia, legalization has fostered intense growth in the illegal sector. As early as 1998-1999, four years after full legalization of prostitution in Victoria, unlicensed brothels there tripled in number. The pimp of yesterday has become the legitimate sex entrepreneur of today who benefits from an ever-expanding sex industry that powers a major part of the state's economy.

Kaye's poster country for decriminalization of the sex industry is New Zealand. However in 2013, former New Zealand women in prostitution appeared before a parliamentary committee and stated the 2003 Prostitution Reform Act (PRA) had failed them and others who remain in the industry. They claimed decriminalizing the sex industry "has simply played into the hands of the pimps and brothel owners and enabled them to gain a façade of respectability while legally preying on the women they control." Police association president Greg O'Connor has reported that decriminalization in New Zealand has made gangs and organized crime flourish, laundering money through legitimate businesses.

The *New York Times* opinion piece resurrects tired and invalidated claims about Swedish legislation on which Canada's new prostitution law is based. A careful reading of the full Swedish National Board of Health and Welfare (SNBH) report used by Kaye would have shown her claim -- that the prostitution rate rebounded after earlier dramatic reductions -- was not the whole truth. The SNBH report does state that on-street prostitution returned to some extent in three Swedish cities, but the number of persons in prostitution is still lower than before the law went into effect.

Kaye also omits the whole truth about a more comprehensive government evaluation of the Swedish law published by the Swedish Institute (SOU), which found that penalizing the demand works. Instead, she tells us that women currently in prostitution maintain that the law penalizing the buyers resulted in increased harassment of women in prostitution who felt they were "hunted" by the police and treated as "incapacitated persons." She doesn't tell us that the SOU report found that women interviewed who had formerly been in prostitution reported the situation quite differently and affirmed that the law made them stronger because "they were able to stop blaming themselves" and recognize the responsibility of the buyers in exploiting them.

More egregiously, Kaye ignored the major conclusions of the SOU report: that street prostitution has been cut in half, a direct result of the law criminalizing the buyers; fewer men state that they purchase sexual services, and there is no evidence that the decrease in street prostitution has led to an increase in prostitution elsewhere,

whether indoors or on the Internet. Furthermore, Sweden is one of two countries in Europe where prostitution and sex trafficking is not increasing. The other is Norway, which has adopted the Swedish prohibition on purchasing sexual activities.

The Canadian law comes out of a tried and tested background of legislation that recognizes prostitution and sex trafficking as sexual exploitation, not "sex work." It also acknowledges that unless we confront the demand for prostitution, sexual exploitation will continue to prosper. Not only in the Nordic countries but also in South Korea, a law prohibiting the purchase of sexual activities has led to strengthening victim protection and assistance and reducing the number of buyers and red light districts. In 2014 Northern Ireland passed a similar law making illegal the purchasing of sexual activities.

Canada is in good company. As Canadian journalist and survivor of prostitution Trisha Baptie has stated, "For the first time we will address the root causes of prostitution; the law will go the source of the exploitation and allow women and girls to exit prostitution while criminalizing the purchase of bodies. Targeting the demand will hasten an end to this systemic injustice."

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